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CONFIRMATION OF COMMISSIONER ESTHER WUNNICKE

GOVERNOR'S APPOINTMENT:
CONFIRMATION OF COMMISSIONER ELEANOR ANDREWS

CONFIRMATION HEARING:
ASSESSMENT REVIEW BOARD, CHRISTOPHER FOLIS

CONFIRMATION HEARING:
ASSESSMENT REVIEW BOARD, WAYNE HAERER

CONFIRMATION HEARING:
ATHLETIC COMMISSION, STANLEY ANDERSON

CONFIRMATION HEARING:
ATHLETIC COMMISSION, PHIL HAUSER

CONFIRMATION HEARING:
PUBLIC OFFICES COMMISSION, LAURIE ANN HOWARD

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GOVERNOR'S APPOINTMENTS: CONFIRMATION OF COMM. ESTHER WUNNICKE

Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 15, 1986

MEMORANDUM

TO: Senator Abood, Chairman
State Affairs Committee

FROM: Peggy Mulligan PM
Secretary of the Senate

RE: Confirmation of Governor's Appointments

Pursuant to AS 44.19.040 and Article III Section 13 of the Alaska Constitution, President Bennett has referred the position noted to your committee:

Lieutenant Governor

Commissioner Esther C. Wunnicke

The resume of the appointee is attached.

Enclosure

ESTHER C. WUNNICKE

1705½ Willow Drive
Juneau, Alaska 99801

Phone: (907)586-2083
Work: 465-2400

EMPLOYMENT HISTORY

January 1983 - to present	Commissioner, Alaska Department of Natural Resources, Juneau
1979-1982	Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management and Minerals Management Service, U.S. Department of the Interior, Anchorage
1977-1979	Federal Co-Chairman, Joint Federal-State Land Use Planning Commission for Alaska, Anchorage. Appointed by the President and confirmed by the Senate.
1972-1977	Director, Policy Development and Research and Co-Counsel of Federal-State Land Use Planning Commission, Anchorage, Alaska
1971-1972	Assistant Attorney General, State of Alaska, Department of Law, Anchorage
1967-1971	Attorney-Advisor, Federal Field Committee for Development Planning in Alaska, Anchorage
1950-1959	Experience during these years included instructor in college and attorney in private practice.

EDUCATION

A.B. Degree in English and Political Science - George Washington University, Washington, D.C., 1945-48

Law Degree (J.D.) with highest honors - George Washington University, Washington, D.C., 1948-50

M.Ed. Degree, Adams State College, Alamosa, Colorado, 1957-58

HONORS AND AWARDS

Soroptimist International of Cook Inlet and of Anchorage "Women Helping Women" Award, 1985

Honorary Degree, Doctor of Public Service, University of Alaska, Anchorage, May 1985

Department of the Interior's Meritorious Service Award, 1982

HONORS AND AWARDS (Contnd.)

Southcentral Alaska Chapter, American Society for Public Administration as Public Administrator for 1980

Editor-in-Chief, George Washington University Law Review, Washington, D.C., 1948-50

Order of the Coif, 1950

Valedictorian, Aztec, New Mexico, 1939

PROFESSIONAL AND CIVIC ASSOCIATIONS

Professional and Civic organizations include the Alaska, New Mexico and American Bar Associations, as well as the Anchorage Women's Lawyers Association, Anchorage League of Women Voters, Anchorage Women's Resource Center, Anchorage Human Relations Commission and the Chugach Council, Camp Fire, Inc.

PUBLICATIONS

"The Challenge of the Alaska OCS", U.S. Oil Policy, U.S. Energy Institute, 1981.

"Legal Framework for Alaska Fisheries" - Alaska Fisheries Policy, University of Alaska, 1972.

"The Land Issue" and "Framework for Decision" - Alaska Natives and the Land, Federal Field Committee, 1969.

Alaska Natives and Federal Hire, with Robert D. Arnold, Federal Field Committee, 1967.

Colorado School Law as Interpreted by the Colorado Supreme Court - 1887-1957, 1958.

"Federal Islands Within the States" - George Washington Law Review, 1950.

PERSONAL

Born March 15, 1922 in Kline, Colorado

Married to William C. Wunnicke, Deceased September 1983

Mother of William Paul, born in 1961
and Amy Margaret, born in 1962

STATE OF ALASKA

Governor
Juneau

CERTIFICATE

FOR APPOINTMENT OF SUCCESSOR TO THE LIEUTENANT GOVERNOR

Pursuant to the authority vested in me by AS 44.19.-040, I, WILLIAM J. SHEFFIELD, GOVERNOR OF THE STATE OF ALASKA, appoint Esther Wunnicke as successor to the office of lieutenant governor. Under this certificate of appointment, Commissioner Wunnicke will succeed to the office of lieutenant governor if that office becomes vacant during my term of office.

In testimony of this appointment, I have signed this certificate and affix to it the Seal of the State of Alaska, at Juneau, the Capital, this 14th day of January, A.D. 1986.

Governor

Sec. 44.19.040. Appointment of successor to lieutenant governor. After taking an initial term of office, the governor shall appoint, from among the officers who head the principal departments of the state government or otherwise, a person to succeed to the office of lieutenant governor if the office of lieutenant governor becomes vacant. The appointment is subject to confirmation by a majority of the members of the legislature meeting in joint session. The person designated and confirmed is next in line for succession to the office of lieutenant governor, subject to the pleasure of the governor. If the person designated and confirmed is removed from or vacates the appointment, the governor shall appoint a successor subject to confirmation in the same manner as the person initially appointed. (§ 2 ch 174 SLA 1959)

Revisor's notes. — Formerly AS 44.19.120. Renumbered in 1980.

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 109, 182. 342, 509, 547.
81A C.J.S., States, §§ 94 to 101.

Sec. 44.19.042. Succession to office. If a vacancy occurs in the office of governor and the regularly elected lieutenant governor succeeds to the office of governor as provided by art. III, § 11, of the constitution, or if the office of lieutenant governor otherwise becomes vacant, the person designated as next successor to the office of lieutenant governor as provided in AS 44.19.040 succeeds to the office of lieutenant governor for the remainder of the term vacated, or until a special election is held. When the person appointed under AS 44.19.040 succeeds to the office of lieutenant governor, the governor shall appoint a person to succeed to the office of lieutenant governor in case of a subsequent vacancy. (§ 3 ch 174 SLA 1959)

Revisor's notes. — Formerly AS 44.19.130 Renumbered in 1980.

Sec. 44.19.044. Special election in case of second vacancy in office of governor. If the regularly elected lieutenant governor succeeds to the office of governor as provided in the constitution and thereafter, during the same regular gubernatorial term, the office of governor again becomes vacant, the appointed lieutenant governor succeeds to the office of acting governor until a special election to elect a govenor and lieutenant governor is held. (§ 4 ch 174 SLA 1959)

Revisor's notes. — Formerly AS 44.19.140. Renumbered in 1980.

Cross references. — As to condition and time of calling special election, see AS 15.40.230.

Sec. 44.19.046. Simultaneous vacancies. If vacancies in the office of governor and the office of lieutenant governor occur simultaneously

the person appointed under AS 44.19.040 succee of acting governor until successors to the respec in a special election. (§ 5 ch 174 SLA 1959)

Revisor's notes. — Formerly AS 44.19.150. Renumbered in 1980.

Cross references. — As to condition and time of cal 15.40.230.

Article 3. Disaster and Emergency F

Section	Section
48. Disaster relief fund	50. Definition
49. Grants and loans to municipalities damaged by natural disaster	52. Fuel emerg

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Revisor's notes. — In 1980, the sections of this chapter were extensively renumbered. For derivations of current sections and current disposition of former sections consu table at the beg Table of Section no. 8.

Sec. 44.19.048. Disaster relief fund. (a) The the Governor a disaster relief fund. The Depar custodian of the fund.

(b) Subject to the restrictions of (d) and (e) of th nor may, without additional legislative authorizat than $1,000,000 of the assets of the disaster relief f purposes:

(1) to implement provisions of law relating to case of a disaster as defined in AS 44.19.050 occurr 1967;

(2) to alleviate the effects of a disaster as defi occurring after October 11, 1967, by making loans or municipalities on terms the governor conside other means the governor considers appropriate.

(c) Subject to the restrictions of (d) and (e) of thi nor may, without additional legislative authoriza fiscal year not more than $500,000 of the assets fund to prevent or minimize the effects of an event part of the state after October 11, 1967 and which, i of the governor, poses a direct and imminent thr disaster of sufficient magnitude and severity to ju

(d) Expenditures authorized by the legislature t

Election

SECTION 3. The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

Term of Office

SECTION 4. The term of office of the governor is four years, beginning at noon on the First Monday in December following his election and ending at noon on the first Monday in December four years later.

Limit on Tenure

SECTION 5. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

Dual Office Holding

SECTION 6. The governor shall not hold any other office or position of profit under the United States, the State, or its political subdivisions.

Lieutenant Governor: Duties

SECTION 7. There shall be a lieutenant governor. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Election

SECTION 8. The lieutenant governor shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Acting Governor

SECTION 9. In case of the temporary absence of the governor from office, the lieutenant governor shall serve as acting governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Succession: Failure to Qualify

SECTION 10. If the governor-elect dies, resigns, or is disqualified, the lieutenant governor elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Vacancy

SECTION 11. In case of a vacancy in the office of governor for any reason, the lieutenant governor shall succeed to the office for the remainder of the term.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Absence

SECTION 12. Whenever, for a period of six months, a governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

Further Succession

SECTION 13. Provisions shall be made by law for succession to the office of governor and for an acting governor in the event that the lieutenant governor is unable to succeed to the office or act as governor. No election of a lieutenant governor shall be held except at the time of electing a governor.

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(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

GOVERNOR'S APPOINTMENT: CONFIRMATION OF COMM. ELEANOR ANDREWS

Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 15, 1986

MEMORANDUM

TO: Senator Abood, Chairman
State Affairs Committee

FROM: Peggy Mulligan PM
Secretary of the Senate

RE: Confirmation of Governor's Appointments

Pursuant to AS 39.05.080 and Article III Section 25 of the Alaska Constitution, President Bennett has referred the position noted to your committee:

Department of Administration

Commissioner Eleanor L. Andrews

The resume of the appointee is attached.

Enclosure

BIOGRAPHY

Eleanor Louise Andrews
Commissioner
Department of Administration
State of Alaska

JAN 13 1986
HAND DELIVERED
GOVERNOR'S OFFICE

Professional

1983 - 1984: Deputy Commissioner for Human Resources for Alaska Department of Administration responsible for administration of the State's personnel, recruitment, retirement and health benefits programs, labor negotiations and contracts, as well as equal employment opportunity. Additionally responsible for the administration of Alaska's programs for the aged, Longevity Bonus grants, and Pioneers' Homes.

1982: Human Resources Director for the Municipality of Anchorage responsible for administration of the Municipality's personnel, affirmative action, labor relations, training, recruitment and benefits programs.

1975 - 1981: Prior to working in human resources management, was a business agent for the International Brotherhood of Electrical Workers in public and private sector labor relations, and the Alaska Public Employees Association in state, local government and school district labor relations.

1968 - 1974: Before making a career change to labor relations, was a youth counselor for the State of Alaska at McLaughlin Youth Center. Responsible for individual, group and family counseling for troubled youth.

At various times since 1979 I owned a consulting business and provided labor relations and general business assistance to local governments and private firms.

Personal

Born in Los Angeles, California in 1944, Alaska resident since 1965.

Single parent to Frank Andrews, a student at American College in Paris, and Marti Andrews, a student at Laramie College in Wyoming.

1/86

HEADINGS TITLE 39.
Public Officers and Employees.
CHAPTER 05.
Qualifications, Appointment, and Tenure.
ARTICLE 2.
Nomination and Confirmation of Appointive Officers.

CITATION Sec. 39.05.080.

CATCH LINE PROCEDURE FOR ALL APPOINTMENTS.

TEXT Appointments shall be made in the following manner:

(1) The appointing authority shall, within 30 days of the convening of the legislature in regular session, present to the legislature for confirmation the names of the following persons: (A) persons appointed to a position or membership who have not previously been confirmed by the legislature or either house of it; (B) persons appointed by him subject to confirmation to fill an existing position or membership vacancy; (C) persons to be appointed subject to confirmation to fill a position or membership the term of which shall expire before July 2, following the session of the legislature. If an appointment is made after the deadline but while the legislature is in session, the appointing authority shall, within five calendar days after the appointment is made, present to the legislature for confirmation the name of the person appointed. The deadline may be extended by the legislature by the approval of a concurrent resolution.

(2) When appointments are presented to the legislature for confirmation,

(A) the presiding officer of each house shall assign the name of each appointee to a standing committee of that house for a hearing, report and recommendation; standing committees of the two houses assigned the same person's name for consideration may meet jointly to consider the qualifications of the person appointed and may issue either a separate or a joint report and recommendation concerning that person; then

(B) the legislature shall, before the end of the session in which the appointments are presented, in joint session assembled, act on the appointments by confirming or declining to confirm by a majority vote of all of the members the appointments presented.

(3) When the legislature declines to confirm an appointment, the legislature shall notify the appointing authority of its action and a vacancy in the position or membership exists which the appointing authority shall fill by making a new appointment. The new appointment shall be presented for confirmation to the legislature within 20 calendar days following receipt by the appointing authority of the legislature's notification of its refusal to confirm the prior appointment. If the name of a person is submitted and is not confirmed, the appointing authority may not, upon resubmission of appointments, submit again the name of the person whose confirmation was refused for the same position or membership during the session of the legislature at which confirmation was refused. The person whose name is refused for appointment by the legislature may not thereafter be appointed to the position or membership during the interim between legislative sessions. Failure of the legislature to act to confirm or decline to confirm an appointment during the session in which the appointment was presented is tantamount to a declination of confirmation on the day the session adjourns.

(4) Pending confirmation or rejection of appointment by the legislature, persons appointed shall exercise the functions, and have the powers and be charged with the duties prescribed by law for the appointive positions or membership.

HISTORY (Sec. 4 ch 64 SLA 1955; am secs. 1 - 3 ch 1 SLA 1964; am sec. 1 ch 2 SLA 1967; am sec. 1 ch 65 SLA 1974; am sec. 2 ch 82 SLA 1975)

in joint session, these orders become effective at a date thereafter to be designated by the governor.

Supervision

SECTION 24. Each principal department shall be under the supervision of the governor.

Department Heads

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor. The heads of all principal departments shall be citizens of the United States.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Boards and Commissions

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

Recess Appointments

SECTION 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

ARTICLE IV

THE JUDICIARY

Judicial Power and Jurisdiction

SECTION 1. The judicial power of the State is vested in a supreme court, a superior court and the courts established by the legislature. The jurisdiction of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

Supreme Court

SECTION 2. (a) The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

(b) The chief justice shall be selected from among the justices of the supreme court by a majority vote of the justices. His term of office as chief justice is three years. A justice may serve more than one term as chief justice but he may not serve consecutive terms in that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effecuve October 10, 1970. Subsection (b) was added.)

Superior Court

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

Qualifications of Justices and Judges

SECTION 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

Nomination and Appointment

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Approval or Rejection

SECTION 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held

CONFIRMATION HEARING: ASSESSMENT REVIEW BOARD, CHRISTOPHER FOLIS

STATE OF ALASKA

OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811-0101

BOARDS AND COMMISSIONS RESUME

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resume. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are correct. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:
STATE ASSESSMENT REVIEW BOARD

Please list any other State Board or Commission on which you serve:

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

Name	Previous Name applied under
Christopher Charles Follis	

Mailing Address	Residence Address
800 F Street #J-1	Same

City, State and Zip Code
Juneau, AK 99801

Home Telephone	Business or Message Telephone
907-586-4369	907-586-5220

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter BEFORE the last general election held 11/2/94:

Are you a registered voter? ☒ YES ☐ NO

Voter Registration Number (Optional): 1890625

Social Security Number (Optional): 531-54-9392

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? ☐ YES ☒ NO
If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency, and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required meetings? ☐ YES ☒ NO
If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating?
No

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so?
☒ YES ☐ NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied?
☐ YES ☒ NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion, or Parenthood.

Christopher C. Follis
800 "F" Street, # J-1
Juneau, AK 99801
(907) 586-4369

Born:	December 30, 1950 Bellingham, Washington
High School:	1966-1969 Sehome High School Bellingham, Washington
College:	1969-1973, B.A. University of Washington Seattle, Washington Geography and Land Resource Use
Professional Training:	1976-1977 Seattle Community College Banking Finance Study
	1978 American Institute of Real Estate Appraisers Course 1A Introduction to Appraisal Principles
	1979 American Institute of Real Estate Appraisers Course 1B Income Capitalization Techniques
	1980 Society of Real Estate Appraisers Narrative Report Writing Seminar and Completion of R-2 Examination
	1981 Society of Real Estate Appraisers Various Capitalization Seminars
	1982 American Right of Way Association Alaska Land Titles Course 102
	1983 Society of Real Estate Appraisers Course 201 Capitalization Principles

WORK EXPERIENCE
(oldest first)

1965-1969

Field work for an M.A.I. appraiser (Father). This work involved mostly condemnation work on state highway projects in Montana, Washington and Alaska. This training occurred on weekends, summers and vacations. Duties included title searches, map work, field inspections, comparable sale searches, measuring buildings and taking pictures.

1969-1973

Various summer jobs while attending the University of Washington.
Painter- Mobil Oil Refinery, Ferndale, Washington
Janitor- American Building Maintenance, Seattle, Washington
Laborer- Dahl Sea Pac, Bellingham, Washington
Laborer- Whatcom County Parks, Washington

1973-1974

Truck driver for Mayer Built Homes, Inc. of Tacoma, Washington. Delivered materials to job sites, maintained equipment and supervised one other laborer.

1975-1977

Management training at Washington Federal Savings and Loan Assoc. Seattle. After two years I was in charge of our branch's operations and all bookeeping for over forty million in assets. I was supervisor over five branch employees. I was in charge of all daily, weekly, and quarterly computer reports, coordinated new account policies and processed all contract collections.

1977-1982(January)

Associate appraiser at Lamb Hanson Lamb Appraisal Associates, Seattle. This was a narrative appraisal report writing situation dealing mostly with income producing property. I was responsible for the collection and analizing of all market data pertaining to fair market value. I was a sub-contractor working for two M.A.I. appraisers. I worked independently and was responsible for completing all work accoridng to the client's timeframe. I have significant work experience dealing with feasibility studies and types of properties appraised include: Vacant parcels, industrial, retail, recreational, multi-family, single family, medical facilities and special purpose properties. I also have court experience in the State of Washington. Typical clientele included banks, municipalities, corporations, attorneys and individuals.

WORK EXPERIENCE

February 1982 to June 1983

Assessor, Haines Borough, Alaska.
As Haines Borough Assessor I annually assessed all taxable property within the Borough, appraised all public property (i.e. schools, library, museum etc.) for insurance purposes. I prepared and certified the real property assessment rolls and revised and implemented a new personal property assessment program for the Borough. I administered the Board of Equalization process and conducted Borough foreclosure proceedings according to State Statutes. In addition, I collected and documented all market data pertaining to the establishment of fair market value within the Borough. I maintained and updated Borough property maps in accordance with changes of ownership and recording of plats, and I administered State programs relating to property assessment and property tax exemption.

I also had the title of Borough Land Manager and was in charge of the disposal of land allotted to the Borough through the Municipal Entitlement Act. My staff was in charge of the selection, development and sale of 2,800 acres of land located within the Haines Borough.

June 1983 to July 1984

Commercial Appraiser, Arctic Appraisal Company, Juneau
At Arctic I was in charge of all commercial appraisal work contracted by our company in Southeast Alaska. Clientele included banks, municipalities, corporations and individuals.

July 1984 to June 1985

Deputy Assessor, City and Borough of Juneau
In this position I was responsible for assessing land values within the Borough. In addition, I assisted the Assessor with administrative functions.

July 1, 1985 to Present

Assessor, City and Borough of Juneau

PROFESSIONAL AFFILIATIONS
Candidate Member, Society of Real Estate Appraisers
Member of Alaska Association of Assessing Officers

CONFIRMATION HEARING: ASSESSMENT REVIEW BOARD, WAYNE HAERER

STATE OF ALASKA

OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811-0101

BOARDS AND COMMISSIONS RESUME

INSTRUCTIONS

A **separate application is required for each position for which you apply.** Complete and specific answers will aid in rapid and accurate processing of your resume. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are correct. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:

Assessment Review Board, State

Please list any other State Board or Commission on which you serve:

N/A

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

Name	Previous Name applied under
Wayne D. Haerer, Jr.	N/A
Mailing Address	**Residence Address**
P.O. Box 4191	1719 Selief Lane
City, State and Zip Code	
Kodiak, AK 99615	
Home Telephone	**Business or Message Telephone**
486-6914	486-5736 Ext. 285

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter BEFORE the last general election held 11/6/04.

Are you a registered voter? ☒ YES ☐ NO

Voter Registration Number (Optional): 02633675

Social Security Number (Optional): 503-56-5538

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? ☐ YES ☒ NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency, and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required meetings? ☐ YES ☒ NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating?

No

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so?

☒ YES ☐ NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied?

☐ YES ☒ NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion, or Parenthood.

PERSONAL DATA SHEET
WAYNE D. HAERER, JR.

BIRTHDATE: February 26, 1949

HEIGHT: 5'10" WEIGHT: 170

BIRTHPLACE: Midland, South Dakota

EDUCATION

Elementary: Wall Public, Wall, South Dakota
1954 to 1963

High School: Wall Public High, Wall, South Dakota
1963 to 1967

College: North American Institute of Conservation, (UCLA Branch)
Powell Junior College, Powell, Wyoming
May 1967 to November 1967
Major: Forestry - Wildlife Management

Black Hill State College, Spearfish, South Dakota
January 1968 to January 1969
Major: Forestry

Army/Air Force FAA-Air Traffic Controller and
Aviation Science School, Biloxi, Mississippi

Silver Wings Aviation School, Rapid City, South Dakota

Elkins Institute of Electronics, Minneapolis, Minnesota

PROFESSIONAL DEVELOPMENT ACTIVITIES

South Dakota Department of Revenue Appraisal Schools
1974, 1975, 1976, 1977, 1978, 1979, 1980

IAAO Course I, (Fundamentals of Real Property Appraisal)

IAAO Programmed Appraisal Courses: Market Data, Cost Analysis, Site Analysis, Income Approach, Mass Appraisal of Residential Property

South Dakota Association of Assessing Officers Seminars

South Dakota State University Agri-Business Seminars

Alaska Association of Assessing Officers Possessory Interest Short Course 1983

PROFESSIONAL DEVELOPMENT ACTIVITIES CONTINUED

Marshall Valuation Appraisal Seminar: 1982 - 1984
Marshall Valuation Service Company

Right of Way Appraisal Seminar
National Association of Review Appraisers: 1983

Co-authored CAMA (computer assisted mass appraisal) programs, for City Assessors Office, Rapid City, South Dakota

HONORS

Recipient:
1. Bronze Star Medal
2. Army Commendation Medal
3. Vietnam Commendation Medal
4. Outstanding Young Man of America Award, 1982

PROFESSIONAL MEMBERSHIPS

Alaska Association of Assessing Officers

South Dakota Association of Assessing Officers

International Association of Assessing Officers

Society of Farm Managers & Rural Appraisers

North Central Regional Association of Assessing Officers (President - 1979 - 1980)

National Association of Review Appraisers (Senior Member)

International Organization of Real Estate Appraisers (Senior Member)

CERTIFICATION

CAA - Certified Appraiser Assessor
CAE - Candidate, Certified Assessment Evaluator
CRA - Certified Review Appraiser (Senior Member)
- Certified FHA Appraiser
ICA - International Certified Appraiser

PROFESSIONAL COMMITTEES

South Dakota State Representative to International Association of Assessing Officers: 1979 - 1980

Legislative Representative for South Dakota Association of Assessing Officers: 1976 - 1978 - 1979

SDAAO Ethics Committee Chairman: 1977

PROFESSIONAL COMMITTEES CONTINUED

SDAAO Conference Chairman: 1978

NCRAAO State Chairman: 1978 - 1979

Alaska Association of Assessing Officers - Chairman, Education Committee (Current)

Kodiak Island Borough/Kodiak City of - Joint Committee on Taxation (Current)

Kodiak Tourism Advisory Board - Chairman (Current)

NON-PROFESSIONAL MEMBERSHIPS

Alaska Army National Guard
B.P.O. Elks
Veterans of Foreign Wars
National Riflemans Association

EMPLOYMENT EXPERIENCE

KODIAK ISLAND BOROUGH
Assessor/Chief Appraiser
July 1, 1983 to Present
Direct assessments and assessment administration for the Kodiak Island Borough. Conduct and oversee all real estate appraisals for the carrying out of assessments and for the administration of Borough owned property. Kodiak Island Borough contains 4,800 parcels located on 5,000 square miles of land. As Assessor/Chief Appraiser, I maintain a staff of four.

WAYNE HAERER, JR. - APPRAISER/CONSULTANT
Rapid City, South Dakota
January 1981 to June 1983
Independent real estate appraisals of real estate; farm and ranch, commercial, industrial and residential; property tax consulting, specializing in tax reviews and appeals.

BECHTAL PETROLEUM (ON CONTRACT TO:)
ENERGY TRANSPORTATIONS SYSTEMS, INC.
Rapid City, South Dakota
January 1982 to June 1982
Conducted rights of way appraisals and acquisition negotiations, predominately for a coal slury pipeline and water aqueduct, supervised staff of eight appraisers and negotiators.

EMPLOYMENT EXPERIENCE CONTINUED

CITY OF RAPID CITY
Rapid City, South Dakota
City Assessor
December 1976 to December 1980
Directed assessments and real property appraisals for the City of Rapid City. The jurisdiction contained approximately 20,000 parcels of property. The staffing size of the office varied from year to year, average size usually consisted of twelve employees.

PENNINGTON COUNTY
Rapid City, South Dakota
Deputy Director of Equalization
December 1983 to December 1976
Was the assistant to the Director and was in charge of all assessments. Served as Chief Appraiser and Supervisor of the entire assessment process. Pennington County contained approximately 18,000 parcels of real property and the position required supervision of 14 employees.

KOTA TV: DUHAMEL BROADCASTING ENTERPRISES
Rapid City, South Dakota
Associate Director of TV Productions
November 1971 to December 1973

REFERENCES — Available upon request

Respectfully submitted,

Wayne D. Haerer, Jr.

CONFIRMATION HEARING: ATHLETIC COMMISSION, STANLEY ANDERSON

STATE OF ALASKA

OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

RECEIVED
FEB - 6
GOVERNOR'S OFFICE

BOARDS AND COMMISSIONS RESUMÉ

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resumé. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:
Athletic Commission

Please list any other Board or Commission on which you serve:

Name	Previous Name applied under
STAN ANDERSEN	
Mailing Address	**Residence Address**
Box 321	4th & Division
City, State and Zip Code	
Nome AK 99762	
Home Telephone	**Business or Message Telephone**
443-5728	

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election.

Are you a registered voter? ☒ YES ☐ NO

Voter Registration Number (Optional)

Social Security Number (Optional)

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? ☐ YES ☒ NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? ☐ YES ☒ NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating?

NO

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? ☒ YES ☐ NO

Could you or any member of your family be affected financially be decisions to be made by the Board or Commission for which you have applied?
☐ YES ☒ NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

01-012(2/81)

TRAINING & EXPERIENCE: (If résumé attached, it is not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

14 yrs Schooling

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

member Nome City Council 6 yrs
" Nome Utility Board 2 yrs & Serving
" Past Nome Community Center
Alaska [redacted] Coastal Policy Council 3 yrs

D. Employment work history: paid, unpaid or voluntary: (Use additional paper if necessary)

Dept of Revenue Office mgr Nome
Self Employed Plumber

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX
☒ Male
☐ Female

ETHNIC BACKGROUND
☐ White ☐ Black ☐ Hispanic ☐ Alaska Native ☐ Asian or Pacific Islander ☐ American Indian

Date of Birth	Military Service (If applicable, give dates)
6-9-46	4-67 to 1-70

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature In Ink	Date
Steve Anderson	1-30-86

CONFIRMATION HEARING: ATHLETIC COMMISSION, PHIL HAUSER

Phil Hauser
4338 E. 9th Avenue
Anchorage, AK. 99508

December 6, 1985

athletic com

Barbara Dale
Special Assistant to the Governor's
Board of Commissions
Pouch A
Juneau, Alaska 99811

Dear Ms. Dale,

Pursuant to our conversation on 12/4/85, I would like to reiterate my interest in participating as a board member on the Governor's Athletic Commission. I'd also like to take this opportunity to briefly summarize the extent of my experience in athletics.

My participation in Alaska athletics has been ongoing for 21 years and encompasses experience as a professional athlete, coach, and advisor as follows:

In 1963 and 1965, I held the tile of Alaska Professional Middleweight Boxing Champion. In 1972, I served as the Arctic Winter Games Boxing Chairman. From 1975 through 1977, I helped coach the Alaska Allstar Soccer Team through three highly successful seasons. I have also served on the Sullivan Sports Arena Advisory Committee.

In my present capacity as Athletic Director for the Teamsters Recreation Center, I am responsible for the development and administration of all sports and recreation programs. The activities have included tennis, swimming, racquetball, volleyball, weight training, aerobics, table tennis and general fitness, to name a few. I have held this position since 1975.

Ms. Dale, I am knowledgeable in almost all athletics rules and regulations, although I have an obvious expertise in boxing. My philosophical orientation regarding athletics is one of fair play and an appreciation of health through physical fitness. Please do not hesitate to call me if I can elaborate further on this philosophy or answer any questions you may have as to my experience.

Sincerely Yours,

Phil Hauser

CONFIRMATION HEARING: PUBLIC OFFICES COMMISSION, LAURIE ANN HOWARD

RESUME

Annie Laurie HOward
3220 Amber Bay Circle
Anchorage, Alaska 99515

Public Affairs

I - POST SECONDARY ACADEMIC PURSUITS

Bachelor of Arts - University of Southwest Louisiana
Majors- History-Poli.Sci, English, Accounting

Master of Education Program - Louisiana State University
Discipline - Education and Accounting

Master of Science Program - Calif. State Univ, Hayward
Discipline- Behavioral Science/Special Education

Doctorial Program - Univ. of Calif., Irvine
Discipline- Behavioral Science/Special Education
Dissertation completed and filed -- 7 elective units still incomplete

II - COMPENSATED PROFESSIONAL EXPERIENCE

Classroom teacher - Secondary field
Louisiana, Oregon, Downey, Calif.,
Freemont, Calif., Westminster, Calif.
Subjects - History, English, Commerce

Instructor - Junior College
San Mateo Jr. College. Calif.
Golden West Jr. College, Westminster, Calif.
Subject Matter- Both cases, English and Accounting

Accountant-
J,O, Sully Acctg. Firm - San Francisco, Calif
Sicular X-Ray - San Francisco, Calif.
Blackman Chemicals, San Mateo, Calif.

Comptroller, Lee Company, San Francisco, Calif.

IIa - NON COMPENSATED PROFESSIONAL EXPERIENCE

Volunteer Comptroller - Polaris Travel, Anchorage, Ak.

III- VOLUNTEER ACTIVITIES OTHER THAN IN ALASKA

AMERICAN RED CROSS, Psychological and proficiency student profiles, LaQuinta High School, Westminster, Calif.
Orange County Assistance League
American Assoc. Of University Women
WOMEN WHO CARE (Volunteer Assistance to Calif. State Welfare Program)
Republican Womens' Club
League of Women Voters
ETC

IV - VOLUNTEER ACTIVITIES IN ALASKA

Board Memberships
AMERICAN RED CROSS
NEIGHBORHOOD WATCH
SAMARITAN MENTAL HEAITH CLINIC
GOV. INAUGURAL CTTY, 1979, 1983, 1979
Pres. Inaugural Ctty, 1981
ANCHORAGE SYMPHONY WOMENS LEAGUE
CIVIC OPERA GUILD
UNIV. OF ALASKA BOARD OF FELLOWS
DISTRICT 8 REPUBLICAN PARTY

Committee Member
Republican Central Ctty.
Fincance Chairman - Jan Faiks - Fund Raising
Election Board Chairman (Precincts 8 and 12)
Republican Party Audit Ctty - Chairman
Anchorage Community College Ad-Hock Ctty on
Cirriculum development
Chugach Electric Nominating Ctty
Chugach Electric By-Laws Ctty.
Chamber of Commerce Honor the Arts
Alaska Smithsonian Summer Festivel Ctty.
Chairman - Ann Stevens Memorial Building Fund
KAKM Action Auction Ctty. - Chairman Underwriting

Membership -

Anchorage Museum Assoc.
10 year volunteer - Museum Gift Shop - Docent Prog.
Anchorage Women's Clug
Anchorage Women's Club 'FREE COMMITTEE'
Petroleum Wives
Rotary Inner Wheel (Rotary Wives)
Salvation Army Auxillary

HONORS*

VOLUNTEER OF THE YEAR AWARD 1980 - CHAMBER HONORS THE ARTS

GOVERNOR'S FIRST LADY AWARD FOR VOLUNTEER SERVICES - 1979

TWICE NOMINATED FOR GOLD PAN AWARD

CONFIRMATION HEARING: STATE COMM. FOR HUMAN RIGHTS, JAMES CHASE

JAMES H CHASE
3023 MADISON WAY
ANCHORAGE, ALASKA 99508
907 274 4479

Human Rights

Education

1967 Master of Science, Industrial Management, University of North Dakota, Grand Forks, North Dakota.

1954 Bachelor of Science, Biology, Morgan State College, Baltimore,Maryland.

Present Position

Since 1/1979 Affirmative Action Officer for Anchorage Community College and University of Alaska, Anchorage, 3211 Providence Drive, Anchorage, Alaska 99508. Telephone: 907-786-1434.

Duties: Responsible for implementing, coordinating and monitoring the University's Affirmative Action Program for Anchorage Community College and the University of Alaska, Anchorage in compliance with current federal and state legislation, Presidential Executive Orders and court decisions. Insures that all educational services are delivered without regard to race, color, religion, national origin, sex, age, physical disability or veteran status. Trains management, first-line supervisors and other employees with regard to their affirmative action duties and responsibilities. Prepares and submits reports as required.

Develop and carry out two-way communications with local minority and women's organizations and other community groups to inform them of the Univestity's EEO/AA policies and plans. Develop an accurate data base in order to provide meaningful goals and timetables for the Affirmative Action Plan.

Represent the units served at Federal and State agency hearings, grievance procedures, and court proceedings. Advise students, employees, and applicants of their rights including mechanisms both internal and external which may help the individual obtain relief from a complaint.

Prior Positions

8/1977 to 10/1978 — Senior Associate, Center for Equality of Opportunity in Schooling, Alaska Native Foundation, 411 West 4th Avenue, Anchorage, Alaska 99501. Telephone: 907-274-2541

Specialization: Title IX and Human Relations

Primary Duties: Organizes and conducts workshops related especially to sex desegregation; provides technical assistance on race/sex desegregation issues to urban and rural school districts in developing needs assessment statements, program plans, affirmative action plans, grievance procedures, and compliance record keeping procedures. Provides follow-up services via written evaluations and reports and furnishing of resource materials. Analyzes race/sex desegregation problems and aids in planning for remedies.

Ancillary Duties: Planning and co-facilitating workshops, seminars, and conferences on multi-cultural, multi-lingual, values clarification, effective communication, team building, assertiveness and other human relations subjects.

2/1977 to 6/1977 — Acting Director, Equal Rights Commission
Municipality of Anchorage, Alaska

Duties: Directs the Commission's program involving all administrative and fiscal responsibilities; trains and supervises all staff employees; recommends the establishment of ordinances dealing with equal opportunity; represents the Commission in a wide variety of contacts; makes public appearances as required before groups and the general public; holds workshops and seminars; counsels employers, investigates complaints and develops solutions; maintains direct liaison with news media; sits as principal administrative officer at Commission meetings; prepares annual and supplemental budget; prepares newsletters and brochures outlining the purposes of the Commission.

2/1975 to 2/1977 — Director, Human Relations Commission, City of Anchorage, Alaska

Duties: Directs the Commission's program involving all administrative and fiscal responsibilities; trains and supervises all staff employees; recommends the establishment of ordinances dealing with equal opportunity; represents the Commission in a wide variety of contacts; makes public appearances as required before groups and the general public; holds workshops and seminars; counsels employers, investigates complaints and develops solutions; maintains direct liaison with news media; sits as principal administrative officer at Commission meetings; prepares annual and supplemental budget; prepares newsletters and brochures outlining the purposes of the Commission.

7/1972 to 11/1974 — Chief, Social Actions Office, 21st Composite Wing, Elmendorf Air Force Base, Alaska

Duties: Developed and administered Drug and Alcohol Education and Rehabilitation, Race Relations Education, Dissident and Protest, Domestic Actions, Equal Opportunity and Affirmative Action programs. Served a population of more than 11,000 persons. Maintained liaison with civilian counterpart agencies. Established the Elmendorf Human Relations Council and the Drug Abuse Control Committee. Author of the Elmendorf AFB Affirmative Action Plan.

3/1970 to 6/1972 — Chief, Management Engineering Division, Manpower and Organization, Alaskan Air Command, Elmendorf Air Force Base, Alaska

Duties: Developed and administered the Alaskan Air Command Management Engineering Program. Provided technical guidance and insured coordination of manpower determinants with staff agencies. Continuously reviewed and analyzed the Commands' manpower resources to assure credible and defensible utilization of authorizations. Utilized techinques of systems analysis, statistical analysis, time and motion studies and layout process flow analysis. Quantified reduction of 124 manpower spaces equating to a savings of more than $2 million.

4/1969 to 3/1970 — Commander, Cape Newenham Air Force Station, Alaska

Duties: Responsible for the remote arctic radar station to include the Air Defense mission and the supporting housekeeping functions on a 24-hour-a-day basis. Responsible for the health, welfare and morale of more than one hundred officers, enlisted persons and Department of the Air Force civilians on isolated duty in an arctic environment.

11/1954 thru 11/1974 — Commissioned Officer, United States Air Force

Duties: Various world-wide assignments as an Aircraft Pilot, Missile Crew Commander, Staff Officer and Instructor

Current Community and Professional Activities

Commissioner	Alaska State Commission For Human Rights
Member	Joint Committee for International Human Rights
Past President	National Association of Human Rights Workers
Past Board Member	International Association of Official Human Rights Agencies
Secretary	Alaska Vocational Rehabilitation Advisory Board
Member	Alaska Black Caucus
Member	NAACP
Past President	Nu Zeta Lambda Chapter, Alpha Phi Alpha Fraternity
Member	American Affirmative Action Association
Member	Northern TV Citizens Advisory Committee
Member	Blacks In Government (BIG)
Member	Alaska Women's Resource Center
Member Training Officer	U.S. Coast Guard Auxilary Flotilla 02-02

JAMES H CHASE-5

Honors and Awards

1985	Employment Law Presenter Award-AAAA
1985	Community Service Award-The Alaska Black Caucus
1985	Service Recognition Award-Anchorage Community College
1985	Service Recognition Award-University of Alaska-Anchorage
1984	President's Award-National Association of Human Rights Workers
1980	Merit Pay Award-University Of Alaska
1980	Arts Affiliate Award-Anchorage Community College
1979	Farnsworth Award-Campfire
1979	Volunteer Participation Award-The Alaska Black Caucus
1977	Speaker Award-The Lions Club
1976	Service Award-Older Persons Action Group
1976	Golden Spike Award-The Alaska Railroad
1974	Meritorious Service Medal-United States Air Force
1973	Presidential Award-Anchorage NAACP
1973	Presidential Award-The Black Arts Association
1971	Outstanding Member of the Year Award- Alaska Industrial Management Society
1970	Commemdation Medal w/Oak Leaf Cluster-USAF
1969	Commendation Medal-USAF
1967	Combat Readiness Award-USAF

E0
62

BILL SHEFFIELD
GOVERNOR

E062

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 13, 1986

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I am transmitting an executive order that transfers the fire-service training program from the Department of Education (DOE) to the Department of Public Safety (DPS). Sections 1 and 2 of this Order remove that function from DOE, and sec. 3 gives it to DPS.

This function was added to the statutes for the Department of Education by secs. 1 and 5, ch. 86, SLA 1979. It appears that the program would be more appropriately located in the Department of Public Safety, and the commissioners of both of those departments, as well as fire departments around the state, support the transfer. It is one of the recommendations of the Fire Prevention and Control Task Force, in its December 1984 report.

Under its general authority to administer grants, to contract with school districts, to promote vocational education, and to administer the state's education program (AS 14.07.020(13), 14.07.030, AS 14.35, and AS 44.27.020), The Department of Education has handled grants for fire-service training. To assure that appropriate grant administration continues, this Order's proposed AS 18.70.020(4) includes a specific reference to grants.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST EO62

Bill/Resolution No. :377-081-86
Title : Executive Order: Fire Service Training Program Transfer

Sponsor : _____
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Fire Prevention

Components : Fire Service Training

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact. The FY 86 budget is covered by RSA from the Department of Education and the FY 87 budget request is included in the Department of Public Safety's request. In addition, an increment is included in the Governor's request for FY 87 to cover the program's short funding and fully implement

Prepared by : Joe Reeves, Budget Analyst — Phone : 465-4349
Division : Administrative Services — Date : 12/23/85

Approved by Commissioner : [signature] — Date : 12/24/85
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

this program. If the Governor's request is not passed, then the Department of Public Safety would have a fiscal impact.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST EO 62

Bill/Resolution No. : EO 62 (377-081-86)
Title : transferring fire service training to Public Safety

Sponsor : Governor
Requestor : Governor
Date of Request : 12/16/85

FISCAL DETAIL

Agency Affected : Education
BRU : Adult and Vocational Education

Components : Fire Service Training

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The positions and funds budgeted for the program were transferred to the Department of Public Safety for FY-86. The Fire Service Training budget is contained in Public Safety's budget for FY-87.

Prepared by : Steve Hole
Division : Commissioner's Office
Phone : 2800
Date : 12/17/85

Approved by Commissioner : Harold Raynolds, Jr.
Agency : Education
Date : _____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

Offered: 1/13/86
Referred: State Affairs

EXECUTIVE ORDER NO. 62

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I order the following:

* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration and the health and safety of the public to transfer the fire-service training program from the Department of Education to the Department of Public Safety.

* Sec. 2. AS 14.07.020(12) is amended to read:

(12) provide educational opportunities in the areas of vocational education and training, and basic education[, AND FIRE-SERVICE TRAINING] to individuals over 16 years of age who are no longer attending school;

* Sec. 3. AS 44.27.020(1) is amended to read:

(1) administer the state's program of education at the elementary, secondary, and adult levels, including, but not limited to, programs of vocational education and training, vocational rehabilitation, library services, correspondence courses, and adult basic education, [AND FIRE-SERVICE TRAINING,] but not including degree programs of postsecondary education;

* Sec. 4. AS 18.70.020 is amended to read:

Sec. 18.70.020. DUTIES OF DEPARTMENT OF PUBLIC SAFETY. The Department of Public Safety shall

(1) aid in the enforcement of all laws and ordinances and the rules and regulations adopted under AS 18.70.010 -- 18.70.100 and all other laws relating to fires or to fire prevention and protection; [, AND SHALL]

(2) encourage the adoption of fire prevention measures by means of education; [, AND SHALL]

(3) prepare or have prepared for dissemination information

COMMITTEE COPY

relating to the subject of fire prevention and extinguishment; and

(4) administer the state fire-service training program, including the administration of grants for such training.

* Sec. 5. This Order takes effect March 15, 1986.

DATED: _____.

_____
Bill Sheffield
Governor

SB

80

COMMITTEE REPORT

SENATE

FURTHER: HESS
FINANCE

1/14/85

Date 1/31/85

Mr. President

The Committee on STATE AFFAIRS considered SB 8
relating to personal safety curriculum in public schools.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 8 (SA1)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Tom Keller
V Finch Lee
Ed Mc Nie

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB-8

Title: ...personal safety curriculum...

Sponsor: Senator Kerttula

Requestor: Senate State Affairs

Date of Request: 1-22-85

FISCAL DETAIL

Agency Affected: Education

Program Category Affected: Elementary and Secondary Education

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		75.0				
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		75.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		75.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

While materials presently exist in the areas mentioned in the bill, it is expected that some materials development will be necessary. Additional costs are anticipated in coordinating the efforts of the various agencies, printing materials for dissemination to school districts and conducting teacher training.

Prepared By: Steve Hole Phone: 465-2800

Division: Commissioner's Office Date: 1-23-85

Approved by Commissioner: Harold Reynolds, Jr. Date: 1-23-85

Agency: Education

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

POSITION PAPER OF THE DEPARTMENT OF EDUCATION

FOURTEENTH ALASKA LEGISLATURE
Senate Bill 8
January 23, 1985

The Department supports this approach to satisfying the need for training for both students and school district employees in the areas covered by the bill.

Harold Raynolds Jr

Harold Raynolds, Jr.
Commissioner

RECEIVED
JAN 24 1985

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

POSITION PAPER

SB 8

The Alaska Network on Domestic Violence and Sexual Assault, a non-profit corporation representing 20 programs statewide, supports SB 8, which encourages school districts to initiate and conduct a health education program in grades K through 12.

Three Network programs (AWARE and MEN in Juneau and STAR in Anchorage) have developed and implemented curricula dealing with domestic violence, sexual assault, alcoholism in the family, and healhy decision making. Those curricula have been incorporated into the classroom schedule and are presented to grades K through 12 throughout the school year. Training in use of the curricula and the material presented is also provided to parents and teachers. In addition, the Council on Domestic Violence and Sexual Assault has developed a curriculum for use in the schools.

Utilization of these materials has demonstrated the effectiveness of this means of providing prevention education to children, teachers, and parents on an on-going basis. Other programs, who are in the process of reviewing the curriculum material, have been involved in regular presentations in the subject area to school districts in their communities and have also reported the success of this method in providing prevention education and promoting community awareness.

The Network supports the intent of SB 8 to encourage all school districts in the state to implement a personal safety curriculum. It is important to note, however, that such presentations often result in a student making a disclosure to the instructor about an assault. For that reason trained professionals should present this information in the classroom in order to sensitively and effectively handle such disclusores. Requiring coordination on development, implementation, and presentation of the material between the Department of Education and the Council on Domestic Violence and Sexual Assault will facilitate the appropriate presentation of this material.

10 SEWARD #13 JUNEAU ALASKA 99801 (907) 586-3650

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 8

Title: Personal Safety Curriculum in Public Schools

Sponsor: Sen. Kertulla

Requestor: Sen. State Affairs

Date of Request: 1-24-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Council on Domestic Violence

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger Phone: 465-4338

Division: Administrative Services Date: 1-25-85

Approved by Commissioner: [signature] Date: 1/25/85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

SB

10

10 January 1985

FILE COPY

Dear ~~Senator Kelly~~ Tim:

The soldiers of the Alaska Army National Guard join me in expressing our appreciation to you for the introduction of Senate Bill 10 which would increase retirement benefits for the Alaska National Guard and the Alaska Naval Militia. Alaska's National Guard is growing at an unprecedented rate in both strength and capability. This is due in large measure to the great support provided by legislators such as you.

Thank you, and if I can be of assistance to you, please give me a call.

Sincerely,

JOHN V. HOYT
Brigadier General, AK ARNG
Asst Adjutant General (Army)

Senator Tim Kelly
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Legislation Committee Report - CMSgt Steve February, HQ AK ANG

Last year the Alaska National Guard Enlisted Association was instrumental in passage of Alaska State House Bill Number 498 - relating to military retirement benefits. A member who has at least five years service in the Alaska National Guard is now vested in the Alaska National Guard State retirement.

The 1985 Legislature session will convene in January 1985 and the Legislation Committee needs your help in establishing priority legislation for the 1985 session.

Please number the following items in the priority you would like to see passed this upcoming Legislature session. After completion, please send to the Legislation Committee.

Priority Number

6 Distinctive license plates for Alaska National Guard personnel.

7 Unit Morale Support Fund - State to provide unit commanders $10.00 per year for each enlisted member.

3 Veteran's Rights - Grant National Guard members who have successfully completed 5 years of guard membership the same veteran's rights and hiring preferences currently given other veterans.

4 Deceased Guardsman's Dependant Benefits - Grant free tuition to state institutions of higher learning for dependents of Alaska National Guard members who die in the line of duty.

5 Student Loan Forgiveness - Provide for loan forgiveness of 10% for every year of successful Alaska National Guard membership.

1 Alaska National Guard State Retirement - Increase the Alaska National Guard State retirement from $100.00 per month to $200.00 per month.

2 Tuition Exemption for Alaska National Guard - Provide for tuition exemption to Alaska state institutions of higher learning for all members of the Alaska National.

_____ Other: _____

Note: 1000 questionnaires were sent out, 652 were returned. Listed above is the results of the survey for priority legislation for the Alaska National Guard Enlisted Association for 1985.

S. W. February, CMSgt, AKANG
Chairman Legislation Committee

Rationale' and Fiscal Justification
To accompany HB _____

Obtaining and retaining good, qualified and dedicated people in the Alaska Air and Army National Guard and the Naval Militia, is an increasingly difficult task as the rates of pay and conditions accompanying civilian employment opportunities outstrip the US Congress' and the Department of Defense's efforts to align military pay rates. This is doubly true in Alaska where there is no additional "cost of living allowance" given to reserve members for their weekend duty; they receive the same pay as their counterpart in Tennesse or Texas.

Obtaining and retaining good, qualified and dedicated people in the Alaska Air and Army National Guard and Naval Militia is in the very best interests of the State and its citizens. Over and over again it has been demonstrated that the men and women of these fine units, scattered all over the State, have been available, trained and equipped to assist in disasters and times of physical strain on the State's infrastructure. The Air Guard with perhaps the most ideally suited mission and aircraft, is prepared 24 hours a day to assist in earthquake recovery, flood recovery, evacuations, emergency delivery of supplies, equipment and people almost anywhere, with factory new Lockeed C-130H "Hercules" aircraft.

The Army Guard's numerous missions throughout the state, equipped with severe climate cross-terrain capabilities as well as helicopter and fixed wing aircraft, has come to the rescue in large and small scale emergencies countless times.

All these assets, nearly 4,000 men and women and hundreds of millions of dollars worth of transportation, communications and support equipment and supplies are all placed in the State by Federal sources utilizing Federal funds. State support of these forces is miniscule to scale both with the benefits and the actual resources expended....yet they are all under the peace-time control of the Governor; directed daily by the Governor's Commissioner of the Department of Military Affairs - The Adjutant General.

Alaska has a highly transient population. It also has a high percentage of military residents at any given time. The skills and dedication are available if they can but be enticed to participate. Military people completing a partial career in the regular USAF and ARMY obtain release from the service to remain in Alaska in great numbers. Their skills and experience with say a 10-year career, are of great value to Alaska, and can be obtained and placed in reserve at minimal cost.

Because military pay levels are set by Congress and the Department of Defense, some other method must be developed. This method is the existing State military retirement program, a matter of law since 1972. The rate was $50 at that time, changing to $100/month in 1980. It has remained at $100 for over four (4) years now.

It is important to point out that the fiscal impact is relatively minor, even though the appeal is universal and of great recruiting and retention value. The reason is because the enabling statute correctly limits the monthly retirement payments to the same number of months that the member served satisfactorily. This means that a prior service person with 10 years of regular service, joining the Alaska National Guard or Naval Militia, and then completing another ten (10) years, would receive payments only for the second 10 years; WE RECEIVE THE BENEFIT OF THE FIRST TEN (10) AT NO COST WHATSOEVER!

The amount of the monthly retirement payment was insufficient when first created, as the fiscal climate in the state was no where as developed as it is now. $100.00 is of decreasing value, and is even below the monthly allowable individual retirement account (IRA) contribution limit allowed by the IRS.

There are currently 346 men and women retired and qualified for

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 10
Title: National Guard/Naval Militia Retirement Benefit
Sponsor: Kelly, Halford, Sackett,
Requestor: Faiks, & Kertulla
Date of Request: 15 January 1985

FISCAL DETAIL

Agency Affected: Military & Veterans Affairs
Program Category Affected: Public Protection
BRU, Program or Subprogram(s) Affected: Alaska National Guard Life & Property Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		669.5	669.5	669.5		
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		669.5	669.5	669.5		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		669.5	669.5	669.5		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This would increase the National Guard/Naval Militia Retirement Benefit from $100.00 to $150.00 per month.

Prepared By: Richard L. Rountree, Director — Phone: 465-4600
Division: Administrative & Support Services — Date: 15 January 1985

Approved by Commissioner: MG Edward G. Pagano — Date: 15 January 1985
Agency: Dept. of Military & Veterans Affairs

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

1/14/85

Date 1/22/85

Mr. President

The Committee on STATE AFFAIRS considered SB 10

increasing military retirement benefits for the Alaska National Guard and the Alaska Naval Militia.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" as follows:

[X] NEW FISCAL NOTE

[X] reports it back ~~without recommendation~~

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Senator [illegible]
Chairman

Senator [illegible]
Chairman recommendation

SB
18

COMMITTEE REPORT

SENATE

FURTHER: L & C
FINANCE

1/14/85

Date 1/22/85

Mr. President

The Committee on STATE AFFAIRS considered SB 18

establishing "William A. Egan Day" on October 8 of each year.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Mike Hellwood

V. Fischer

Bill Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

Senator Chairman

Chairman

Chairman recommendation

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

January 21, 1985

To: Senator Mitch Abood, Chair and
Members, Senate State Affairs Committee

From: Senator Vic Fischer

Re: Senate Bill 18 - William A. Egan Day

Senate Bill 18 designates October 18 as a holiday in honor of William A. Egan, Alaska's first Governor.

Bill Egan's life reads like Alaska's history book. Born in Valdez in 1914, he graduated from Valdez High School in 1932 and went on to serve in the Territorial House of Representatives in 1941-43 and 1947-51.

In 1941 Bill Egan drafted the Statehood Referendum Act and later served as the President of the Constitutional Convention in 1955-56. He was elected Governor of Alaska in 1959-66 and again in 1971-74.

Bill joined the U.S. Army in 1943 and was elected Mayor of Valdez the same year he was discharged, 1946. He was honored as Alaskan of the year in 1971 and awarded an Honorary LL.D. from the University of Alaska in 1972.

SB 18 calls for William A. Egan Day to be observed by suitable ceremonies and exercises by civic groups and the public. It does not create a state holiday, nor does it require any expenditure of public funds: something Bill Egan would have supported.

At his death last year, thousands of Alaskans from all over the state and nation joined in ceremonies honoring Bill's lifetime of service to Alaska. SB 18 is a way of assuring that Bill Egan's contribution to building the state he loved is never forgotten.

/gb

SB

23

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

1/14/85

Date 1/22/85

Mr. President

The Committee on STATE AFFAIRS considered SB 23

making members of the Alaska Territorial Guard eligible for a death gratuity.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 23

Title: Veterans Burial Allowance
Alaska Territorial Guard

Sponsor: Ferguson, Halford, et al

Requestor: Military & Vets Affairs

Date of Request: 16 January 1985

FISCAL DETAIL

Agency Affected: Military & Veterans Affairs

Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected:
Veterans Affairs (Veterans Benefits)

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		3.0	3.0	3.0		
800 MISCELLANEOUS						
TOTAL OPERATING		3.0	3.0	3.0		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		3.0	3.0	3.0		
FEDERAL FUNDS						
OTHER						
TOTAL		3.0	3.0	3.0		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Amend Chapter 98, SLA 82 to add members of the Alaska Territorial Guard as those eligible to receive a State Burial Allowance of $750. It is estimated that this bill would affect four families annually.

Prepared By: Richard L. Rountree Phone: 465-4600

Division: Administrative & Support Services Date: 16 January 1985

Approved by Commissioner: MG Edward G. Pagano Date: 16 January 1985

Agency: Dept. of Military & Veterans Affairs

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

SB 23

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☒ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

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

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

September 14, 1984

Mr. Al Adams, Chairman
House Finance Committee
Pouch V
Juneau, AK 99811

Re: Territorial Guardsmen; burial allowance provided by AS 26.10.080

Dear Mr. Adams:

In your letter of September 5, 1984, you requested an opinion from this office as to whether former members of the Alaska Territorial Guard (ATG) may be eligible for burial allowances under AS 26.10.080 (.080). The following analysis and historical review of the ATG's status under .080 is submitted in response to your request. In our opinion, former members of the ATG are not eligible for burial allowances under that provision.

The statute in question provides that burial allowances will be paid to a qualifying veteran. The statute then defines a veteran, in pertinent part in AS 26.10.080(d)(1), as a person who is serving or has served in a branch of the armed services of the United States, and in (d)(2) of that section, as a person who had served in the Alaska Army National Guard, the Alaska Air National Guard, or the Alaska Naval Militia, or who had served in a reserve unit of the United States Armed Forces in Alaska. AS 26.10.080. The ATG is not expressly included within the definition of veteran in .080. On the face of .080, therefore, former members of the ATG are ineligible for burial allowances provided by that statute.

The reason for the omission of the ATG is not clear, however, and may have been either intentional or accidental. That the omission may have been intentional is evident when comparing .080 with AS 26.05.225 (.225), which provides credit to former members of the ATG for the purpose of determining eligibility for retirement pay. The provision of a benefit to former members of the ATG through .225 implies that the legislature was aware of the existence of the ATG, and hence the omission of the ATG from .080 appears to be deliberate.

In the alternative, the omission of the ATG from benefits under .080 may have been accidental because the legislature may not have been aware of the distinction between

the ATG and the Alaska National Guard. The reason for this confusion will be discussed in the paragraphs following. AS 26.05.225 indicates that it was the legislature's intent to provide at least certain benefits to former members of the ATG. It is therefore possible to imply that the legislature would have included burial allowances as well under .080 but did not only by reason of accident.

Mr. Ernest Gruening, the territorial governor of Alaska, notes that when he took office in 1939 there had never been a National Guard in Alaska, that he took steps to organize one and that he requested federal authorization to do so. Gruening, Introduction to M. Marston, Men of the Tundra, at 3, 1972. On December 31, 1941, presumably as a result of Mr. Gruening's efforts, the U.S. Congress approved an act to establish a military code for the territory of Alaska, H. Res. 5822, 77th Cong., 1st Sess., ch. 644, Dec. 31, 1941 (1941 Act). That Act declared that the militia of the territory of Alaska was to be divided into two classes: the Organized Militia, known as the Alaska National Guard, and the Unorganized Militia. 1941 Act, § 1. The Act further provided that the governor of the territory of Alaska had authority to organize a Territorial Guard. 1941 Act, § 6. In apparent support of the federal act, the legislature of the territory of Alaska appropriated certain monies to the National Guard of Alaska. 1941 Alaska Sess. Laws, ch. 60, H.B. 122; 1943 Alaska Sess. Laws, chs. 26, 27, H.B. 55, 56; 1945 Alaska Sess. Laws, ch. 64, H.B. 65. Finally, in 1949 the territory of Alaska created an Alaska Territorial Militia which the territorial legislature referred to as the Alaska National Guard. 1949 Alaska Sess. Laws, ch. 120, H.B. 22.

Confusion may have arisen in the legislature over the separate identitites of the various militias which had been created in the 1940's. If such confusion existed, it may have led to the omission of the ATG in .080. To prevent further confusion, therefore, it is recommended that when a former member of a militia in the territory of Alaska claims burial allowances under .080, it should be ascertained at the outset whether that person was a member of the federally created Alaska National Guard, which is expressly covered under .080, or whether that individual was a member of the ATG organized by the governor of Alaska, which is not covered under .080.

Unless strong evidence to the contrary is found, a member of the ATG does not fall within the purview of .080(1) or (2) on the strength of the 1941 Act. This is based in large part on the fact that the 1941 Act does not expressly state that the Territorial Guard is a part of the Alaska National Guard and does not expressly describe the Territorial Guard either as a branch of the federal armed forces or as a part of the Unorganized

Militia. While the Territorial Guard received federal sanction under the 1941 Act, was subject to regulations of discipline in training prescribed by the U.S. Secretary of War and received federal arms and equipment, 1941 Act, § 7, the Territorial Guard was nonetheless a body organized by the territory of Alaska and existed independently of the Alaska National Guard and other branches of the federal armed forces.

In conclusion, whether by accident or by intent, the legislature which enacted .080 did not expressly provide burial allowances to ATG members through that section. Furthermore, a review of the federal act which sanctioned the Alaska National Guard and gave permission to the governor of Alaska to create the ATG does not lead to the conclusion that the ATG was either a part of the National Guard or otherwise a part of the federal armed forces of the United States. The ATG does not therefore fall within the purview of AS 26.10.080(d)(1) or (2) as it is not a part of the National Guard or any branch of the U.S. armed services. A former member of the ATG is therefore not eligible to receive burial allowances under AS 26.10.080.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Lawrence C. Delay
Lawrence C. Delay
Assistant Attorney General

LCD:ihr

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS

OFFICE OF THE ADJUTANT GENERAL

SUITE 620 FRONTIER BUILDING
3601 "C" STREET
ANCHORAGE, ALASKA 99503
PHONE: (907) 243-0656 AUTOVON: 862-7210

September 18, 1984

Representative Al Adams
P.O. Box 333
Kotzebue, Alaska 99752

Dear Representative Adams:

I am in receipt of a copy of the letter dated 14 September from Mr. Delay of the Attorney General's office where he discusses the Alaska Territorial Guardsmen and the Veterans Burial Allowance Program as provided by AS 26.10.080. Unfortunately as presently written, the statute does not include Alaska Territorial Guardsmen.

Prior to Mr. Delay's research and the Attorney General's opinion, Major General Edward G. Pagano, the Adjutant General and Commissioner of the Department of Military and Veterans Affairs, submitted to the Governor the department's legislative packet which contained a bill that would amend AS 26.10.080 to include members of the Alaska Territorial Guard. A copy is attached for your reference.

It is this department's opinion that members of the Alaska Territorial Guard made a significant contribution to the Territory and State of Alaska and should be included along with other veterans in the state's Death Benefit Program.

Sincerely,

Roger K. Graves, Director
Division of Veterans Affairs
Department of Military &
Veterans Affairs

RKG/bs

Attachment

1985 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 30 August 1984

DEPARTMENT OF MILITARY AND VETERAN'S AFFAIRS

SUBJECT OF PROPOSED BILL: Amend SLA 1982 Chapter 98 to add members of the Alaska Territorial Guard as those eligible to receive the Veterans Burial Allowance of $750.00.

SUMMARY/EXPLANATION OF INTENT:

The Alaska Territorial Guard was composed of members of the State Defense Force who remained in Alaska during armed hostilities when the enemy forces actually occupied the Territory of Alaska. These people no less than other veterans or members of the National Guard served the State in a defense role and should be accorded the burial allowance accorded other members of the National Guard.

ESTIMATED FISCAL IMPACT:

Capital: -0-

Operating: $3,000.00 per year

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any).

Five (5).

COMMISSIONER'S SIGNATURE:_____

DATE:_____

Governor's Office Recommendation:

SB 23

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☒ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

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

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

September 14, 1984

Mr. Al Adams, Chairman
House Finance Committee
Pouch V
Juneau, AK 99811

Re: Territorial Guardsmen; burial allowance provided by AS 26.10.080

Dear Mr. Adams:

In your letter of September 5, 1984, you requested an opinion from this office as to whether former members of the Alaska Territorial Guard (ATG) may be eligible for burial allowances under AS 26.10.080 (.080). The following analysis and historical review of the ATG's status under .080 is submitted in response to your request. In our opinion, former members of the ATG are not eligible for burial allowances under that provision.

The statute in question provides that burial allowances will be paid to a qualifying veteran. The statute then defines a veteran, in pertinent part in AS 26.10.080(d)(1), as a person who is serving or has served in a branch of the armed services of the United States, and in (d)(2) of that section, as a person who had served in the Alaska Army National Guard, the Alaska Air National Guard, or the Alaska Naval Militia, or who had served in a reserve unit of the United States Armed Forces in Alaska. AS 26.10.080. The ATG is not expressly included within the definition of veteran in .080. On the face of .080, therefore, former members of the ATG are ineligible for burial allowances provided by that statute.

The reason for the omission of the ATG is not clear, however, and may have been either intentional or accidental. That the omission may have been intentional is evident when comparing .080 with AS 26.05.225 (.225), which provides credit to former members of the ATG for the purpose of determining eligibility for retirement pay. The provision of a benefit to former members of the ATG through .225 implies that the legislature was aware of the existence of the ATG, and hence the omission of the ATG from .080 appears to be deliberate.

In the alternative, the omission of the ATG from benefits under .080 may have been accidental because the legislature may not have been aware of the distinction between

the ATG and the Alaska National Guard. The reason for this confusion will be discussed in the paragraphs following. AS 26.05.225 indicates that it was the legislature's intent to provide at least certain benefits to former members of the ATG. It is therefore possible to imply that the legislature would have included burial allowances as well under .080 but did not only by reason of accident.

Mr. Ernest Gruening, the territorial governor of Alaska, notes that when he took office in 1939 there had never been a National Guard in Alaska, that he took steps to organize one and that he requested federal authorization to do so. Gruening, Introduction to M. Marston, Men of the Tundra, at 3, 1972. On December 31, 1941, presumably as a result of Mr. Gruening's efforts, the U.S. Congress approved an act to establish a military code for the territory of Alaska, H. Res. 5822, 77th Cong., 1st Sess., ch. 644, Dec. 31, 1941 (1941 Act). That Act declared that the militia of the territory of Alaska was to be divided into two classes: the Organized Militia, known as the Alaska National Guard, and the Unorganized Militia. 1941 Act, § 1. The Act further provided that the governor of the territory of Alaska had authority to organize a Territorial Guard. 1941 Act, § 6. In apparent support of the federal act, the legislature of the territory of Alaska appropriated certain monies to the National Guard of Alaska. 1941 Alaska Sess. Laws, ch. 60, H.B. 122; 1943 Alaska Sess. Laws, chs. 26, 27, H.B. 55, 56; 1945 Alaska Sess. Laws, ch. 64, H.B. 65. Finally, in 1949 the territory of Alaska created an Alaska Territorial Militia which the territorial legislature referred to as the Alaska National Guard. 1949 Alaska Sess. Laws, ch. 120, H.B. 22.

Confusion may have arisen in the legislature over the separate identitites of the various militias which had been created in the 1940's. If such confusion existed, it may have led to the omission of the ATG in .080. To prevent further confusion, therefore, it is recommended that when a former member of a militia in the territory of Alaska claims burial allowances under .080, it should be ascertained at the outset whether that person was a member of the federally created Alaska National Guard, which is expressly covered under .080, or whether that individual was a member of the ATG organized by the governor of Alaska, which is not covered under .080.

Unless strong evidence to the contrary is found, a member of the ATG does not fall within the purview of .080(1) or (2) on the strength of the 1941 Act. This is based in large part on the fact that the 1941 Act does not expressly state that the Territorial Guard is a part of the Alaska National Guard and does not expressly describe the Territorial Guard either as a branch of the federal armed forces or as a part of the Unorganized

Militia. While the Territorial Guard received federal sanction under the 1941 Act, was subject to regulations of discipline in training prescribed by the U.S. Secretary of War and received federal arms and equipment, 1941 Act, § 7, the Territorial Guard was nonetheless a body organized by the territory of Alaska and existed independently of the Alaska National Guard and other branches of the federal armed forces.

In conclusion, whether by accident or by intent, the legislature which enacted .080 did not expressly provide burial allowances to ATG members through that section. Furthermore, a review of the federal act which sanctioned the Alaska National Guard and gave permission to the governor of Alaska to create the ATG does not lead to the conclusion that the ATG was either a part of the National Guard or otherwise a part of the federal armed forces of the United States. The ATG does not therefore fall within the purview of AS 26.10.080(d)(1) or (2) as it is not a part of the National Guard or any branch of the U.S. armed services. A former member of the ATG is therefore not eligible to receive burial allowances under AS 26.10.080.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Lawrence C. Delay
Lawrence C. Delay
Assistant Attorney General

LCD:ihr

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS

OFFICE OF THE ADJUTANT GENERAL

SUITE 620 FRONTIER BUILDING
3601 "C" STREET
ANCHORAGE, ALASKA 99503
PHONE: (907) 243-0656 AUTOVON: 862-7210

September 18, 1984

Representative Al Adams
P.O. Box 333
Kotzebue, Alaska 99752

Dear Representative Adams:

I am in receipt of a copy of the letter dated 14 September from Mr. Delay of the Attorney General's office where he discusses the Alaska Territorial Guardsmen and the Veterans Burial Allowance Program as provided by AS 26.10.080. Unfortunately as presently written, the statute does not include Alaska Territorial Guardsmen.

Prior to Mr. Delay's research and the Attorney General's opinion, Major General Edward G. Pagano, the Adjutant General and Commissioner of the Department of Military and Veterans Affairs, submitted to the Governor the department's legislative packet which contained a bill that would amend AS 26.10.080 to include members of the Alaska Territorial Guard. A copy is attached for your reference.

It is this department's opinion that members of the Alaska Territorial Guard made a significant contribution to the Territory and State of Alaska and should be included along with other veterans in the state's Death Benefit Program.

Sincerely,

Roger K. Graves, Director
Division of Veterans Affairs
Department of Military &
Veterans Affairs

RKG/bs

Attachment

1985 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 30 August 1984

DEPARTMENT OF MILITARY AND VETERAN'S AFFAIRS

SUBJECT OF PROPOSED BILL: Amend SLA 1982 Chapter 98 to add members of the Alaska Territorial Guard as those eligible to receive the Veterans Burial Allowance of $750.00.

SUMMARY/EXPLANATION OF INTENT:

The Alaska Territorial Guard was composed of members of the State Defense Force who remained in Alaska during armed hostilities when the enemy forces actually occupied the Territory of Alaska. These people no less than other veterans or members of the National Guard served the State in a defense role and should be accorded the burial allowance accorded other members of the National Guard.

ESTIMATED FISCAL IMPACT:

Capital: -0-

Operating: $3,000.00 per year

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any).

Five (5).

COMMISSIONER'S SIGNATURE: _____

DATE: _____

Governor's Office Recommendation:

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 23

Title: Veterans Burial Allowance Alaska Territorial Guard

Sponsor: Ferguson, Halford, et al

Requestor: Military & Vets Affairs

Date of Request: 16 January 1985

FISCAL DETAIL

Agency Affected: Military & Veterans Affairs

Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected: Veterans Affairs (Veterans Benefits)

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		3.0	3.0	3.0		
800 MISCELLANEOUS						
TOTAL OPERATING		3.0	3.0	3.0		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		3.0	3.0	3.0		
FEDERAL FUNDS						
OTHER						
TOTAL		3.0	3.0	3.0		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Amend Chapter 98, SLA 82 to add members of the Alaska Territorial Guard as those eligible to receive a State Burial Allowance of $750. It is estimated that this bill would affect four families annually.

Prepared By: RLR Richard L. Rountree Phone: 465-4600

Division: Administrative & Support Services Date: 16 January 1985

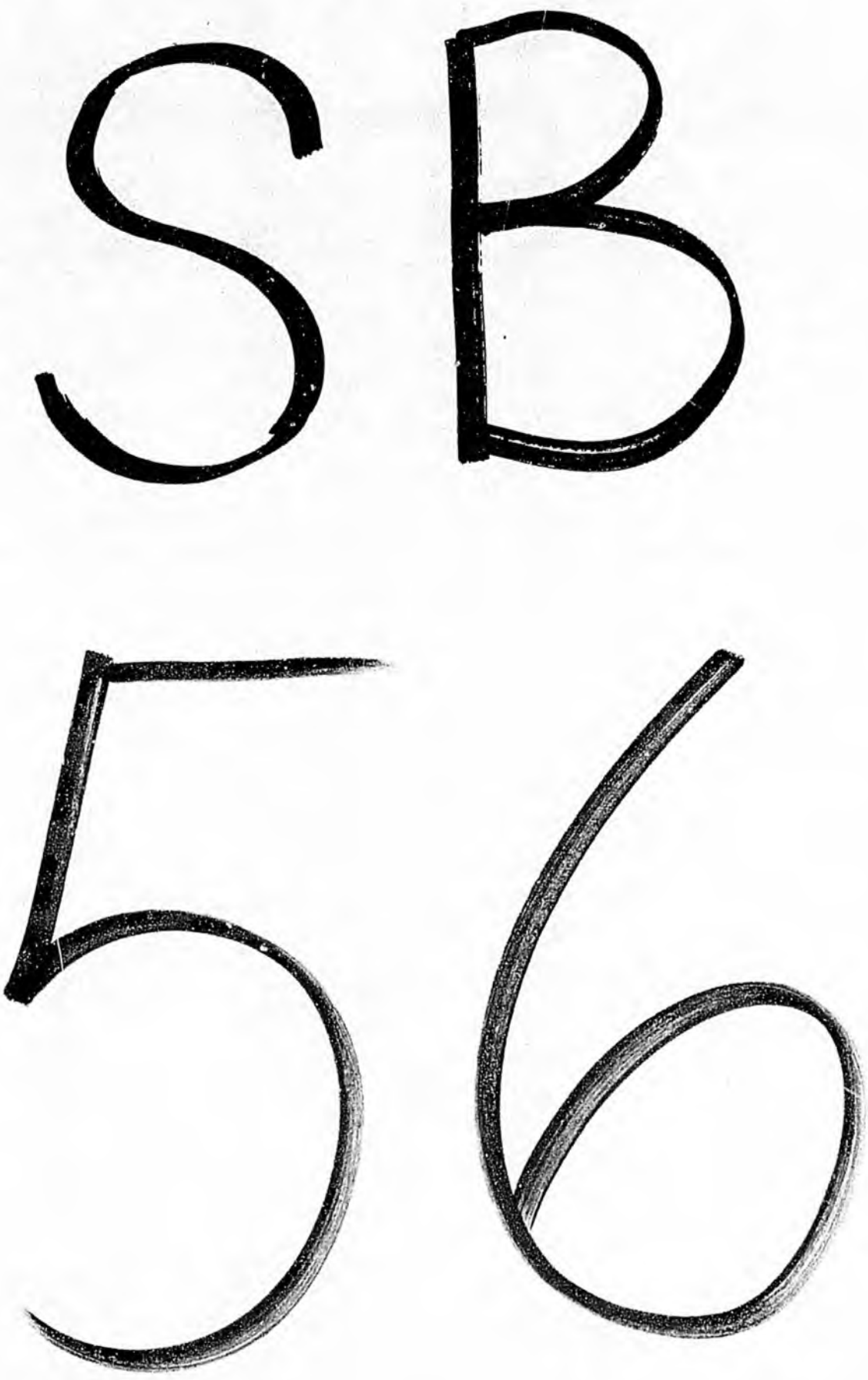
Approved by Commissioner: MG Edward G. Pagano Date: 16 January 1985

Agency: Dept. of Military & Veterans Affairs

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84


SB
56

AMENDMENTS TO SENATE BILL 56 BY RAY

Page 4, lines 14-17: Delete all material and replace with the following:

(i) The permanent fund dividend application form shall be prepared to allow an applicant, other than a person exempt under AS 47.45.015(b), to elect to receive cash in lieu of a permanent fund dividend.

Page 8, Lines 15 and 16: Delete all material and replace with the following:

(6) "permanent fund dividend" means a credit to an annuity account under this chapter except that, as applied to an individual who may receive only cash under AS 43.23.005(d) or 43.23.065, it means a cash payment under this chapter;

Page 11, Line 19: After the word "payment" insert the following:

"set out in (a) of this section"

A M E N D M E N T

TO: SB 56

Page 10, line 24, after (d):

Delete "An annuity share" and insert "Except as provided in (e) of this section, an annuity account"

Page 10, line 28 through page 11, line 1:

Delete all material and insert "(e) If a person dies before age 65, that person's account balance shall, subject to appropriation, be paid as a lump sum to the surviving spouse by right of survivorship unless a different beneficiary was designated. When no spouse survives and no beneficiary was designated, the account balance shall be paid to the decedent's estate."

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

1/15/85

Date January 29, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 56

amending the longevity bonus program and the permanent fund dividend program, establishing an annuity program; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 56 (S/A)
[ ] new title
[ ] same title and recommends _____

[X] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Tom Kelly
Pete Kelly
H. Fischer
Ed Ogan

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

A M E N D M E N T

TO: SB 56

Page 10, line 24, after (d):

Delete "An annuity share" and insert "Except as provided in (e) of this section, an annuity account"

Page 10, line 28 through page 11, line 1:

Delete all material and insert "(e) If a person dies before age 65, that person's account balance shall, subject to appropriation, be paid as a lump sum to the surviving spouse by right of survivorship unless a different beneficiary was designated. When no spouse survives and no beneficiary was designated, the account balance shall be paid to the decedent's estate."

POSITION PAPER

BILL NO.: SENATE BILL NO. 56 DATE: 1-24-85

TITLE: "An Act amending the longevity bonus program and the permanent dividend program, establishing an annuity program, and providing for an effective date."

CONTACT: DHSS/3030
DOA/2200
DOR/2300

1. INTRODUCTION -

Senate Bill 56 amends various sections of the Alaska Statutes regarding the longevity bonus and the Permanent Fund and thereby creates three major impacts: a) Continues the bonus program for all persons age 65 by 1986 and pays these persons a benefit level of $250 per month plus 3% per annum for life. b) Phases out the bonus program for everyone younger than 65 (in 1986) and pays these persons an ever-reducing benefit level until sometime in the early part of the 21st Century when the benefit reaches zero. c) Creates a state supplemental retirement program (the annuity program) for those under 65 (in 1986) who choose to defer/invest their annual permanent fund dividends.

This position paper contains analyses provided by the Departments of Health and Social Services, Administration, and Revenue. The Departments of Revenue and Administration have provided fiscal notes for the costs of administration of both the altered Longevity Bonus Program and the Annuity Program.

Fiscal notes are limited to the administrative costs of implementation of this Act, because the program costs (the cost of living escalator in the Longevity Bonus Program and the front loading costs in the annuity program) are so interrelated and dependent upon one another that the variables generate a multitude of different estimated costs of the program.

When this bill was presented to the Alaska Longevity Bonus Task Force, the authors of the bill envisioned a 3% escalator in the longevity bonus and a front loading match of 25% of the Permanent Fund dividend checks which were deferred. The number of checks deferred was based upon an assumption that 30% of those eligible to defer would defer 100% of their check. Based upon all of these assumptions, the costs of the program would be an additional $25.2 million in FY 86, $26.5 million in FY 87, and $27.7 million in FY 88 above that which is already budgeted for the current longevity bonus payment. The drafters also assumed that these front loading costs would cease after FY 88.

Therefore the costs of the bill using these assumptions would be as follows:

	FY86	FY87	FY-88	Source
Front-Loading	25,200.0	26,500.0	27,000.7	Gen. Fund/Reserve Acct. PF
PFD BRU	1,306.2	-0-	-0-	Annuity Fund
Treasury BRU	9.3	11.1	14.8	Annuity Fund
Public Svcs BRU	635.7	450.5	339.3	General Fund
Longevity Bonus BRU	10.0	-0-	-0-	General Fund
Annuity DP BRU	814.5	67.7	71.2	Annuity Fund
Annuity Mgt BRU	150.1	174.8	183.6	Annuity Fund
SB 56 Cost:	28,125.8	27,204.1	27,609.6	
ALB Program	50,200.0	53,900.0	57,300.0	General Fund
Total Cost:	78,325.8	81,104.1	84,909.6	

2. DEPARTMENT OF ADMINISTRATION -

The Department of Administration has two concerns about the 3% annual escalation of the longevity bonus proposed in SB56. First, it is artificial, not based on real inflation projections. Second, the cost-of-living increase is only for grandfathered seniors, paid for by the reduction in benefits paid to those seniors who were not grandfathered.

Under the annuity program described in Senate Bill 56, the Department of Administration will administer individual annuity accounts for 30% of the Permanent Fund dividend eligibles. This account management will include approximately 145,500 accounts in FY 86.

FY	# of PFD Eligibles				# of Annuity Accounts
FY86	485,000	x	30%	=	145,500
FY87	490,000	x	30%	=	147,000
FY88	500,000	x	30%	=	150,000
FY89	510,000	x	30%	=	153,000
FY90	521,000	x	30%	=	156,300

The Department will also make annuity payments to those persons over the age of 65 who were eligible. The payment stream of each individual account will be based on actuarial tables. Each year the analysis will have to be redone because account balances and fund balances would vary. The attached fiscal notes describe the resources required to manage these accounts.

3. DEPARTMENT OF REVENUE -

The proposed legislation directly impacts four divisions within DOR:

- Division of Administrative Services
- Division of Enforcement
- Division of Treasury
- Division of Public Services

For purposes of convenience, we have consolidated our responses into categories instead of along division lines:

I. Introduction - The Annuity Program

II. Section-by-Section Analysis of Amendments to AS 43

III. Proposed Amendments

IV. Division(s) Fiscal Notes

I
Introduction
The Annuity Program

Annuity Program

Under the annuity program established by SB 56, an eligible Alaska resident under the age of 65 as of January 1, 1986 may forego all or a portion, but not less than 25%, of their permanent fund dividend in exchange for a credit to an individual annuity account. Upon reaching the age of 65, that person will receive a monthly annuity for the remainder of their life that is based on the accumulated value of their annuity account, including interest, at age 65.

As it does currently, the Enforcement Division of the Department of Revenue will determine eligibility for a dividend. Under SB 56 the division of Administrative Services will provide to the Department of Administration, the amount, if any, each resident's annuity account would be credited as a result of electing such credit rather than a cash dividend. The total of such credits will be transferred to the annuity investment fund from the dividend fund.

The Treasury Division of the Department of Revenue will invest the annuity investment fund. Investments permitted are the same as those of the Public Employees Retirement Fund except that the fund may also be invested in commercial insurance contracts. *Periodically, the Treasury Division will notify the Department of Administration of the income realized by the fund. The Department of Administration will allocate this as a pro-rata credit to each person's annuity account based on the balance in their account.

At age 65, a monthly annuity payment will be established for each individual. It will be determined by either the annuity available on the market which can be purchased with the amount in the annuitant's account or an amount determined by the Department of Administration based on then current interest rates, mortality tables, and amounts on the account if an "in-house" option is chosen to meet the liability for annuity payments. Under the "in-house" option the State would continue to manage the investment of the funds in annuitants' accounts at age 65 and thereafter.

Each year, the legislature may appropriate from the annuity investment account the amount required to make the monthly payments to annuitants who are 65 or older. The amounts required will be transferred to the Department of Administration which will make the payments.

The appropriation could be of "the amount required by AS 43.23.130" or the Department of Administration could provide an estimate each year which would be inexact due to deaths during the year of annuitants or those who would become annuitants in that year.

Comments

The private insurance option transfers from the fund the risk of inadequate earnings on post-65 annuitants' accounts to cover liabilities for payments. Of course the risk is not totally avoided since there is always some credit risk that the insurer will fail.

However, by incorporating the private insurance option into the investment fund as an investment, a conflict can arise with AS 43.23.110(c) which required crediting annuity accounts with investment fund earnings. If average fund rate-of-return is less than that on the insurance contracts, full payment of monthly annuities to those over 65 cannot be made while also crediting under-65 accounts at the average rate of return. This is because in this case the average rate of return on under-65 accounts would be higher than the actual returns. Of course, the credits can be made since they don't require cash payment and over time the problem may be eliminated by years on which average fund earnings exceed insurance contract rates of return.

A more definitive solution might be to credit under-65 accounts only with earnings net of annuity payments, to establish separate funds for those over and under 65, or to make the insurance contracts simply contracts of the Department of Administration and not investments of the annuity investment funds. In the case of "in-house" management, similar conflict would exist AS 43.23.110(c) when assumed rates of return and mortality differ from that realized.

The other major aspect of the annuity program which may present technical problems is the allocation from "front-loading" in AS 43.23.110(b)(2) and (3). If the base amount in (b)(2) is a separate

appropriation or allocation in the legislation appropriating the "front-loading", then that base amount can be determined. In any event, (b)(3)'s derivation remains ambiguous.

II

Alaska Department of Revenue
Section by Section Analysis of SB 56
January 21, 1985

Section 1: Intent section, no effect on Department of Revenue except that paragraph (4), lines 3-5 sets up the relationship of two choices: annuity is the default unless applicant chooses cash. This affects form design and programming.

Section 2: Amends AS 43.23.005(c). Replaces the word "payment" with "dividend," for consistency reasons. There is no direct effect on the Department of Revenue.

Section 3: Amends AS 43.23.005 by establishing alternatives for PFD applicants:

a) If person is 65 or older on December 31, 1985, there is only one choice - 100% cash dividend.

b) If person is under 65 on December 31, 1985, there are two basic choices:

1) 100% cash.

2) At least 25% cash, and between 1 and 75% annuity.

Section 4: Amends AS 43.23.015(a). This change would appear to have no effect on the Department of Revenue unless the intent is to limit the Department of Revenue's ability to adopt regulations defining residency, etc., as opposed to just establishing the process.

Section 5: Amends AS 43.23.015(b) by changing the affidavit printed on the application, so that the applicant signs a statement that he or she understands that they will lose all dividends and interest credited to his/her annuity account. It should be amended to say the person also loses all the legislative appropriations credited under AS 43.23.110 (Section 16 of this bill). This represents a major forms change, and more importantly, creates substantial collection problems leaving many questions unanswered. For example, it is clear that the Department of Revenue can use collection procedures to collect money paid to applicants as cash dividends and within the limits of Section 10, as well as collect funds transferred to the Department of Administration based on an option for annuity, however what about:

1) Collecting annuities already paid to a person over 65? Who collects it and how?
2) If Revenue attempts to retrieve money from the Department of Administration after conviction or discovery of error, which agency goes after money from the annuitant? Under what provision of law? What if there aren't enough funds in the dividends account?

Section 6: Amends AS 43.23.015(e) in an attempt at consistency. But given the extreme difficulties that exist in administering a trust for persons in custody of a public agency (typically children in custody of the Department of Health & Social Services) and the animosity that is generated in the parents, giving a state agency the option of irrevocably placing a custodial person's dividend in an annuity account seems certain to generate extreme animosity from those parents and potential law suits for the recovery of the funds.

Section 7: Amends AS 43.23.015(f) for consistency with the new concept of the PFD annuity. It is important to note that this does nothing to correct the potential problem mentioned in the analysis of Section 6. Otherwise there is no effect on the Department of Revenue.

Section 8: Amends AS 43.23.015 by adding a paragraph directing the Department of Revenue to provide an option on the PFD application. For consistency's sake, the wording on line 16-17 should be changed to reflect the wording of the option as given in Section 3. Section 8 implies only two choices: 100% cash or 100% annuity. This doesn't square with Section 3, which provides that every applicant receives at least 25% of the dividend value in cash. It should also be noted that the use of the term "permanent fund dividend" on line 17 in juxtaposition to the term "cash" implies that the term "permanent fund Dividend" is defined as meaning annuity credit. This is not the definition provided in Section 15. The only effect on the Department of Revenue of this section is to modify the form and explain the choices to the public.

Section 9: Amends AS 43.23.035 to reflect the new concept of the PFD annuity option. It is unclear as to whether "additional credits" on line 24 means an allocation of future legislated appropriations and/or interest accrued to original annuity credits. The language here should be coordinated with the language in Section 5. Again, there are enforcement/collection problems. What if annuity payments have already started and there is not enough left to pay back all the erroneously credited dividends? How is the balance collected, and by whom? To what fund(s) are collections credited?

Section 10: Amends AS 43.23.035 to provide a mechanism for the Department of Revenue to collect dividends erroneously credited to the annuity investment account. This section also distinguishes between the remedy available to the Department of Revenue when the error is the fault of the state and when the error is the fault of the individual. It is difficult to evaluate which date starts the clock - date credited, or date discovered.

Section 11: Amends AS 43.23.055 to redefine the duties of the Department of Revenue to reflect the new concept of a PFD annuity option. Lines 19-20 again implies two choices - 100% cash or 100% annuity. Under the provisions of Section 3, everyone receives at least 25% cash. Lines 11-13 on page 6 requires the Department of Revenue to provide information to the Department of Administration necessary to maintain the individual annuity account records and administer the annuity program. It would appear that this information exchange would consist of the following:

1) Each week, starting with the first PFD payment run in October, the Department of Revenue would notify the Department of Administration (via a computer tape) of those applicants who came up for payment and who chose that a percentage of their dividend be credited to their annuity account. This will allow the Department of Administration to credit the account with the proper amount and as of the date on which the applicant would have otherwise been paid cash. This reporting will go on weekly as long as the Department of Revenue is making payments from that particular year's file.

2) On a regular basis, the Department of Revenue would have to provide the Department of Administration with the interest rate that reflects the earnings of the annuity investment fund.

3) On a case by case basis over a 10-year period the Department of Revenue - Enforcement would notify the Department of Administration of erroneous payments and seek reimbursement from the annuity investment fund.

Sections 12 & 13: Amend AS 43.23.065 to reflect the new concept of a PFD annuity option. The general effect of Sections 12 and 13, taken together, seems to be that the portion of a dividend which is taken as a credit to an annuity is not subject to levy, execution, garnishment, attachment, or other remedies for the collection of debt. As a statute change unrelated to the annuity concept, Section 12 provides for 100% attachment of a cash dividend to satisfy a court-ordered restitution under AS 12.55.045 - 12.55.051 or 12.55.100. It is important that the court order will serve to attach

the dividend only if served on the Department of Revenue timely, as in the case of any other attachment order (CSED, IRS, etc.). Section 13 goes further by providing that in the case of a CSED arrearage or in the case of a civil judgement or order of restitution, the Department of Revenue or the Alaska courts, respectively, may require the defendant to take his/her entire PFD in cash. First of all, it is important to note that neither the Department of Revenue nor the court can force a person to apply for a dividend, but can force a selection of cash once the applicant has filed. There are two potential problems with Section 13:

1) The Department of Revenue cannot determine that an applicant meets the criteria of Section 13 until either CSED or a court agency serves an attachment order on the Department of Revenue - Enforcement, and in the case of CSED, indicating a past-due debt, and

2) Given that the overall thrust of Sections 12 and 13 is to exempt dividends selected as annuity credits from attachment, in the case of a person who owes (under Section 13) less than the amount of the total dividend, and originally chose the annuity option, it would seem that only an amount necessary to satisfy the debts under both the proposed AS 43.23.065(b) and (c) could be converted to the cash option, with the residual amount still protected from general attachment. This needs to be clarified.

Section 14: Amends AS 43.23.075 to reflect the new concept of a PFD annuity option. There is no effect on the Department of Revenue.

Section 15: Amends AS 43.23.095(b) to change the definition of "permanent fund dividend" to include the PFD annuity option. There is no effect on the Department of Revenue, save substantial changes to existing regulations.

Section 16: This section establishes the Annuity Program, to be administered by the Department of Administration. Although this section of the bill has very little impact on the Department of Revenue - PFD BRU, the following thoughts are offered for consideration:

1) AS 43.23.110(a), as proposed, provides for the gross amount selected as annuity credits to be transferred from the PFD fund to the annuity investment fund annually. As previously noted, the Department of Revenue could provide a magnetic file weekly as annuity participants come up for payment. The question is when does the interest envisioned in the proposed AS 43.23.110(c) begins to accrue: at payment of the residual cash dividend, or at some annual date upon transfer of the gross amount.

2) AS 43.23.110(b), as proposed, provides that the Legislature may appropriate additional funds to the annuity investment fund. Since this appropriation will likely be made during January - May of a given year, it should be clarified as to whether the appropriation is to be allocated between annuity participants of that same calendar year, or amongst those who selected the annuity option for the prior calendar year. If as the bill implies, the former is the case, then the Legislature will be making an appropriation without prior knowledge of the number of participants or the total amount of dividends selected as annuity credits. The applications are filed between April 1 - June 30 and the information is not on computer file until approximately July 31.
AS 43.23.110(b)(1), as proposed, appears to have the same constitutional flaws that caused the Legislature to include the children of Alaska in the PFD program in 1982.

AS 43.23.110(b)(2), as proposed, does not specify what portion of the appropriation should be used as the "base" amount. Also there needs to be definitions of the formula for determining the base amount, i.e. half the appropriation divised by the number of eligible annuitants.

AS 43.23.110(b)(3), as proposed, is a very confusing paragraph and makes no comprehensible sense. The formula for showing the appropriation must be clarified and simplified to the point that it can be easily explained to the public, in written form in the application booklet, in person during the required rural assistance program, and to the tens of thousands of Alaskans who will be asking the Department of Revenue's Public Services Assistance Centers for a lucid explanation.

AS 43.23.110(b)(4), as proposed, again implies that a person has an option of opting for 100% annuity, in contradiction of Section 3.

AS 43.23.110(c), as proposed, requires the Department of Revenue to provide the Department of Administration with the appropriate interest rate. The question unanswered is how often? The other implication is that the monies in the annuity investment fund are not to be co-mingled with other monies in the General Fund, but truly invested as a <u>separate fund</u>. This needs to be nailed down.

AS 43.23.130, as proposed, describes the benefit PFD applicants would receive in exchange for the option of receiving their whole dividend in cash, versus accepting up to 75% of the dividend in annuity credit. For this reason, it is extremely important that this section be very clear

to the reader, and it is. In (f) of this section, there appears to be an attempt to shelter the original dividend given up, in part, for an annuity credit, from taxation by the federal government as income in the year the dividend was available in cash. The doctrine of "constructive receipt" would hold the dividend taxable in the current year and this will have to be pointed out to recipients of the dividend at the time their dividend is paid, whether it is paid in credits or in cash.

Section 22: Provides an implementation schedule for the provisions of this bill and makes the Act applicable to PFD years 1986 and thereafter. This defines the time period in which the Department of Revenue has to accomplish all of the necessary program changes. The Department of Revenue will have from the date this bill becomes law until March 31, 1986. This accelerated schedule will be costly and will make it very difficult to get everything on line by the 1986 filing period.

Section 23: Provides an effective date.

III

Alaska Department of Revenue
Suggested Amendments to SB 56
January 21, 1985

Submitted by Division of Administrative Services:

Eliminate Internal Contradictions Regarding Cash vs Annuity

1. Section 1 and Section 3 are contradictory as to the options available and should be modified.

   Page 2, lines 3 - 5 implies that the entire dividend is applied to the annuity account absent a conscious election by the applicant.

   Page 2, lines 22-24 says that the only choice other than 100% cash is 25% or more cash and between 1 and 75% annuity. Per Section 3, there does not appear to be a 100% annuity option.

2. Page 4, lines 16-17 should be amended to reflect the same wording of Section 3, to eliminate the contradiction regarding the available options.

Making Annuity/Cash Election Irrevocable

3. Page 5, lines 17-20 like Section 1, implies only two choices: 100% cash or 100% annuity. This should be amended to square with Section 3.

4. It is important that the election be binding and irevocable. If people change their mind, make a mistake, or whatever, there should be no opportunity to change election. Otherwise, the cost of this program will go up dramatically.

Limit Choice

5. Page 2, lines 19-25 should be amended to limit the choice of hybrid payments to:
   a) 100% cash,
   b) 25% cash, 75% annuity credit,
   c) 50% cash, 50% annuity credit, or
   d) 75% cash, 25% annuity credit.

   As it currently reads, there are at least 76 real options, significantly complicating the administration of the program.

Avoidance of Debts to State Agencies

6. Page 7, line 13 should be amended by adding a new subsection (d) to include debts to a state agency as a valid reason for compelling an applicant to elect a cash dividend.

Submitted by Division of Treasury: Comments on SB 56

1. Page 6, line 15

   "(a)" should be inserted before "Fifty."

2. Page 8

   Sec. 43.23.110(a) should include the statement that "Income of the annuity investment fund shall be added to the principal of the annuity investment fund." However, the Attorney General in a November 30, 1982 opinion expressed some doubt about whether a retention of investment earnings by a fund is permissible under the Constitution's prohibition of dedicated revenues.

3. Page 10, line 6

   Add "purchased from insurance companies which have a Best's Policyholders' Rating of A or better and belong to Best's financial size Group XV at the time of purchase" at the end of the sentence.

4. Page 10, line 23

   "received" should be "receive"

4. DEPARTMENT OF HEALTH AND SOCIAL SERVICES-

a) Alaska Longevity Bonus - Enactment of the amendments to the Longevity Bonus Program included in SB56 would not adversely affect nursing home residents but would continue to seriously jeopardize many needy elderly Alaskans who currently receive old age assistance, medicaid, and federal supplemental security income payments as outlined below. This negative impact is a direct result of the federal and state statutes specifying which longevity bonus payments must be counted as income when determining these individuals' eligibility for assistance.

Nursing home residents are excluded from receiving the longevity bonus and therefore will be protected from either the loss of their medicaid coverage or a loss or decrease in their state assistance grant.

Federal supplemental security income (SSI) recipients are not protected and therefore would suffer either a reduction of their SSI grant or a termination of their federal SSI grant.

Old Age Assistance (OAA) recipients would also suffer either a reduction in their state grant or a termination of their grant.

Medicaid recipients who are not residing in a nursing home and who have a gross income in excess of 300% of the SSI need standard (i.e., $975) will become ineligible for medicaid.

These low-income longevity bonus recipients can be protected from financial harm by the enactment of the following amendments to the Adult Public Assistance statutes (AS 47.25.430ff) to provide that:

(i) The department shall increase the amount of an individual's Adult Public Assistance payment by the amount of any reduction in assistance provided under Title XVI of the Social Security Act which occurs solely because of considering payments made under AS 47.45 as available income; and

(ii) Notwithstanding AS 47.25.435, in determining eligibility for Adult Public Assistance and the amount of Adult Public Assistance payment, the department will not consider any payment made under AS 47.45 as income available to the applicant or recipient.

The costs of protecting these individuals from the harm caused by the loss of their assistance coverage would be:

	FY86	FY87
Federal (SSI) Payment	1,400,000	1,530,517
State (OAA) Payment	760,000*	830,737*
Non Nursing Home Medical	413,847	471,609
Nursing Home Medical	-0-@	-0-@
	$1,813,847	$2,002,126

* As these costs are already budgeted for FY 86- this is a non-add item.

@ No cost if the exclusion is effective upon enactment of SB56.

The majority of these individuals receive most of their income from the federal SSI and the state APA programs while their primary source of payment for medical bills is medicaid.

The department believes that it is therefore absolutely essential for basic humanitarian reasons that enactment of SB56 be accompanied by enactment of a "hold-harmless" program that would protect those harmed by receipt of the proposed longevity bonus.

b) Annuity Program - Enactment of the annuity program proposed in SB56 would not have a substantial effect on most public assistance and medicaid recipients. These individuals, whose annual incomes are less than $10,000, cannot afford to defer their Permanent Fund checks as they have an immediate need for these funds to buy basic necessities.

c) Federal Waiver - Currently, people who are eligible to receive the longevity bonus before October 1, 1985, have grandfathered eligibility rights to federal SSI and medicaid because federal law prohibits counting their bonus payments as income. People not eligible to receive the longevity bonus by this date are not covered under this grandfather clause. As they begin to receive countable bonus payments, their SSI assistance and OAA is reduced or terminated. Those whose assistance is terminated become ineligible for medicaid.

This change from the previous universal exclusion of consideration of the longevity bonus as income was precipitated by the 1984 change in the residency eligibility standards for the Longevity Bonus Program.

The Department is unable to make any commitments as to whether any changes in the Longevity Bonus Program will again

alter the federal government's position and, perhaps, end the special exclusion for 25-year residents who receive the Bonus. If this were to occur, the number of recipients placed in jeopardy and the costs of providing them with a "hold-harmless" protection would grow substantially beyond the estimate provided above.

Approved:

Commissioner Mary Nordale
Department of Revenue

Commissioner Lisa Rudd
Department of Administration

Commissioner John Pugh
Department of Health and
Social Services

IV

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST
Bill/Resolution No: SB 56
Title: An act amending the Longevity Bonus and PFD programs
Sponsor: Ray, Halford, et al
Requestor: Senate State Affairs
Date of Request: 1/17/85

FISCAL DETAIL
Agency Affected: Revenue
Program Category Affected: General Govt.
BRU, Program of Subprogram(s) Affected: PFD BRU - Administrative Services, Enforcement, Public Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

		FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
	OPERATING						
100	PERSONAL SERVICES	-	229.2	-	-	-	-
200	TRAVEL	-	2.5	-	-	-	-
300	CONTRACTUAL	-	1073.5	-	-	-	-
400	SUPPLIES	-	1.0	-	-	-	-
500	EQUIPMENT	-	-	-	-	-	-
600	LANDS & STRUCTURES	-	-	-	-	-	-
700	GRANTS, CLAIMS	-	-	-	-	-	-
800	MISCELLANEOUS	-	-	-	-	-	-
	TOTAL OPERATING	-	1306.2	-	-	-	-
	CAPITAL	-	-	-	-	-	-
	REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

	GENERAL FUND	-	-	-	-	-	-
	FEDERAL FUNDS	-	-	-	-	-	-
	OTHER	-	1306.2	-	-	-	-
	TOTAL	-	1306.2	-	-	-	-

POSITIONS:

	FULL-TIME	-	4	-	-	-	-
	PART-TIME	-	3	-	-	-	-
	TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page for analysis.

(See attached)

Prepared By: Ervin B. Jones, Director
Phone: 465-2313
Division: Administrative Services
Date: 1/21/85

Approved by Commissioner:
Date: 1/23/85
Agency:

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

SB 56
Fiscal Note Analysis
Department of Revenue
PFD BRU - Administrative Services Component
January 21, 1985

As can be seen from the attached analysis of the bill, section by section, the primary impact on the Administrative Services component of the Permanent Fund Dividend BRU is going to be in Data Processing. This impact can be summarized in three areas:

1) The need to completely re-program the 1985 PFD system, with its approximately one hundred DP programs, both batch and on-line. These programs are for both the IBM mainframe and for the WANG VS system that is used in Anchorage and in Juneau.

2) The dramatic changes wrought by this bill will push the Department to combine all years in some fashion. Carrying multiple, separate systems on-line, and maintaining these separate systems has become very costly in terms of data processing resources. Revenue has been looking at a modified system that allows both look-up and interaction with prior year accounts, but the addition of the annuity based 1986 system will severely complicate that system design.

3) The addition of the annuity choice and its related edit requirements will impact the data entry section.

The incremental costs of performing these functions between the assumed effective date of approximately July 1, 1985 and the end of FY86 is estimated as follows:

Personal Services

1) Reprogram for 1986 PFD system

1 Analyst/Programmer V, R21, @ $4,653.05/Mo
including salary and benefits for 12 months $55,836

1 Analyst/Programmer IV, R19, @ $4100.75/Mo
including salary and benefits for 12 months $49,209

2) Project to consolidate 1986 system with
prior four years (online, same as above)

1 Analyst/Programmer V, R21, @ $4,653.05/Mo
including salary and benefits for 12 months $55,836

1 Analyst/Programmer IV, R19, @ $4100.75/Mo
including salary and benefits for 12 months $49,209

3) Data capture of additiona data required
on PFD applications.

3 Data Entry Clerk I's, R8, @ $2,120.77/Mo
including salary and benefits, for 3 Mos each
$19,087

TOTAL Personal Services			$229,200
Travel (all 3 projects)			$2,500
To pay travel/per diem costs of system analysts attending meetings in Anchorage and Juneau to map out the needed changes to the current PFD system.			
TOTAL Travel			$2,500
Contractual			
1) To contract with Wang Labs, Inc to modify the existing garnishment system for PFD's. The Analyst/Programmer who built the original garnishment system currently works for Wang Labs, Inc as a systems consultant. Assuming he was available, he could redesign the system much faster than any other programmer available. This amount is calculated at $80/hour X 8 hour days X 5 day weeks X 16 weeks	=	$51,200	
2) 4 Wang 4250 workstations rented for 12 Mos, @ $398/Mo including emulator boards @ $805 each, so they may be used as IBM terminals or Wang terminals	=	$22,300	
3) Data Processing chargeback to the Department of Administration for development on the mainframe. This is a very difficult figure to estimate before knowing more specifically how the system will be designed. Based on our past experience, however when the 1982 PFD system was completely redone during FY83, the cost is estimated as		$1,000,000	
TOTAL Contractual			$1,073,500
Supplies			1,000
TOTAL Administrative Services Cost			$1,306,200

Alaska Department of Revenue
Enforcement Division
Fiscal Impact of SB 56
January 21, 1985

The fiscal impact of SB 56 is $-0- given the following assumptions.

1. Garnishment EDP programming changes can be accomplished at least three months before the 1986 payment schedule begins.

2. Orders of Restitution are served on the Division just as any other garnishment document, such as writs or Orders to Withhold.

3. Language is included that assures a creditor may not defeat a State agency by electing an annuity. If this is not done, the potential impact is a loss of revenue. Although not readily estimateable it is not anticipated to be significant.

4. Deposit and fund crediting procedures for collections of erroneously paid annuities are kept simple and/or allocation between funds are determined by the Department of Administration.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST
Bill/Resolution No: SB 56
Title: Longevity Bonus, Permanent Fund Dividend, and Annuity Programs
Sponsor: Ray
Requestor: Senate State Affairs
Date of Request: January 17, 1985

FISCAL DETAIL
Agency Affected: Department of Revenue
Program Category Affected:

BRU, Program of Subprogram(s) Affected:
Treasury

EXPENDITURES/REVENUES: (Thousands of Dollars)

		FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
	OPERATING						
100	PERSONAL SERVICES	-	-	-	-	-	-
200	TRAVEL	-	-	-	-	-	-
300	CONTRACTUAL	-	9.3	11.1	14.8	19.3	24.7
400	SUPPLIES	-	-	-	-	-	-
500	EQUIPMENT	-	-	-	-	-	-
600	LANDS & STRUCTURES	-	-	-	-	-	-
700	GRANTS, CLAIMS	-	-	-	-	-	-
800	MISCELLANEOUS	-	-	-	-	-	-
	TOTAL OPERATING	-	9.3	11.1	14.8	19.3	24.7
	CAPITAL	-	-	-	-	-	-
	REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

	GENERAL FUND	-	-	-	-	-	-
	FEDERAL FUNDS	-	-	-	-	-	-
	OTHER Annuity Investment Fund	-	9.3	11.1	14.8	19.3	24.7
	TOTAL	-	9.3	11.1	14.8	19.3	24.7

POSITIONS:

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

ANALYSIS: See attached analysis.

Prepared By: Milt Barker MB
Division: Treasury
Phone: 465-2350
Date: January 22, 1985

Approved by Commissioner:
Agency: Department of Revenue
Date: 1/24/85

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

SB 56
Fiscal Note Analysis

Costs in this fiscal note are based on the following projected balances of the annuity investment fund:

Fiscal Year	Average Fund Balance ($ Millions)
1986	$ 53
1987	88
1988	159
1989	244
1990	347

These projections assume three years of front-loading , 30% participation by eligibles, and 12% rate of return on investments.

Based on these average balances the following costs would be incurred ($000):

Fiscal Year	Securities Custody
1986	9.3
1987	11.1
1988	14.8
1989	19.3
1990	24.7

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST
Bill/Resolution No: SB56
Title: An Act Amending the Longevity Bonus Program & Permanent Fund Dividend Program Establishing an Annuity Program and Providing an Effective Date.
Sponsor: Ray (et all)
Requestor:
Date of Request: January 22, 1985

FISCAL DETAIL
Agency Affected: Revenue
Program Category Affected: Revenue Collections

BRU, Program or Subprogram(s) Affected
Public Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

		FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
	OPERATING						
100	PERSONAL SERVICES	-	60.7	159.9	172.7	183.1	197.2
200	TRAVEL	-	13.5	25.2	27.2	28.8	31.1
300	CONTRACTUAL	-	554.5	264.6	138.5	138.7	138.0
400	SUPPLIES	-	2.0	.8	.9	1.0	1.1
500	EQUIPMENT	-	5.0	-0-	-0-	-0-	-0-
600	LANDS & STRUCTURES	-	-	-	-	-	-
700	GRANTS, CLAIMS	-	-	-	-	-	-
800	MISCELLANEOUS	-	-	-	-	-	-
	TOTAL OPERATING	-	635.7	450.5	339.3	351.6	367.4
	CAPITAL	-	-	-	-	-	-
	REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

	GENERAL FUND	-	635.7	450.5	339.3	351.6	367.4
	FEDERAL FUNDS	-	-	-	-	-	-
	OTHER	-	-	-	-	-	-
	TOTAL	-	635.7	450.5	339.3	351.6	367.4

POSITIONS:

	FULL-TIME	-	5	5	5	5	5
	PART-TIME	-	-	-	-	-	-
	TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: See attached.

Prepared By: Sally Smith, Director
Division: Public Services
Phone: 465-2392
Date: January 22, 1985

Approved by Commissioner:
Agency: Revenue
Date: 1/23/85

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

ASSUMPTIONS

Fiscal Note SB56

490,000 eligible individuals
1986 application period (April 1st)

PROGRAM SUMMARY

Public education and application assistance will be provided in rural and urban areas. Phone, letter and computer response to inquiries as well as application assistance will be provided at Public Service Centers in Anchorage, Fairbanks and Juneau and forms distribution and application assistance will be available at various Legislative Information and Governor's Office locations throughout the state.

Hearings on regulations to be promulgated for the new law will be conducted in various cities (Juneau, Anchorage, Fairbanks, Nome, Kotzebue, Barrow, Kodiak and Ketchikan).

Technical training will be provided for those individuals who will be assisting the general public in completing their applications.

BUDGET

Personnel Services

	FY86	FY87
2FT Document Proc. Clk 3 in Anchorage	23.7	62.5
2FT Document Proc Clk 3 in Juneau	23.7	62.5
1FT Document Proc. Clk in Fairbanks	13.3	34.9

Travel

	FY86	FY87
Regulation Hearings Two Employees to Anch, Fbks, Nome, Kotzebue, Kodiak, Barrow, Ketch	3.1	-0-
Administrative Anch, Fbks, and Legislative Info. & Governor's Office locations	10.4	25.2

Contractural

	FY86	FY87
Advertising Campaign	250.0	50.0
Postage	10.0	11.0
Long distance charges	250.0	100.0
Computer Terminals (2)	8.5	17.2
Space rental (Anch & Juneau)	36.0	86.4

Office Supplies

	FY86	FY87
Office supplies	2.0	.8
Office Equipment (desk, chair, file cabinet, etc. for each new position)	5.0	-0-

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: SB 56
Title: An act amending the longevity bonus program
Sponsor: Ray
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Department of Administration
Program Category Affected: Centralized Administrative Services
BRU, Program or Subprogram(s) Affected: Data Processing Services/Annuity Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs		60.0	63.0	66.2	69.5	72.9
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual						
400 Supplies		.5	.5	.6	.6	.6
500 Equipment		4.0	4.2	4.4	4.6	4.9
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING	-0-	64.5	67.7	71.2	74.7	78.4
CAPITAL		750.0				
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		814.5	67.7	71.2	74.7	78.4
TOTAL	-0-	814.5	67.7	71.2	74.7	78.4

POSITIONS: -0-

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director Phone: 465-4470
Division: Retirement & Benefits Date: 1-22-85

Approved by Commissioner: Lisa Rudd Date: 1/23/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Rev. 7/1/84

Senate Bill 56
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

January 22, 1985

IV Analysis: This Fiscal Note addresses costs in the Data Processing Services BRU. We estimate that the annuity program will be fully automated to reduce the need for staff. We estimate that system analysis, development and construction costs would be $750,000 and would be a capital appropriation from "other funds".

We anticipate the need for one full-time programmer/analyst IV to provide guidance in the development of the annuity systems with the contractors and, after implementation, to provide ongoing maintenance.

We estimated an inflation rate of 5%. Further, we assumed that "other funds" would be available for FY 86 costs.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: SB 56
Title: An act amending the longevity bonus program
Sponsor: Ray
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Department of Administration
Program Category Affected: Labor Services
BRU, Program or Subprogram(s) Affected: Annuity Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs		124.5	164.7	173.0	181.6	190.7
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual		8.0	8.4	8.8	9.3	9.7
400 Supplies		1.6	1.7	1.8	1.9	1.9
500 Equipment		16.0				
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING	-0-	150.1	174.8	183.6	192.8	202.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		150.1	174.8	183.6	192.8	202.3
TOTAL	-0-	150.1	174.8	183.6	192.8	202.3

POSITIONS: -0-

FULL-TIME		4	4	4	4	4
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys Director Phone: 465-4470
Division: Retirement & Benefits Date: 1-22-85

Approved by Commissioner: Lisa Rudd Date: 1/23/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Rev. 7/1/84

Senate Bill 56
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

January 22, 1985

IV: Analysis: This Fiscal Note addresses costs in the Labor Services Program Category. The cost of the annuity program is anticipated to be borne entirely by the participants. We estimate that approximately four full-time employees will be needed to administer this program on a continuing basis. We estimate that the program supervisor and chief accountant will be needed for the entire first year to assist in the development and analysis of the computer system needs with the other two staff members being needed for only half of FY 86 to assist with the implementation and testing.

We estimated an inflation rate of 5% in all categories. Further, we assumed that "other funds" would be available for FY 86 costs.

We estimate that four positions are needed to administer this program.

Supervisor:	Retirement & Benefits Specialist III
Accountant:	Accountant II
Technician:	Retirement & Benefits Technician I/II (6 months FY86, full-time thereafter)
Clerk:	Accounting Clerk III (6 months FY86, full-time thereafter)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: S.B. 56
Title: Longevity Bonus/Annuity Program
Sponsor: Ray
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Administration
Program Category Affected: Social and Economic Assistance for the Aged
BRU, Program or Subprogram(s) Affected: Longevity Bonus Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL						
300 CONTRACTUAL	0	10.0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	10.0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	10.0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	10.0	0	0	0	0
POSITIONS:	0	0	0	0	0	0
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: C. Louis Kelley, Director
Phone: 465-4400
Division: Pioneers' Benefits
Date: January 22, 1985

Approved by Commissioner: Lisa Rudd
Date: 1/23/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Rev. 7/1/84

S.B. 56
Fiscal Note Analysis
Prepared by Division of Pioneers' Benefits
Department of Administration
January 22, 1985

ASSUMPTIONS

This fiscal note addresses administrative costs only for the Longevity Bonus Program.

Two payment systems will be run in the Division of Pioneers' Benefits. The first would pay a monthly target amount for those eligibles age 65 before January 1, 1986. The second would pay monthly payments, varying each year, for those age 65 after January 1, 1986. The second system would be impacted by information from the Annuity program.

The Longevity Bonus program would need additional resources for modifications to data processing files.

FY 86 Administrative Costs (Start-up)

Contractual Services Computer System Modification by Contractor	$10,000

Printing Costs already in 86 Budget

FY 87 Administrative Costs (Operations)

No Additional Cost

A M E N D M E N T

TO: SB 56

Page 10, line 24, after (d):

Delete "An annuity share" and insert "Except as provided in (e) of this section, an annuity account"

Page 10, line 28 through page 11, line 1:

Delete all material and insert "(e) If a person dies before age 65, a lump sum payment shall, subject to appropriation, be paid to the surviving spouse by right of survivorship unless a different beneficiary was designated. When no spouse survives and no beneficiary was designated, the lump sum shall be paid to the decedent's estate. The lump sum payment shall include all permanent fund dividend contributions made by the individual, together with interest, but shall not include any credits to the individual's account made pursuant to AS 43.23.110(b), or interest on those credits."

RECEIVED
ALASKA DEPARTMENT OF REVENUE
JAN 22 1985
OFFICE OF THE COMMISSIONER

ALASKA PERMANENT FUND

CORPORATION

MONTHLY FINANCIAL REPORT

DECEMBER 1984

Alaska Permanent Fund Corporation
Pouch 4-1000 Juneau, Alaska 99802
TEL 907/465-2047 TLX 099-46-323

M E M O R A N D U M

DATE: January 17, 1985

TO: Recipients of December 1984 Financial Statements

FROM: David A. Rose
Executive Director

SUBJECT: Report Highlights

This report indicates that the Fund's total assets approximate $6.2 billion as of the close of the calendar year.

The increase during the month of December is primarily attributable to: a capital contribution in the amount of $200,000,000, deposited by Governor Sheffield in final satisfaction of the special $1.8 billion appropriation made by the Legislature in 1981; receipt of dedicated state revenues in the amount of $29,871,000; and net income from operations of $54,499,000.

During the first half of the fiscal year, the Fund posted net income of $306,335,000. Operating expenses totalled less than one-half of one percent of gross revenues.

A comparison of marketable securities held at the end of December, valued in terms of both cost and market, reflects unrealized gains as follows:

	Cost	Market	Unrealized Gains
Marketable debt securities	$5,337,261,000	$5,379,234,000	$41,973,000
Common stock	503,811,000	514,908,000	11,097,000

Net gains realized on the purchase and sale of marketable securities for the first half of the year are as follows:

	Realized Net Gains
Marketable debt securities	$1,040,000
Common stock	498,000

Updated projections for the period July 1, 1984 through June 30, 1985, based upon half year operations, are as follows:

- Realized net income: $618,600,000
- Transfer to State for payment of dividends: $213,800,000
- Transfer to corpus for inflation-proofing: $230,800,000
- Additions to reserves: $174,000,000

In making these projections, we continue to estimate a 10.80 percent realized nominal return, an inflation rate of 4.20 percent, and a realized real rate of return of 6.60 percent.

The Corporation's official projection analysis sheet is attached to the monthly financial report.

DAR:bm

ALASKA PERMANENT FUND CORPORATION
STATEMENT OF PORTFOLIO ASSETS, LIABILITIES AND FUND EQUITY

DECEMBER 31, 1984

	%	AMOUNT
ASSETS		
Cash		$ 350,000
Receivables and prepaid expense	3	151,797,000
Investments:		
Marketable debt securities -		
Repurchase agreements		24,100,000
Short-term issues	2	147,525,000
Intermediate and long-term issues	83	5,165,636,000
Total marketable debt securities	85	5,337,261,000
Preferred & common stock, net of valuation allowance	8	503,811,000
Real estate equity pools	1	46,250,000
Participating real estate mortgages		8,000,000
Conventional mortgages	1	43,033,000
Alaska certificates of deposit	2	102,500,000
Total investments	12	6,040,855,000
Property and equipment, net of accumulated depreciation	---	150,000
Total assets	100	$ 6,193,152,000
LIABILITIES		
Accounts payable		$ 406,000
EQUITY		
Contributed equity	86	5,329,063,000
Reserve for inflation and dividends	14	863,683,000
Total equity	100	6,192,746,000
Total liabilities & equity	100	$ 6,193,152,000

ALASKA PERMANENT FUND CORPORATION

STATEMENT OF REVENUES AND OPERATING EXPENSES
DECEMBER 31, 1984

	CURRENT MONTH	YEAR-TO-DATE
REVENUES		
Interest	$ 52,671,000	$295,685,000
Dividends	2,108,000	10,105,000
Realized loss/gain on the sale of:		
Marketable debt securities	(482,000)	1,040,000
Common stock	331,000	498,000
Net loss/gain	(151,000)	1,538,000
Reimbursement of consulting fees		100.000
Gross Revenues	54,628,000	307,428,000
OPERATING EXPENSES		
Salaries and benefits	60,000	332,000
Travel	7,000	36,000
Trustee Honoraria	3,000	18,000
Communications	9,000	73,000
Consulting and studies, advisors	7,000	93,000
Printing and advertising & public info. pgm.	1,000	11,000
Office rent	8,000	46,000
Custody and safekeeping fees		59,000
Common stock and real estate management fees	7,000	253,000
Conventional mortgage service fees	13,000	55,000
Public Information Program		48,000
Depreciation	8,000	45,000
Other	6,000	24,000
Total Operating Expenses	129,000	1,093,000
Net Income	$ 54,499,000	$306,335,000

ALASKA PERMANENT FUND CORPORATION

STATEMENT OF CHANGES IN FUND EQUITY
DECEMBER 31, 1984

Current Month	Total	Contributed Equity	Reserve for Inflation and Dividends	Unrealized Loss on Stock	Undistributed Income
Balance, November 30, 1984	$ 5,908,005,000	$ 5,099,192,000	$809,184,000	(371,000)	
Net income from operations	54,499,000				$ 54,499,000
Dedicated state revenues	229,871,000	229,871,000			
Provision for 1985 dividends			18,084,000		(18,084,000)
Provision for 1985 inflation proofing			17,256,000		(17,256,000)
Allowance for unrealized loss on preferred and common stock	371,000			371,000	
Provision for future inflation and dividends			19,159,000		(19,159,000)
Balance, December 31, 1984	$ 6,192,746,000	$ 5,329,063,000	$863,683,000	$	$
Year-to-Date					
Balance, June 30, 1984	$ 5,374,820,000	$ 4,838,344,000	$557,347,000	$(20,871,000)	
Net income from operations	306,336,000				$306,336,000
Dedicated state revenues	490,718,000	490,718,000			
Citizen Contribution	1,000	1,000			
Provision for 1985 dividends			106,459,000		(106,459,000)
Provision for 1985 inflation			110,047,000		(110,047,000)
Allowance for unrealized loss on preferred & common stock	20,871,000			20,871,000	
Provision for future inflation and dividends			89,830,000		(89,830,000)
Balance, December 31, 1984	$ 6,192,746,000	$ 5,329,063,000	$863,683,000	$	$

ALASKA PERMANENT FUND CORPORATION
STATEMENT OF CHANGES IN CONDITION
DECEMBER 31, 1984

	CURRENT MONTH	YEAR-TO-DATE
FUNDS WERE PROVIDED BY:		
Investment operations:		
Net income	$ 54,499,000	$ 306,335,000
Items not affecting funds-		
Amortization	(357,000)	(836,000)
Depreciation	8,000	45,000
(Increase)/Decrease in receivables & prepaid expenses	(22,123,000)	19,453,000
Decrease in accounts payable	(205,000)	(443,000)
Total provided by operations	31,822,000	324,554,000
Sale of:		
Marketable securities	110,845,000	1,489,912,000
Common stock	8,280,000	36,560,000
Total sales	119,125,000	1,528,472,000
Maturity of debt obligations		612,504,000
Conventional mortgage repayments	207,000	2,189,000
Increase in value of common stock	(371,000)	(20,871,000)
Citizen Contribution		1,000
Contributions from the State of Alaska	229,871,000	490,719,000
Total funds provided	380,654,000	2,937,568,000
FUNDS WERE USED FOR:		
Purchases of:		
Marketable securities	377,600,000	2,521,057,000
Conventional mortgages	2,150,000	10,672,000
Common stock	52,757,000	230,666,000
Real estate equity		38,750,000
Property & Equipment	7,000	73,000
Alaska certificates of deposit	1,000,000	102,500,000
Total purchases	433,514,000	2,903,718,000
Provision for increase in value of preferred & common stock	(371,000)	(20,871,000)
Payments to the State of Alaska		155,130,000
Total funds used	433,143,000	3,037,977,000
Net change in funds	$ (52,489,000)	$ (100,409,000)

ALASKA PERMANENT FUND CORPORATION
STATEMENT OF CHANGES IN CONDITION

(continued)

	CURRENT MONTH	YEAR-TO-DATE
SUMMARY OF CHANGES		
(Decrease)/Increase in cash	$ (389,000)	$ 91,000
Decrease in repurchase agreements	(52,100,000)	(100,500,000)
Net Change in Funds	$ (52,489,000)	$ (100,409,000)

ALASKA PERMANENT FUND CORPORATION

NOTES TO THE FINANCIAL STATEMENTS

DECEMBER 31, 1984

1. ENTITY

The Constitution of the State of Alaska was amended by public referendum in 1976 to provide for the dedication of certain natural resource revenues to the Permanent Fund. The principal of the Permanent Fund is invested in perpetuity. In 1980, the State Legislature created the Alaska Permanent Fund Corporation (the "Corporation"), a public corporation separate from the agencies of State government and governed by a Board of Trustees, (the "Trustees"), to manage the investments of the Permanent Fund. In 1982, the Legislature amended the law to provide that a portion of the annual earnings would be made available to the State for the payment of dividends and that a portion would be contributed to the principal of the Permanent Fund sufficient to offset the impact of inflation. The balance was to be retained by the Corporation in an undistributed income account.

2. SIGNIFICANT ACCOUNTING POLICIES

Contributions -

Contributions by operation of statute are recorded when they become due from the State, i.e., when certain revenues are received by the State Department of Natural Resources.

Contributions by appropriation are recorded when they are received.

Depreciation -

Furniture and equipment are depreciated on a straight-line basis over a three year useful life. Other property is depreciated on a straight-line basis over a five year useful life.

Dividend appropriations -

Current law directs that one-half of a five year moving average of the net income of the Corporation be made available for the payment of dividends each year.

Funds -

For purposes of the Statement of Changes in Financial Position, the term "Funds" has been defined as cash and repurchase agreements.

Inflation Impact -

The impact of inflation is measured by the United States Consumer Price Index previous calendar year average for all urban consumers applied against the balance of contributed equity at the end of the fiscal year.

Interest Income -

Interest income on all securities is accrued monthly as earned.

Interest income is shown net of amortization of premiums and accretion of discounts.

Investments -

In accordance with Statement of Position of the Accounting Standards Division No. 78-10, investments in the aggregate are valued as follows:

Type	Basis
Marketable debt securities	Cost adjusted for amortization of premiums and accretion of discounts
Common stock	Lower of cost or market value
Real estate equity pools	Market value
Participating real estate mortgages	Market value
Conventional mortgages	Cost
Alaska certificates of deposit	Cost

Realized gains or losses on the sale of investments are determined by specific identification.

Undistributed Income -

Net earnings are credited to the undistributed income account at the end of the fiscal year. Earnings attributed to the investment of undistributed income are based upon the balance at the beginning of the fiscal year.

3. RECEIVABLES AND PREPAID EXPENSES

Receivables and prepaid expenses consisted of the following as of December 31, 1984:

State of Alaska dedicated revenues	$ 19,692,000
Purchased interest receivable	4,683,000
Accrued interest receivable	124,940,000
Dividends receivable	2,441,000
Prepaid expenses	41,000
	$151,797,000

4. MARKETABLE DEBT SECURITIES

The estimated market values of debt securities at December 31, 1984 are as follows:

	AMOUNT	YIELD
Repurchase Agreements	$ 24,100,000	8.46%
Short Term Issues	147,857,000	9.36%
Intermediate and Long Term Issues	5,207,277,000	11.61%
	$5,379,234,000	11.53%

All of the Corporation's investment securities are held by commercial lending institutions pursuant to custodial agreements.

5. COMMON STOCK

At December 31, 1984, the investment in preferred and common stock was valued at cost, which was less than the aggregate market value of $514,908,000 on that date. The dividend yield on preferred and common stock amounted to 4.49 percent.

6. REAL ESTATE EQUITY POOLS

At December 31, 1984, the investment in real estate equity pools was valued at market, which approximates cost. Future adjustments to market value will be based upon independent appraisals of the properties which constitute the pools.

7. PARTICIPATING REAL ESTATE MORTGAGES

The investment in participating real estate mortgages conveys an undivided interest in real property acquired in connection with a loan made on and collateralized by certain real estate. At December 31, 1984 the investment was valued at market, which approximates cost. Future adjustments to market value will be determined by the combined total of (i) an annual appraisal of the real property, and (ii) the difference between the present value of the mortgage and the outstanding principal balance of the note. Terms of the mortgage note provide for interest at 10.5 percent per annum. In addition, the Corporation will participate to the extent of its percentage of ownership in future net cash flow derived from leasing the property. The total amount of interest and net cash flow each year is limited to the maximum rate for interest allowed under applicable State of Texas or federal law.

8. CONTRIBUTED EQUITY

The principal balance of the Alaska Permanent Fund at December 31, 1984 was composed of the following elements:

Dedicated state revenues	$ 2,246,936,000
Appropriations from the State	2,700,000,000
Provision for inflation	382,127,000
	$ 5,329,063,000

9. RESERVE FOR INFLATION AND DIVIDENDS

The Trustees of the Permanent Fund have designated the balance of the undistributed income account to be continuously reserved for future inflation impact and dividend payments. Although the State Legislature could legally appropriate this amount for other purposes, in the opinion of the Trustees, this designation is in accordance with the stated purpose of undistributed income, i.e., to provide a reserve for the current statutory uses of Corporation income against the possibility of future declines in that income. Such a reserve is intended to enable the Corporation to fully offset the impact of inflation and still maintain a constant level of dividends in years when Permanent Fund earnings are not enough to do both.

* * * * * *

The Board of Trustees
Alaska Permanent Fund Corporation

Gentlemen:

The financial report and statements presented herein were prepared from the books of account without audit, and no independent opinion on the fairness of these statements has been rendered.

Sincerely,

Peter A. Bushre

Peter A. Bushre
Comptroller

ALASKA PERMANENT FUND CORPORATION

FINANCIAL PROJECTIONS AS OF 1/17/85

PRINCIPAL: ACTUAL & PROJECTED (in millions)								INCOME: ACTUAL & PROJECTED (in millions)							
									Distributions			Reserves			
FY	Beginning Balance	Appropriations	Dedicated State Revenues*	Inflation Proofing	Ending Balance	Inflation Proofing Shortfall	Adjusted Ending Balance	Net Income	Dividends	Inflation Proofing	State General Fund	Trans. Adj.**	Add (Delete)	Balance	Total Assets	FY
78			54.4		54.4		54.4	1.8			1.3	.5			55.0	78
79	54.4		84.1		138.5		138.5	8.0			6.6	1.4			140.5	79
80	138.5		344.4	.3	483.2		483.2	32.4	11.8	.3	11.8	8.5			502.9	80
81	483.2	900.0	385.1	.2	1,768.5		1,768.5	149.9	27.5	.2	27.5	36.0	58.7	58.7	1,874.6	81
82	1,768.5	800.0	400.5		2,969.0		2,969.0	368.4	71.1		71.1	41.1	185.1	243.8	3,301.7	82
83	2,969.0	600.0	421.0	231.2	4,021.2		4,021.2	471.1	107.9	231.2	109.5	(87.5)	110.0	353.8	4,593.0	83
84	4,021.2	300.0	366.2	150.9	4,838.3		4,838.3	529.5	175.0	150.9			203.6	557.4	5,530.8	84
85	4,838.3	300.0	358.1	230.8	5,727.2		5,727.2	618.6	213.8	230.8			174.0	731.4	6,672.4	85
86	5,727.2		359.9	365.2	6,452.3		6,452.3	597.5	258.5	365.2			(26.2)	705.2	7,416.0	86
87	6,452.3		345.3	407.9	7,205.5		7,205.5	659.7	287.6	407.9			(35.8)	669.4	8,162.5	87
88	7,205.5		356.6	453.7	8,015.8		8,015.8	724.8	313.0	453.7			(41.9)	627.5	8,956.3	88
89	8,015.8		361.7	502.7	8,880.2		8,880.2	794.2	339.5	502.7			(48.0)	579.5	9,799.2	89
90	8,880.2		353.8	554.0	9,788.0		9,788.0	867.3	364.4	554.0			(51.1)	528.4	10,680.8	90
91	9,788.0		342.6	607.8	10,738.4		10,738.4	943.9	399.0	607.8			(62.9)	465.5	11,602.9	91
92	10,738.4		342.8	664.9	11,746.1		11,746.1	1,023.8	435.4	664.9			(76.5)	389.0	12,570.5	92
93	11,746.1		338.9	725.1	12,810.1		12,810.1	1,107.4	473.7	725.1			(91.4)	297.6	13,581.4	93
94	12,810.1		319.6	787.8	13,917.5		13,917.5	1,194.1	513.7	787.8			(107.4)	190.2	14,621.4	94
95	13,917.5		324.1	854.5	15,096.1		15,096.1	1,284.3	555.4	854.5			(125.6)	64.6	15,716.1	95
96	15,096.1		306.9	844.1	16,247.1	80.1	16,327.2	1,378.3	598.8	844.1			(64.6)		16,845.9	96
97	16,247.1		290.2	831.4	17,368.7	160.8	17,529.5	1,475.3	643.9	831.4					18,012.6	97
98	17,368.7		282.2	885.1	18,536.0	174.0	18,710.0	1,575.9	690.8	885.1					19,226.8	98
99	18,536.0		265.8	940.8	19,742.6	187.3	19,929.9	1,680.2	739.4	940.8					20,492.0	99
0	19,742.6		253.2	998.4	20,994.2	201.4	21,195.6	1,788.2	789.8	998.4					21,784.0	0

* Source: Alaska Department of Revenue

** Chapter 81, SLA 1982, Sec. 15(b)

ASSUMPTIONS: 30% CASE FORECAST - 2nd Qtr FY85

25% Pre-1980 Contribution Rate
50% Post-1979 Contribution Rate
4.20% Inflation FY85
10.81% Return FY85
6% Average Inflation FY86-FY00
9% Average Return FY86-FY00

Chart 5

COSTS INCURRED AFTER YEAR 1999
(in millions: Nominal $)

3% Escalation	
Annuity Program	69.9
Annuity Program w/1986 Stairstep	285.3
House Stairstep	588.3
No Escalation	
Annuity Program	0
Annuity Program w/1986 Stairstep	128.4
House Stairstep	291

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

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

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

January 25, 1985

The Honorable Mitch Abood
Chairman, Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

Yesterday, after the teleconference on SB 56 (the bill which would replace the longevity bonus program with an annuity program) you asked that I draft a proposed amendment to the bill which would provide for death benefits if a person who had made annuity contributions died before reaching age 65. I have drafted a proposed amendment which provides that, in the event of death prior to age 65, the balance of an individual's account (which would include permanent fund dividend contributions, interest, and any front-loading) would be paid to the individual's surviving spouse unless another beneficiary were selected.

You have asked what effect, if any, such an amendment would have on the tax deferrability of permanent fund dividend contributions. As you know, the State Special Committee on the Alaska Longevity Bonus Program contracted with an expert on IRS tax law, Mr. Thomas Terry of the firm of Morrison and Foerster. His conclusions on the taxation of dividends appear in the draft committee report. I called Mr. Terry yesterday and asked him about the proposed amendment. He said that the inclusion of the amendment in the bill would have no negative effect on tax deferrability, and might even slightly enhance our arguments that contributions should not be taxed.

I should point out a number of policy considerations that may enter into your committee's deliberations on this point. First, the adoption of the amendment would increase, to some degree, the administrative costs of the program, since the department of administration would have to keep track of beneficiaries and handle death claims. Under the bill, administrative costs come out of annuity accounts, so that the provision would reduce - perhaps to a small degree - the annuity available to participants.

Second, under the bill without the amendment, the annuity account of a person who does not survive to age 65 is distributed among other contributors, so that those who do survive will receive an enhanced payment. This enhancement would be removed by the amendment.

Finally, since the present longevity bonus program is available only to individuals who survive to age 65, the bill without the amendment is consistent with the objective of replacing the retirement security presently available under the bonus program with a substitute program.

These considerations must be weighed against the concerns expressed at the teleconference yesterday that younger individuals may be reluctant to participate in the program if contributions would be lost upon death. Participation in the program is obviously an important consideration.

In short, the proposed amendment would have no substantial legal effect on the bill as a whole. The decision is a policy decision.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Deborah Vogt
Assistant Attorney General

DV:jf

SUMMARY SB 56

This bill will phase out the existing longevity bonus program and replace it with individual annuity accounts funded primarily by the permanent fund dividend of participants.

The bill provides that each year every Alaskan (except those who are 65 or older before 1986) will receive his or her permanent fund dividend in the form of a credit to an annuity account, unless the individual affirmatively elects to receive cash. When the individual reaches age 65, they will receive their annuity whether they live in Alaska or anywhere else. Since it will be years before annuity payments are sufficent to replace the longevity bonus, the ALB program is reduced annually (except for those who reached 65 before Jan 1, 1985).

Alaskans who choose to participate in the program will receive monthly benefits after reaching age 65 of at least $250 per month. Alaska's existing elderly (65 or older before Jan 1, 1986) will receive their current $250 bonus inflated by 3% annually and still receive their permanent fund dividends.

There is a "target amount" for the longevity bonus which is $250 per month inflated by 3% each year. That target amount is then reduced by the maximum possible annuity that would be available to a 65-year old individual who has participated in the program every year since the program started.

Example: If the inflated ALB "target" for a particular year is $280, and a person turning 65 who received an annuity credit in each year of the program would be entitled to an annuity of $100 per month, the ALB payment for all recipients would be $180. If the person had not participated in the annuity program and turned 65 in that year, they would receive only the ALB payment of the $180.

FISCAL YEAR	MAXIMUM Possible Annuity	ALB (for new recipients)
1986	4.37	$245.63
1990	32.50	248.88
1995	106.27	219.92
2000	255.70	122.45
2005	533.39	-0-

Residency

You must be a resident of Alaska at least one year to receive the Longevity Bonus payment. Permanent Fund dividends are, of course, only available to Alaska residents--so an individual must be an Alaskan to contribute to an annuity account. However, you do not have to be a resident of the State to receive your annuity.

1. Front-loading

Section 16 of the bill provides that the Legislature may "front-load" the annuity program by appropriating additional funds from general funds or earnings of the undistributed income account. Substantial front-loading in the first three years saves money over the length of the program as general fund obligations decrease at a faster rate. Also, with front-loading there is a substantial incentive for individuals to forgo immediate cash in favor of retirement security.

SECTIONAL SB 56

SECTION 1

Findings and Purpose

SECTION 2

A parent, guardian, or other authorized representative may elect to receive an annuity share on behalf of the eligible minor or individual in lieu of a cash dividend.

SECTION 3

A person who is eligible to receive a permanent fund dividend may elect to receive an annuity share in lieu of a cash dividend. Alternatively, a person may elect up to 75% in cash and the remainder as a annuity credit.

SECTION 4

The Commissioner of Revenue shall adopt regulations establishing the process for determining eligibility of individuals for permanent fund dividend.

SECTION 5

The permanent fund application form shall be prepared to allow an applicant to elect to receive cash in lieu of a permanent fund dividend.

SECTION 6

If a public agency claims a cash dividend on behalf of individuals, the public agency shall hold the dividend in trust for the individual.

SECTION 7

The state is not responsible for a guardian or parents decision for an individual on whether to take an annuity credit or cash dividend.

SECTION 8

The permanent fund dividend application form shall be prepared to allow an applicant, other than a person who is 65 before January 1, 1986 to elect to receive cash in lieu of a permanent fund dividend.

SECTION 9

Conforms the penalties and enforcement laws to include annuity credits.

SECTION 10

Sets up a procedure so if a permanent fund dividend is credited to an individuals account erroneous a debit can be made against the account. If the credit is the fault of the individual, the debit must be made within 10 years. If the credit is the fault of the state, the debit must be made within 3 years.

SECTION 11

Adds duties to the Department of Revenue to maintain records of annuity shares for individuals and adopt regulations (to the extent allowable) to structure the annuity program so that annuity benefits are not taxable to people until they actually receive the annuity money.

SECTION 12

Allows only cash payments exempt from attachment for collection of debt.

SECTION 13

Allows only cash payments for those ordered by the courts or attached for collections.

SECTION 14

Conforming language to contain annuity credits within the eligibility laws and regulations for public assistance,

SECTION 15

New definition of permanent fund dividend to include annuities.

SECTION 16

Establishes the Annuity Investment Fund within the state treasury. An amount, equal to the permanent fund dividend multiplied by the number of persons electing to receive an annuity share, shall be annually credited to the Annuity Account. The Legislature may appropriate either general funds or earnings from the undistributed income account in the Alaska Permanent Fund. The definition of permanent fund

dividend is amended to include annuities. Establishes the Annuity Fund. Money in the Annuity Fund is appropriated by the Legislature to pay annuities. An individual who holds one or more annuity shares may receive an annuity upon reaching the age of 65. The annuity will be paid monthly using a straight life annuity with a defined contribution plan. The annuity is cancelled upon the death of the individual receiving the annuity.

SECTION 17

Deletes the dollar amount in the Longevity Bonus program.

SECTION 18

Makes the Longevity bonus payment $250 plus a 3% annum minus the maximum possible annuity.

SECTION 19

Adds people residing in nursing homes, and the nursing home wing of of Pioneer Homes as unqualified persons to receive Longevity bonus payments. (This is to protect those people on Medicaid who were adversely impacted by Federal regulations)

SECTION 20

Repealers of Longevity Bonus Program

SECTION 21

Repealers of Longevity Bonus Program

SECTION 22

Applies to Permanent Fund dividends for years beginning after December 31, 1985.

SECTION 23

Immediate Effective Date

ALB CASES WITH ZERO FRONT LOADING AND NO ESCALATOR

FISCAL YEAR	MONTHLY PAYMENTS: TARGET	MONTHLY PAYMENTS: MAXIMUM POSSIBLE ANNUITY	MONTHLY PAYMENTS: ALB	POPULATIONS: 65 & OVER	POPULATIONS: 65 BEFORE 1986	POPULATIONS: 65 AFTER 1985	POPULATIONS: 65 BEFORE 1991	POPULATIONS: 65 AFTER 1990	PROGRAM COSTS (MILLIONS): COMM. BILL	COMM. BILL stairstep in 1986	COMM. BILL stairstep in 1991	ADAMS BILL	CURRENT LAW
1986	$250.00	$4.37	$245.63	16,744	15,039	1,705	16,744	-0-	$49.4	$50.1	$50.2	$50.2	$50.2
1987	$250.00	$9.70	$240.30	17,768	14,349	3,419	17,768	-0-	$51.2	$52.9	$53.3	$53.3	$53.3
1988	$250.00	$16.03	$233.97	18,769	13,660	5,109	18,769	-0-	$52.7	$55.3	$56.3	$56.3	$56.3
1989	$250.00	$23.55	$226.45	19,828	12,974	6,854	19,828	-0-	$53.9	$57.5	$59.5	$59.5	$59.5
1990	$250.00	$32.50	$217.50	20,913	12,293	8,620	20,913	-0-	$54.6	$59.4	$62.7	$62.7	$62.7
1991	$250.00	$43.06	$206.94	21,908	11,616	10,292	19,981	1,927	$54.4	$60.4	$64.7	$59.9	$65.7
1992	$250.00	$55.44	$194.56	22,849	10,943	11,906	19,046	3,803	$53.3	$60.6	$66.0	$57.1	$68.9
1993	$250.00	$69.89	$180.11	23,861	10,273	13,588	18,111	5,750	$51.6	$60.2	$66.8	$54.3	$71.6
1994	$250.00	$86.72	$163.28	24,799	9,606	15,193	17,183	7,616	$48.5	$58.6	$66.5	$51.5	$74.4
1995	$250.00	$106.27	$143.73	25,891	8,945	16,946	16,262	9,629	$44.7	$56.1	$65.4	$48.8	$77.7
1996	$250.00	$128.70	$121.30	26,863	8,291	18,572	15,345	11,518	$39.1	$51.9	$62.8	$46.0	$80.4
1997	$250.00	$154.42	$95.58	27,692	7,644	20,048	14,431	13,261	$31.8	$45.9	$58.5	$43.3	$83.
1998	$250.00	$183.86	$66.14	28,657	7,012	21,645	13,544	15,113	$22.7	$38.2	$52.6	$40.6	$86.6
1999	$250.00	$217.46	$32.54	29,556	6,396	23,160	12,623	16,933	$11.5	$28.2	$44.5	$37.9	$88.
2000	$250.00	$255.10	-0-	30,511	5,799	24,712	11,733	18,778	-0-	$17.4	$35.2	$35.2	$91.
2001	$250.00	$298.96	-0-	31,459	5,225	26,234	10,855	20,604	-0-	$15.7	$32.6	$32.6	$94.
2002	$250.00	$347.74	-0-	32,440	4,676	27,764	9,995	22,445	-0-	$14.0	$30.0	$30.0	$97.
2003	$250.00	$402.63	-0-	33,448	4,156	29,292	9,155	24,293	-0-	$12.5	$27.5	$27.5	$100.
2004	$250.00	$464.27	-0-	34,483	3,666	30,817	8,340	26,143	-0-	$11.0	$25.0	$25.0	$103.
2005	$250.00	$533.39	-0-	35,721	3,210	32,511	7,552	28,169	-0-	$9.6	$22.7	$22.7	$107.
2006	$250.00	$610.77	-0-	37,130	2,788	34,342	6,794	30,336	-0-	$8.4	$20.4	$20.4	$111.
2007	$250.00	$697.21	-0-	38,489	2,402	36,087	6,072	32,417	-0-	$7.2	$18.2	$18.2	$115.
2008	$250.00	$793.66	-0-	40,309	2,050	38,259	5,388	34,921	-0-	$6.2	$16.2	$16.2	$120.
2009	$250.00	$901.13	-0-	42,194	1,778	40,416	4,746	37,448	-0-	$5.3	$14.2	$14.2	$126.
2010	$250.00	$1,020.72	-0-	44,012	1,449	42,563	4,224	39,862	-0-	$4.3	$12.7	$12.7	$132.
2011	$250.00	continues	-0-	45,006	1,213	43,787	3,669	41,331	-0-	$3.6	$11.0	$11.0	$135.
2012	$250.00	to	-0-	45,000	1,003	43,997	3,161	41,839	-0-	$3.0	$9.5	$9.5	$135.
2013	$250.00	increase	-0-	45,000	819	44,181	2,698	42,302	-0-	$2.5	$8.1	$8.1	$135.
2014	$250.00		-0-	45,000	658	44,342	2,340	42,660	-0-	$2.0	$7.0	$7.0	$135.
2015	$250.00		-0-	45,000	521	44,479	1,907	43,093	-0-	$1.6	$5.7	$5.7	$135.
2016	$250.00		-0-	45,000	405	44,595	1,596	43,404	-0-	$1.2	$4.8	$4.8	$135.
2017	$250.00		-0-	45,000	309	44,691	1,320	43,680	-0-	$.9	$4.0	$4.0	$135.
2018	$250.00		-0-	45,000	231	44,769	1,078	43,922	-0-	$.7	$3.2	$3.2	$135.
2019	$250.00		-0-	45,000	169	44,831	866	44,134	-0-	$.5	$2.6	$2.6	$135.
2020	$250.00		-0-	45,000	114	44,886	686	44,314	-0-	$.3	$2.1	$2.1	$135.
2021	$250.00		-0-	45,000	76	44,924	533	44,467	-0-	$.2	$1.6	$1.6	$135.
2022	$250.00		-0-	45,000	48	44,952	407	44,593	-0-	$.1	$1.2	$1.2	$135.
2023	$250.00		-0-	45,000	31	44,969	304	44,696	-0-	$.1	$.9	$.9	$135.
2024	$250.00		-0-	45,000	18	44,982	222	44,778	-0-	$.1	$.7	$.7	$135.
2025	$250.00		-0-	45,000	10	44,990	150	44,850	-0-	$.0	$.5	$.5	$135.
2026	$250.00		-0-	45,000	5	44,995	100	44,900	-0-	$.0	$.3	$.3	$135
2027	$250.00		-0-	45,000	3	44,997	63	44,937	-0-	$.0	$.2	$.2	$135.
2028	$250.00		-0-	45,000	1	44,999	41	44,959	-0-	$.0	$.1	$.1	$135
2029	$250.00		-0-	45,000		45,000	24	44,976	-0-	$.0	$.1	$.1	$135
2030	$250.00		-0-	45,000		45,000	13	44,987	-0-	$.0	$.0	$.0	$135
2031	$250.00		-0-	45,000		45,000	7	44,993	-0-	$.0	$.0	$.0	$135
2032	$250.00		-0-	45,000		45,000	4	44,996	-0-	$.0	$.0	$.0	$135
2033	$250.00		-0-	45,000		45,000	1	44,999	-0-	$.0	$.0	$.0	$135
2034	$250.00		-0-	45,000		45,000		45,000	-0-	$.0	$.0	$.0	$135
						NOMINAL DOLLARS, 1986-2010			$619	$864	$1,148	$1,040	$5,4
					ALB PAYMENTS	CONSTANT 1985 DOLLARS, 1986-2010			$432	$539	$647	$586	$1,3
						PRESENT VALUE IN 1985			$369	$444	$516	$470	$8
						NOMINAL DOLLARS, 1986-1988			$0	$0	$0	$0	
					FRONT LOADING PAYMENTS	CONSTANT 1985 DOLLARS, 1986-1988			$0	$0	$0	$0	
						PRESENT VALUE IN 1985			$0	$0	$0	$0	
						NOMINAL DOLLARS			$619	$864	$1,148	$1,040	$5,4
					COMBINED PAYMENTS	CONSTANT 1985 DOLLARS			$432	$539	$647	$586	$1,3
						PRESENT VALUE IN 1985			$369	$444	$516	$470	$8

Prepared by the Division of Strategic Planning, OMB. 12/27/84

ALB CASES WITH ZERO FRONT LOADING AND NO ESCALATOR

FISCAL YEAR	MONTHLY PAYMENTS: TARGET	MONTHLY PAYMENTS: MAXIMUM POSSIBLE ANNUITY	MONTHLY PAYMENTS: ALB	POPULATIONS: 65 & OVER	POPULATIONS: 65 BEFORE 1986	POPULATIONS: 65 AFTER 1985	POPULATIONS: 65 BEFORE 1991	POPULATIONS: 65 AFTER 1990	PROGRAM COSTS (MILLIONS): COMM. BILL	COMM. BILL stairstep in 1986	COMM. BILL stairstep in 1991	ADAMS BILL	CURRENT LAW
1986	$250.00	$4.37	$245.63	16,744	15,039	1,705	16,744	-0-	$49.4	$50.1	$50.2	$50.2	$50.2
1987	$250.00	$9.70	$240.30	17,768	14,349	3,419	17,768	-0-	$51.2	$52.9	$53.3	$53.3	$53.3
1988	$250.00	$16.03	$233.97	18,769	13,660	5,109	18,769	-0-	$52.7	$55.3	$56.3	$56.3	$56.3
1989	$250.00	$23.55	$226.45	19,828	12,974	6,854	19,828	-0-	$53.9	$57.5	$59.5	$59.5	$59.5
1990	$250.00	$32.50	$217.50	20,913	12,293	8,620	20,913	-0-	$54.6	$59.4	$62.7	$62.7	$62.7
1991	$250.00	$43.06	$206.94	21,908	11,616	10,292	19,981	1,927	$54.4	$60.4	$64.7	$59.9	$65.7
1992	$250.00	$55.44	$194.56	22,849	10,943	11,906	19,046	3,803	$53.3	$60.6	$65.0	$57.1	$68.9
1993	$250.00	$69.89	$180.11	23,861	10,273	13,588	18,111	5,750	$51.6	$60.2	$66.8	$54.3	$71.6
1994	$250.00	$86.72	$163.28	24,799	9,606	15,193	17,183	7,616	$48.6	$58.6	$66.5	$51.5	$74.4
1995	$250.00	$106.27	$143.73	25,891	8,945	16,946	16,262	9,629	$44.7	$56.1	$65.4	$48.8	$77.7
1996	$250.00	$128.70	$121.30	26,863	8,291	18,572	15,345	11,518	$39.1	$51.9	$62.8	$46.0	$80.4
1997	$250.00	$154.42	$95.58	27,692	7,644	20,048	14,431	13,261	$31.8	$45.9	$58.5	$43.3	$83.
1998	$250.00	$183.86	$66.14	28,657	7,012	21,645	13,544	15,113	$22.7	$38.2	$52.6	$40.6	$86.4
1999	$250.00	$217.46	$32.54	29,556	6,396	23,160	12,623	16,933	$11.5	$28.2	$44.5	$37.9	$88.
2000	$250.00	$255.10	-0-	30,511	5,799	24,712	11,733	18,778	-0-	$17.4	$35.2	$35.2	$91.
2001	$250.00	$298.96	-0-	31,459	5,225	26,234	10,855	20,604	-0-	$15.7	$32.6	$32.6	$94.
2002	$250.00	$347.74	-0-	32,440	4,676	27,764	9,995	22,445	-0-	$14.0	$30.0	$30.0	$97.
2003	$250.00	$402.63	-0-	33,448	4,156	29,292	9,155	24,293	-0-	$12.5	$27.5	$27.5	$100.
2004	$250.00	$464.27	-0-	34,483	3,666	30,817	8,340	26,143	-0-	$11.0	$25.0	$25.0	$103.
2005	$250.00	$533.39	-0-	35,721	3,210	32,511	7,552	28,169	-0-	$9.6	$22.7	$22.7	$107.
2006	$250.00	$610.77	-0-	37,130	2,788	34,342	6,794	30,336	-0-	$8.4	$20.4	$20.4	$111.
2007	$250.00	$697.21	-0-	38,489	2,402	36,087	6,072	32,417	-0-	$7.2	$18.2	$18.2	$115.
2008	$250.00	$793.66	-0-	40,309	2,050	38,259	5,388	34,921	-0-	$6.2	$16.2	$16.2	$120.
2009	$250.00	$901.13	-0-	42,194	1,778	40,416	4,746	37,448	-0-	$5.3	$14.2	$14.2	$126.
2010	$250.00	$1,020.72	-0-	44,012	1,449	42,563	4,224	39,862	-0-	$4.3	$12.7	$12.7	$132.
2011	$250.00	continues	-0-	45,000	1,213	43,787	3,669	41,331	-0-	$3.6	$11.0	$11.0	$135.
2012	$250.00	to	-0-	45,000	1,003	43,997	3,161	41,839	-0-	$3.0	$9.5	$9.5	$135.
2013	$250.00	increase	-0-	45,000	819	44,181	2,698	42,302	-0-	$2.5	$8.1	$8.1	$135.
2014	$250.00		-0-	45,000	658	44,342	2,340	42,660	-0-	$2.0	$7.0	$7.0	$135.
2015	$250.00		-0-	45,000	521	44,479	1,907	43,093	-0-	$1.6	$5.7	$5.7	$135.
2016	$250.00		-0-	45,000	405	44,595	1,596	43,404	-0-	$1.2	$4.8	$4.8	$135.
2017	$250.00		-0-	45,000	309	44,691	1,320	43,680	-0-	$.9	$4.0	$4.0	$135.
2018	$250.00		-0-	45,000	231	44,769	1,078	43,922	-0-	$.7	$3.2	$3.2	$135.
2019	$250.00		-0-	45,000	169	44,831	866	44,134	-0-	$.5	$2.6	$2.6	$135.
2020	$250.00		-0-	45,000	114	44,886	686	44,314	-0-	$.3	$2.1	$2.1	$135.
2021	$250.00		-0-	45,000	76	44,924	533	44,467	-0-	$.2	$1.6	$1.6	$135.
2022	$250.00		-0-	45,000	48	44,952	407	44,593	-0-	$.1	$1.2	$1.2	$135.
2023	$250.00		-0-	45,000	31	44,969	304	44,696	-0-	$.1	$.9	$.9	$135.
2024	$250.00		-0-	45,000	18	44,982	222	44,778	-0-	$.1	$.7	$.7	$135.
2025	$250.00		-0-	45,000	10	44,990	150	44,850	-0-	$.0	$.5	$.5	$135.
2026	$250.00		-0-	45,000	5	44,995	100	44,900	-0-	$.0	$.3	$.3	$135.
2027	$250.00		-0-	45,000	3	44,997	63	44,937	-0-	$.0	$.2	$.2	$135.
2028	$250.00		-0-	45,000	1	44,999	41	44,959	-0-	$.0	$.1	$.1	$135
2029	$250.00		-0-	45,000		45,000	24	44,976	-0-	$.0	$.1	$.1	$135
2030	$250.00		-0-	45,000		45,000	13	44,987	-0-	$.0	$.0	$.0	$135
2031	$250.00		-0-	45,000		45,000	7	44,993	-0-	$.0	$.0	$.0	$135
2032	$250.00		-0-	45,000		45,000	4	44,996	-0-	$.0	$.0	$.0	$135
2033	$250.00		-0-	45,000		45,000	1	44,999	-0-	$.0	$.0	$.0	$135
2034	$250.00		-0-	45,000		45,000		45,000	-0-	$.0	$.0	$.0	$135
						NOMINAL DOLLARS, 1986-2010			$619	$864	$1,148	$1,040	$5,4
					ALB PAYMENTS	CONSTANT 1985 DOLLARS, 1986-2010			$432	$539	$647	$586	$1,3
						PRESENT VALUE IN 1985			$369	$444	$516	$470	$8
						NOMINAL DOLLARS, 1986-1988			$0	$0	$0	$0	
					FRONT LOADING PAYMENTS	CONSTANT 1985 DOLLARS, 1986-1988			$0	$0	$0	$0	
						PRESENT VALUE IN 1985			$0	$0	$0	$0	
						NOMINAL DOLLARS			$619	$864	$1,148	$1,040	$5,4
					COMBINED PAYMENTS	CONSTANT 1985 DOLLARS			$432	$539	$647	$586	$1,3
						PRESENT VALUE IN 1985			$369	$444	$516	$470	$8

Prepared by the Division of Strategic Planning, OMB. 12/27/84

ALB CASES WITH ZERO FRONT LOADING AND THREE PERCENT ESCALATOR

FISCAL YEAR	MONTHLY PAYMENTS: TARGET	MONTHLY PAYMENTS: MAXIMUM POSSIBLE ANNUITY	MONTHLY PAYMENTS: ALB	POPULATIONS: 65 & OVER	POPULATIONS: 65 BEFORE 1986	POPULATIONS: 65 AFTER 1985	POPULATIONS: 65 BEFORE 1991	POPULATIONS: 65 AFTER 1990	PROGRAM COSTS (MILLIONS): COMM. BILL	COMM. BILL stairstep in 1986	COMM. BILL stairstep in 1991	ADAMS BILL with escalator	CURRENT LAW with escalator
1986	$250.00	$4.37	$245.63	16,744	15,039	1,705	16,744	-0-	$49.4	$50.1	$50.2	$50.2	$50.2
1987	$257.50	$9.70	$247.80	17,760	14,349	3,419	17,760	-0-	$52.8	$54.5	$54.9	$54.9	$54.9
1988	$265.23	$16.03	$249.20	10,769	13,660	5,109	18,769	-0-	$56.1	$58.8	$59.7	$59.7	$59.7
1989	$273.18	$23.55	$249.63	19,828	12,974	6,854	19,823	-0-	$59.4	$63.1	$65.0	$65.0	$65.0
1990	$281.38	$32.50	$248.88	20,913	12,293	8,620	20,913	-0-	$62.5	$67.3	$70.6	$70.6	$70.6
1991	$289.82	$43.06	$246.76	21,908	11,616	10,292	19,981	1,927	$64.9	$70.9	$75.2	$69.5	$76.2
1992	$298.51	$55.44	$243.07	22,849	10,943	11,906	19,046	3,803	$66.6	$73.9	$79.3	$68.2	$81.8
1993	$307.47	$69.89	$237.58	23,861	10,273	13,588	18,111	5,750	$68.0	$76.6	$83.2	$66.8	$88.0
1994	$316.69	$86.72	$229.97	24,799	9,606	15,193	17,183	7,616	$68.4	$78.4	$86.3	$65.3	$94.2
1995	$326.19	$106.27	$219.92	25,891	8,945	16,946	16,262	9,629	$68.3	$79.7	$89.1	$63.7	$101.3
1996	$335.98	$128.70	$207.28	26,863	8,291	18,572	15,345	11,518	$66.8	$79.6	$90.5	$61.9	$108.3
1997	$346.06	$154.42	$191.64	27,692	7,644	20,048	14,431	13,261	$63.7	$77.8	$90.4	$59.9	$115.0
1998	$356.44	$183.36	$172.58	28,657	7,012	21,645	13,544	15,113	$59.3	$74.8	$89.2	$57.9	$122.6
1999	$367.13	$217.46	$149.67	29,556	6,396	23,160	12,623	16,933	$53.1	$69.8	$86.0	$55.6	$130.2
2000	$378.15	$255.10	$123.05	30,511	5,799	24,712	11,733	18,778	$45.1	$62.8	$81.0	$53.2	$138.5
2001	$389.49	$298.96	$90.53	31,459	5,225	26,234	10,855	20,604	$34.2	$52.9	$73.1	$50.7	$147.0
2002	$401.18	$347.74	$53.44	32,440	4,676	27,764	9,995	22,445	$20.8	$40.3	$62.5	$48.1	$156.2
2003	$413.21	$402.63	$10.58	33,448	4,156	29,292	9,155	24,293	$4.2	$24.3	$48.5	$45.4	$165.9
2004	$425.61	$464.27	-0-	34,483	3,666	30,817	8,340	26,143	-0-	$18.7	$42.6	$42.6	$176.1
2005	$438.38	$533.39	-0-	35,721	3,210	32,511	7,552	28,169	-0-	$16.9	$39.7	$39.7	$187.9
2006	$451.53	$610.77	-0-	37,130	2,788	34,342	6,794	30,336	-0-	$15.1	$36.8	$36.8	$201.2
2007	$465.07	$697.21	-0-	38,489	2,402	36,087	6,072	32,417	-0-	$13.4	$33.9	$33.9	$214.8
2008	$479.03	$793.66	-0-	40,309	2,050	38,259	5,388	34,921	-0-	$11.8	$31.0	$31.0	$231.7
2009	$493.40	$901.13	-0-	42,194	1,778	40,416	4,746	37,448	-0-	$10.5	$28.1	$28.1	$249.8
2010	$508.20	$1,020.72	-0-	44,012	1,449	42,563	4,224	39,862	-0-	$8.0	$25.8	$25.8	$268.4
2011	$523.44		-0-	45,000	1,213	43,787	3,669	41,331	-0-	$7.6	$23.0	$23.0	$282.7
2012	$539.15		-0-	45,000	1,003	43,997	3,161	41,839	-0-	$6.5	$20.5	$20.5	$291.1
2013	$555.32		-0-	45,000	819	44,181	2,698	42,302	-0-	$5.5	$18.0	$18.0	$299.9
2014	$571.98		-0-	45,000	658	44,342	2,340	42,660	-0-	$4.5	$16.1	$16.1	$308.9
2015	$589.14		-0-	45,000	521	44,479	1,907	43,093	-0-	$3.7	$13.5	$13.5	$318.1
2016	$606.82		-0-	45,000	405	44,595	1,596	43,404	-0-	$2.9	$11.6	$11.6	$327.7
2017	$625.02		-0-	45,000	309	44,691	1,320	43,680	-0-	$2.3	$9.9	$9.9	$337.5
2018	$643.77		-0-	45,000	231	44,769	1,078	43,922	-0-	$1.8	$8.3	$8.3	$347.6
2019	$663.08	continues	-0-	45,000	169	44,831	866	44,134	-0-	$1.3	$6.9	$6.9	$358.1
2020	$682.98	to	-0-	45,000	114	44,886	686	44,314	-0-	$.9	$5.6	$5.6	$368.8
2021	$703.47	increase	-0-	45,000	76	44,924	533	44,467	-0-	$.6	$4.5	$4.5	$379.9
2022	$724.57		-0-	45,000	48	44,952	407	44,593	-0-	$.4	$3.5	$3.5	$391.3
2023	$746.31		-0-	45,000	31	44,969	304	44,696	-0-	$.3	$2.7	$2.7	$403.0
2024	$768.70		-0-	45,000	18	44,982	222	44,778	-0-	$.2	$2.0	$2.0	$415.1
2025	$791.76		-0-	45,000	10	44,990	150	44,850	-0-	$.1	$1.4	$1.4	$427.5
2026	$815.51		-0-	45,000	5	44,995	100	44,900	-0-	$.0	$1.0	$1.0	$440.4
2027	$839.97		-0-	45,000	3	44,997	63	44,937	-0-	$.0	$.6	$.6	$453.6
2028	$865.17		-0-	45,000	1	44,999	41	44,959	-0-	$.0	$.4	$.4	$467.2
2029	$891.13		-0-	45,000		45,000	24	44,976	-0-	$.0	$.3	$.3	$481.2
2030	$917.86		-0-	45,000		45,000	13	44,987	-0-	$.0	$.1	$.1	$495.6
2031	$945.40		-0-	45,000		45,000	7	44,993	-0-	$.0	$.1	$.1	$510.5
2032	$973.76		-0-	45,000		45,000	4	44,996	-0-	$.0	$.0	$.0	$525.8
2033	$1,002.97		-0-	45,000		45,000	1	44,999	-0-	$.0	$.0	$.0	$541.6
2034	$1,033.86		-0-	45,000		45,000		45,000	-0-	$.0	$.0	$.0	$557.9
						NOMINAL DOLLARS, 1986-2034			$964	$1,290	$1,723	$1,455	$13,087
					ALB PAYMENTS	CONSTANT 1985 DOLLARS, 1986-2034			$605	$735	$879	$745	$2,501
						PRESENT VALUE IN 1985			$496	$584	$674	$577	$1,393
						NOMINAL DOLLARS, 1986-1988			$0	$0	$0	$0	$0
					FRONT LOADING PAYMENTS	CONSTANT 1985 DOLLARS, 1986-1988			$0	$0	$0	$0	$0
						PRESENT VALUE IN 1985			$0	$0	$0	$0	$0
						NOMINAL DOLLARS			$964	$1,290	$1,723	$1,455	$13,087
					COMBINED PAYMENTS	CONSTANT 1985 DOLLARS			$605	$735	$879	$745	$2,501
						PRESENT VALUE IN 1985			$496	$584	$674	$577	$1,393

Prepared by the Division of Strategic Planning, OMB. 2/27/84

ALB CASES WITH THREE YEAR FRONT LOADING AND NO ESCALATOR

FISCAL YEAR	MONTHLY PAYMENTS: TARGET	MONTHLY PAYMENTS: MAXIMUM POSSIBLE ANNUITY	MONTHLY PAYMENTS: ALB	POPULATIONS: 65 & OVER	POPULATIONS: 65 BEFORE 1986	POPULATIONS: 65 AFTER 1985	POPULATIONS: 65 BEFORE 1991	POPULATIONS: 65 AFTER 1990	PROGRAM COSTS (MILLIONS): COMM. BILL	PROGRAM COSTS (MILLIONS): COMM. BILL stairstep in 1986	PROGRAM COSTS (MILLIONS): COMM. BILL stairstep in 1991	PROGRAM COSTS (MILLIONS): ADAMS BILL	PROGRAM COSTS (MILLIONS): CURRENT LAW
1986	$250.00	$11.92	$238.08	16,744	15,039	1,705	16,744	-0-	$47.8	$50.8	$50.2	$50.2	$50.2
1987	$250.00	$24.86	$225.14	17,768	14,349	3,419	17,768	-0-	$48.0	$52.3	$53.3	$53.3	$53.3
1988	$250.00	$39.05	$210.95	18,769	13,660	5,109	18,769	-0-	$47.5	$53.9	$56.3	$56.3	$56.3
1989	$250.00	$46.94	$203.06	19,828	12,974	6,854	19,828	-0-	$48.3	$55.6	$59.5	$59.5	$59.5
1990	$250.00	$56.27	$193.73	20,913	12,293	8,620	20,913	-0-	$48.6	$56.9	$62.7	$62.7	$62.7
1991	$250.00	$67.21	$182.79	21,908	11,616	10,292	19,981	1,927	$48.1	$57.4	$64.2	$59.9	$65.7
1992	$250.00	$79.93	$170.07	22,849	10,943	11,906	19,046	3,803	$46.6	$57.1	$64.9	$57.1	$68.5
1993	$250.00	$94.67	$155.33	23,861	10,273	13,588	18,111	5,750	$44.5	$56.1	$65.1	$54.3	$71.6
1994	$250.00	$111.73	$138.27	24,799	9,606	15,193	17,183	7,616	$41.1	$54.0	$64.2	$51.5	$74.4
1995	$250.00	$131.53	$118.47	25,891	8,945	16,946	16,262	9,629	$36.8	$50.9	$62.5	$48.8	$77.7
1996	$250.00	$154.20	$95.80	26,863	8,291	18,572	15,345	11,518	$30.9	$46.2	$59.3	$46.0	$80.6
1997	$250.00	$180.13	$69.87	27,692	7,644	20,048	14,431	13,261	$23.2	$39.7	$54.4	$43.3	$83.1
1998	$250.00	$209.76	$40.24	28,657	7,012	21,645	13,544	15,113	$13.8	$31.5	$47.9	$40.6	$86.0
1999	$250.00	$243.52	$6.48	29,556	6,396	23,160	12,623	16,933	$2.3	$21.0	$39.2	$37.9	$88.7
2000	$250.00	$281.92	-0-	30,511	5,799	24,712	11,733	18,778	-0-	$17.4	$35.2	$35.2	$91.5
2001	$250.00	$325.34	-0-	31,459	5,225	26,234	10,855	20,604	-0-	$15.7	$32.6	$32.6	$94.4
2002	$250.00	$374.26	-0-	32,440	4,676	27,764	9,995	22,445	-0-	$14.0	$30.0	$30.0	$97.3
2003	$250.00	$429.25	-0-	33,448	4,156	29,292	9,155	24,293	-0-	$12.5	$27.5	$27.5	$100.3
2004	$250.00	$490.97	-0-	34,483	3,666	30,817	8,340	26,143	-0-	$11.0	$25.0	$25.0	$103.4
2005	$250.00	$560.18	-0-	35,721	3,210	32,511	7,552	28,169	-0-	$9.6	$22.7	$22.7	$107.2
2006	$250.00	$637.63	-0-	37,130	2,788	34,342	6,794	30,336	-0-	$0.4	$20.4	$20.4	$111.4
2007	$250.00	$724.15	-0-	38,489	2,402	36,087	6,072	32,417	-0-	$7.2	$18.2	$18.2	$115.5
2008	$250.00	$820.68	-0-	40,309	2,050	38,259	5,388	34,921	-0-	$6.2	$16.2	$16.2	$120.9
2009	$250.00	$928.22	-0-	42,194	1,778	40,416	4,746	37,448	-0-	$5.3	$14.2	$14.2	$126.6
2010	$250.00	$1,047.88	-0-	44,012	1,449	42,563	4,224	39,862	-0-	$4.3	$12.7	$12.7	$132.0
2011	$250.00		-0-	45,000	1,213	43,787	3,669	41,331	-0-	$3.6	$11.0	$11.0	$135.0
2012	$250.00		-0-	45,000	1,003	43,997	3,161	41,839	-0-	$3.0	$9.5	$9.5	$135.0
2013	$250.00		-0-	45,000	819	44,181	2,698	42,302	-0-	$2.5	$8.1	$8.1	$135.0
2014	$250.00		-0-	45,000	658	44,342	2,340	42,660	-0-	$2.0	$7.0	$7.0	$135.0
2015	$250.00		-0-	45,000	521	44,479	1,907	43,093	-0-	$1.6	$5.7	$5.7	$135.0
2016	$250.00		-0-	45,000	405	44,595	1,596	43,404	-0-	$1.2	$4.8	$4.8	$135.0
2017	$250.00		-0-	45,000	309	44,691	1,320	43,680	-0-	$.9	$4.0	$4.0	$135.0
2018	$250.00		-0-	45,000	231	44,769	1,078	43,922	-0-	$.7	$3.2	$3.2	$135.0
2019	$250.00	continues	-0-	45,000	169	44,831	066	44,134	-0-	$.5	$2.6	$2.6	$135.0
2020	$250.00	to	-0-	45,000	114	44,886	686	44,314	-0-	$.3	$2.1	$2.1	$135.0
2021	$250.00	increase	-0-	45,000	76	44,924	533	44,467	-0-	$.2	$1.6	$1.6	$135.0
2022	$250.00		-0-	45,000	48	44,952	407	44,593	-0-	$.1	$1.2	$1.2	$135.0
2023	$250.00		-0-	45,000	31	44,969	304	44,696	-0-	$.1	$.9	$.9	$135.0
2024	$250.00		-0-	45,000	18	44,982	222	44,778	-0-	$.1	$.7	$.7	$135.0
2025	$250.00		-0-	45,000	10	44,990	150	44,850	-0-	$.0	$.5	$.5	$135.0
2026	$250.00		-0-	45,000	5	44,995	100	44,900	-0-	$.0	$.3	$.3	$135.0
2027	$250.00		-0-	45,000	3	44,997	63	44,937	-0-	$.0	$.2	$.2	$135.0
2028	$250.00		-0-	45,000	1	44,999	41	44,959	-0-	$.0	$.1	$.1	$135.0
2029	$250.00		-0-	45,000		45,000	24	44,976	-0-	$.0	$.1	$.1	$135.0
2030	$250.00		-0-	45,000		45,000	13	44,987	-0-	$.0	$.0	$.0	$135.0
2031	$250.00		-0-	45,000		45,000	7	44,993	-0-	$.0	$.0	$.0	$135.0
2032	$250.00		-0-	45,000		45,000	4	44,996	-0-	$.0	$.0	$.0	$135.0
2033	$250.00		-0-	45,000		45,000	1	44,999	-0-	$.0	$.0	$.0	$135.0
2034	$250.00		-0-	45,000		45,000		45,000	-0-	$.0	$.0	$.0	$135.0
						NOMINAL DOLLARS, 1986-2034			$528	$811	$1,122	$1,040	$5,419
					ALB PAYMENTS	CONSTANT 1985 DOLLARS, 1986-2034			$375	$509	$633	$586	$1,391
						PRESENT VALUE IN 1985			$323	$421	$506	$470	$880
						NOMINAL DOLLARS, 1986-1988			$113	$79	$56	$0	$0
					FRONT LOADING PAYMENTS	CONSTANT 1985 DOLLARS, 1986-1988			$101	$71	$50	$0	$0
						PRESENT VALUE IN 1985			$96	$67	$47	$0	$0
						NOMINAL DOLLARS			$641	$890	$1,178	$1,040	$5,419
					COMBINED PAYMENTS	CONSTANT 1985 DOLLARS			$476	$580	$683	$586	$1,391
						PRESENT VALUE IN 1985			$419	$488	$553	$470	$880

Prepared by the Division of Strategic Planning, OMB. 12/27/84

ALB CASES WITH THREE YEAR FRONT LOADING AND THREE PERCENT ESCALATOR

FISCAL YEAR	----MONTHLY PAYMENTS---- TARGET	MAXIMUM POSSIBLE ANNUITY	ALB	----POPULATIONS---- 65 & OVER	65 BEFORE 1986	65 AFTER 1985	65 BEFORE 1991	65 AFTER 1990	----PROGRAM COSTS (MILLIONS)---- COMM. DILL	COMM. BILL stairstep in 1986	COMM. BILL stairstep in 1991	ADAMS BILL with escalator	CURRENT LAW with escalator
1986	$250.00	$11.92	$238.08	16,744	15,039	1,705	16,744	-0-	$47.8	$50.0	$50.2	$50.2	$50.2
1987	$257.50	$24.86	$232.64	17,768	14,349	3,419	17,768	-0-	$49.6	$53.9	$54.9	$54.9	$54.9
1988	$265.23	$39.05	$226.18	18,769	13,660	5,109	18,769	-0-	$50.9	$57.3	$59.7	$59.7	$59.7
1989	$273.18	$46.94	$226.24	19,828	12,974	6,854	19,828	-0-	$53.8	$61.1	$65.0	$65.0	$65.0
1990	$281.30	$56.27	$225.11	20,913	12,293	8,620	20,913	-0-	$56.5	$64.8	$70.6	$70.6	$70.6
1991	$289.82	$67.21	$222.61	21,908	11,616	10,292	19,981	1,927	$58.5	$67.9	$74.6	$69.5	$76.2
1992	$298.51	$79.93	$218.58	22,849	10,943	11,906	19,046	3,803	$59.9	$70.4	$78.2	$68.2	$81.8
1993	$307.47	$94.67	$212.80	23,861	10,273	13,588	18,111	5,750	$60.9	$72.6	$81.5	$66.8	$88.0
1994	$316.69	$111.73	$204.96	24,799	9,606	15,193	17,183	7,616	$61.0	$73.9	$84.0	$65.3	$94.2
1995	$326.19	$131.53	$194.66	25,891	8,945	16,946	16,262	9,629	$60.5	$74.6	$86.1	$63.7	$101.3
1996	$335.98	$154.20	$181.78	26,863	8,291	18,572	15,345	11,518	$58.6	$73.9	$87.0	$61.9	$108.3
1997	$346.06	$180.13	$165.93	27,692	7,644	20,048	14,431	13,261	$55.1	$71.7	$86.3	$59.9	$115.0
1998	$356.44	$209.76	$146.68	28,657	7,012	21,645	13,544	15,113	$50.4	$68.1	$84.5	$57.9	$122.6
1999	$367.13	$243.52	$123.61	29,556	6,396	23,160	12,623	16,933	$43.8	$62.5	$80.7	$55.6	$130.2
2000	$378.15	$281.92	$96.23	30,511	5,799	24,712	11,733	18,778	$35.2	$54.9	$74.9	$53.2	$138.5
2001	$389.49	$325.34	$64.15	31,459	5,225	26,234	10,855	20,604	$24.2	$44.6	$66.6	$50.7	$147.0
2002	$401.18	$374.26	$26.92	32,440	4,676	27,764	9,995	22,445	$10.5	$31.5	$55.4	$48.1	$156.2
2003	$413.21	$429.25	-0-	33,448	4,156	29,292	9,155	24,293	-0-	$20.6	$45.4	$45.4	$165.9
2004	$425.61	$490.97	-0-	34,483	3,666	30,817	8,340	26,143	-0-	$18.7	$42.6	$42.6	$176.1
2005	$438.38	$560.18	-0-	35,721	3,210	32,511	7,552	28,169	-0-	$16.9	$39.7	$39.7	$187.9
2006	$451.53	$637.63	-0-	37,130	2,788	34,342	6,794	30,336	-0-	$15.1	$36.8	$36.8	$201.2
2007	$465.07	$724.15	-0-	38,489	2,402	36,087	6,072	32,417	-0-	$13.4	$33.9	$33.9	$214.0
2008	$479.03	$820.68	-0-	40,309	2,050	38,259	5,388	34,921	-0-	$11.8	$31.0	$31.0	$231.7
2009	$493.40	$928.22	-0-	42,194	1,778	40,416	4,746	37,448	-0-	$10.5	$28.1	$28.1	$249.8
2010	$508.20	$1,047.88	-0-	44,012	1,449	42,563	4,224	39,862	-0-	$8.8	$25.8	$25.8	$268.4
2011	$523.44		-0-	45,000	1,213	43,787	3,669	41,331	-0-	$7.6	$23.0	$23.0	$282.7
2012	$539.15		-0-	45,000	1,003	43,997	3,161	41,839	-0-	$6.5	$20.5	$20.5	$291.1
2013	$555.32		-0-	45,000	819	44,181	2,698	42,302	-0-	$5.5	$18.0	$18.0	$299.9
2014	$571.98		-0-	45,000	658	44,342	2,340	42,660	-0-	$4.5	$16.1	$16.1	$308.9
2015	$589.14		-0-	45,000	521	44,479	1,907	43,093	-0-	$3.7	$13.5	$13.5	$318.1
2016	$606.82		-0-	45,000	405	44,595	1,596	43,404	-0-	$2.9	$11.6	$11.6	$327.7
2017	$625.02		-0-	45,000	309	44,691	1,320	43,680	-0-	$2.3	$9.9	$9.9	$337.5
2018	$643.77		-0-	45,000	231	44,769	1,078	43,922	-0-	$1.8	$8.3	$8.3	$347.6
2019	$663.08	continues	-0-	45,000	169	44,831	866	44,134	-0-	$1.3	$6.9	$6.9	$358.1
2020	$682.98	to	-0-	45,000	114	44,886	686	44,314	-0-	$.9	$5.6	$5.6	$368.8
2021	$703.47	increase	-0-	45,000	76	44,924	533	44,467	-0-	$.6	$4.5	$4.5	$379.9
2022	$724.57		-0-	45,000	48	44,952	407	44,593	-0-	$.4	$3.5	$3.5	$391.3
2023	$746.31		-0-	45,000	31	44,969	304	44,696	-0-	$.3	$2.7	$2.7	$403.0
2024	$768.70		-0-	45,000	18	44,982	222	44,778	-0-	$.2	$2.0	$2.0	$415.1
2025	$791.76		-0-	45,000	10	44,990	150	44,850	-0-	$.1	$1.4	$1.4	$427.5
2026	$815.51		-0-	45,000	5	44,995	100	44,900	-0-	$.0	$1.0	$1.0	$440.4
2027	$839.97		-0-	45,000	3	44,997	63	44,937	-0-	$.0	$.6	$.6	$453.6
2028	$865.17		-0-	45,000	1	44,999	41	44,959	-0-	$.0	$.4	$.4	$467.2
2029	$891.13		-0-	45,000		45,000	24	44,976	-0-	$.0	$.3	$.3	$481.2
2030	$917.86		-0-	45,000		45,000	13	44,987	-0-	$.0	$.1	$.1	$495.6
2031	$945.40		-0-	45,000		45,000	7	44,993	-0-	$.0	$.1	$.1	$510.5
2032	$973.76		-0-	45,000		45,000	4	44,996	-0-	$.0	$.0	$.0	$525.8
2033	$1,002.97		-0-	45,000		45,000	1	44,999	-0-	$.0	$.0	$.0	$541.6
2034	$1,033.06		-0-	45,000		45,000		45,000	-0-	$.0	$.0	$.0	$557.9

Prepared by the Division of Strategic Planning, OMB. 12/27/84

ALB PAYMENTS	NOMINAL DOLLARS, 1986-2034	$838	$1,209	$1,674	$1,455	$13,087
	CONSTANT 1985 DOLLARS, 1986-2034	$536	$694	$856	$745	$2,501
	PRESENT VALUE IN 1985	$442	$553	$658	$577	$1,393
FRONT LOADING PAYMENTS	NOMINAL DOLLARS, 1986-1988	$113	$79	$56	$0	$0
	CONSTANT 1985 DOLLARS, 1986-1988	$101	$71	$50	$0	$0
	PRESENT VALUE IN 1985	$96	$67	$47	$0	$0
COMBINED PAYMENTS	NOMINAL DOLLARS	$951	$1,287	$1,730	$1,455	$13,087
	CONSTANT 1985 DOLLARS	$637	$765	$906	$745	$2,501
	PRESENT VALUE IN 1985	$538	$620	$705	$577	$1,193

JAN - 3 1985

Draft

REPORT TO THE FOURTEENTH LEGISLATURE - FIRST SESSION AND TO GOVERNOR BILL SHEFFIELD FROM THE STATE SPECIAL COMMITTEE ON THE ALASKA LONGEVITY BONUS PROGRAM

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Introduction.

In June, 1984, the Alaska Longevity Bonus Program (AS 47.45) was declared unconstitutional because it required recipients to have resided in Alaska both prior to statehood and for 25 consecutive years. The Thirteenth Legislature, 2nd Sess., repealed these lengthy residency requirements, thus opening the program to new participants. Ch. 38, SLA 1984. However, the amended law, by its own terms, is to be repealed effective June 30, 1985. Id., Sec. 11.

The amending legislation also established the State Special Committee on the Alaska Longevity Bonus Program to "determine the feasibility of replacing the longevity bonus program, as amended by this Act, with an annuity program, a needs-based program, or other longevity program." Id., Sec. 7. This is the Committee's report.

Recommendation: Annuity Approach.

The Committee has developed a proposal which would phase out the existing longevity bonus program, and replace it with individual annuity accounts funded primarily by the permanent fund dividends of participants. 1/ Under the Committee

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1/ Three different annuity approaches were initially considered by the Committee: (1) SB 465, introduced in the 1984 legislature

bill, Alaskans who choose to participate in the program will receive monthly benefits, after reaching age 65, of at least the $250 which is currently provided by the bonus program, inflated by three percent annually.

The program is available to those who reach age 65 after 1985. Under the bill, Alaska's existing elderly will receive their current $250 bonus, inflated by three percent annually, without having to forego their permanent fund dividends.

The Committee bill provides that each year every Alaskan (except those who are 65 or older before 1986) will receive his or her permanent fund dividend in the form of a credit to an annuity account, unless the individual affirmatively

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by several senators; (2) an amended version of HB 700, also introduced in that legislature; and (3) a draft bill prepared by Senator Bill Ray (D., Juneau). The Ray bill became the vehicle for the Committee's proposal. All three proposals involved foregoing a permanent fund dividend in return for some type of future annuity benefit.

SB 465 would have paid $16.50 per month to each elderly Alaskan for every permanent fund dividend foregone -- to a limit of $250 per month.

HB 700 would have given each Alaskan one annuity share for each foregone dividend. Each year, one third of the money available for permanent fund dividends would then be divided by the number of annuity shares held by those over the age of 65. Each elderly Alaskan would receive a portion of that annuity fund commensurate with the number of shares held.

The Committee was advised by legal counsel that HB 700 and SB 465 created greater constitutional risks than did the Ray proposal; the Committee therefore focused on the concept embodied in Senator Ray's bill.

elects to receive cash. 2/ Section 2 of the bill provides that the legislature may "front-load" the program by appropriating additional funds into the annuity account, which will be attributed to individual accounts on a prescribed formula. Under that formula, state contributions are greatest for those approaching retirement age, and decline for younger Alaskans. Beginning at age 65, a participant receives an annuity based on his contributions and any front-loading -- plus earnings accumulated on those amounts. 3/

Even with front-loading, it will be years before annuity payments are sufficient to replace the longevity bonus. The ALB program is thus retained at a level which, for those turning 65 after 1985, will be reduced annually. 4/ Under the bill, a "target amount" for the ALB is established (Section 8), which is $250 per month (in FY 1986) inflated by 3% each year.

2/ This aspect of the committee proposal reflects a change from earlier annuity bills, which required an election to forego cash payment. Because, in the future, the annuity program will be the only state source of non-need-based retirement assistance, the committee believes that each Alaskan should be required to come to grips with the long-term consequences of a decision to take the dividend in cash.

3/ Under the Committee bill a participant who dies before age 65 will forfeit his accumulated annuity credits (see the discussion of survivor options at 17, post); the amounts forfeited will be reallocated to surviving participants and thus will increase their annuities.

4/ The longevity bonus itself is, of course, available to all elderly Alaskans whether or not they have also established annuity accounts.

That target amount is then reduced by the maximum possible annuity which would be available to a 65-year old individual who has participated in the program every year since the program's inception. For example, if the inflated ALB "target" for a particular year is $280, and a person turning 65 who received an annuity credit in each year of the program would be entitled to an annuity of $100 per month, the ALB payment for all recipients would be $180. That $180 will not vary according to the actual participation histories of individual ALB recipients.

Over the years, individual annuity accounts will become greater, and each year the longevity bonus payable to new recipients becomes correspondingly smaller. By the year 2003, the Committee projects that the maximum possible annuity will be sufficient to bring an end to the general-funded ALB program, except for those relatively few who were 65 or older before 1986, and are still receiving ALB payments in that year. This is best illustrated by the following chart:

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	Maximum Possible Annuity 5/	ALB (for all new recipients)
1986	4.37	$245.63
1990	32.50	248.88
1995	106.27	219.92
2000	255.70	122.45
2005	533.39	-0-

The Committee considered other options besides the annuity approach. Among those were a need-based program and stair-stepping.

One reason for rejecting a "need-based" program was the strenuous opposition to such a program among Alaska's elderly. Primarily, however, the Committee concluded that a need-based program would be contrary to the intent of the ALB program. That program is not and was never intended to be a form of welfare. Rather, it should be viewed as means of assisting all Alaskans to provide for their retirement security.

The Committee was also aware of the "stair-stepping approach," under which the ALB Program is slowly phased out through an annual increase in the eligibility age. Under legislation which passed the House of Representatives during the previous legislature, the eligibility age would begin to rise above 65 in 1991.

5/ Annuity projections are without "front-loading."

The Committee believes that there is a need for future state participation in the building of retirement security that is not recognized in the stairstepping approach standing alone. For example, the principal form of non-need based assistance is, of course, Social Security. Yet Alaska's elderly receive the same Social Security payments as those who reside where the cost of living is much lower. Moreover, Alaska has a uniquely high percentage of elderly who are ineligible for Social Security because of a lack of wage-earning history. Thus, in one area of the state -- Northwest Alaska -- 66% of the region's elderly reported the ALB as their principal source of income.

As oil revenues decline, and economic activity in the state becomes more uncertain, it is entirely possible that the state's future elderly will find themselves in a more precarious position than today. And, at that point, the state -- for these same economic reasons -- may be unable to help.

One obvious impact of abolishing the ALB program through "stair-stepping" is an increased Old Age Assistance case load. Currently, nearly 6,600 ALB recipients -- or 40% of all recipients -- are apparently eligible to apply for both OAA and Medicaid benefits. These benefits are substantial -- averaging $2,640 per year. for OAA and an additional $2,500 per year for Medicaid. Yet, of the potentially eligible, only 2,526 -- or roughly 38% -- have in fact applied for OAA and Medicaid.

Over the years, the ALB program has been defended on the ground that it has enabled many Alaskan elderly to remain off

the welfare roles. Statistics bear this out dramatically, indicating that a majority of those ALB recipients who are eligible for OAA and Medicaid have been able to remain off these programs because of the bonus.

For these reasons, stair-stepping by itself is not being recommended to the legislature.

On the other hand, the principal advantage of "stair-stepping" is the protection which it affords those who are currently on the ALB program, and who have come to rely on both the Longevity Bonus and the permanent fund dividend to sustain themselves. The committee concluded that forcing Alaska's existing elderly to forego their Permanent Fund Dividend in order to assure continued receipt of the "target" Longevity Bonus might work a hardship on these older Alaskans. As a result, the committee decided to include in the bill a so-called "grandfathering" provision which allows those reaching age 65 before 1986 to take their Permanent Fund Dividend in cash and still receive a full Longevity Bonus for the remainder of their lives. The committee legislation, then, is intended to blend the most salutory aspects of both an annuity approach and "stair-stepping."

The virtue of an annuity approach is that it enables the state and each individual Alaskan to set aside funds now for those perhaps more difficult years ahead. It is a program designed to substitute private thrift for public largesse. The Committee also believes that the permanent fund dividend is an

appropriate source of funds for the annuity program. The purpose of the annuity program is much like the purpose of the permanent fund itself. Moreover, one purpose of the dividend program -- to give each Alaskan a stake in the management of the permanent fund -- will be enhanced if Alaskans' retirement security is at least in part dependent on wise stewardship of that fund.

Major Features.

1. Front-loading. The Committee envisions that the legislature may add additional sums to individual annuity accounts. Under "front-loading," a person will receive an annuity account credit greater -- and perhaps substantially greater -- than the amount of cash he or she could have received.

The Committee initially analyzed the annuity concept without front-loading. Even without front-loading, annuity payments eventually replace longevity bonus payments from the general fund. Nonetheless, the Committee feared that because annuity payments were low in the early years, those Alaskans who are now near retirement age would not participate in the program. Moreover, general fund contributions did not begin to see significant reductions for about 10 years.

Front-loading provides a substantial incentive to individuals to forego immediate cash in favor of retirement security. While it costs more in the initial years, that cost is incurred in years in which oil revenues are expected to remain

high. Moreover, general fund contributions to the ALB program taper off rapidly. In other words, because front-loading causes the maximum possible annuity payment to increase, residual longevity bonus payments decrease more rapidly. Thus, dollars invested in early years through front-loading result in a decrease in general fund obligations in later years.

Under the Committee bill, substantial front-loading now would actually result in a net gain over the life of the ALB program -- at least in nominal dollars. Thus, if $79 million were appropriated for front-loading over the next three years, that investment would result in a return of $81 million in reduced ALB payments over the next 25 years. In constant 1986 dollars, the ultimate cost of investing $79 million now is $30 million.

Additionally, front-loading serves other important purposes which the Committee believes warrant the cost in constant dollars:

(1) The Committee bill will work only if Alaskans participate. If they do not, Alaska's future elderly may still place precisely those substantial demands on the general fund which this bill seeks to avoid; and

(2) A premium may fairly be placed on the current availability of funds. If $1.00 of general funds front-

loaded now returns 75¢ (in constant dollars) years hence, the fact that the general fund has that $1.00 now, but may not have the 75¢ later, is of some relevance.

Front-loading need not be a one time, or even short-term program. To the contrary, the Committee feels that the policy considerations behind front-loading will be with us for some time, and that -- subject to available funds -- some degree of front-loading should be considered by the legislature each year.

The Committee settled on a front-loading concept weighted in favor of older Alaskans. Several other options were also considered. First, we examined a per-capita contribution made to each Alaskan who chose an annuity credit. Assuming that the front-loading contribution was $50 million in the first year, and that 50 percent of all Alaskans chose an annuity credit, the result was that ultimate annuity payments to those now near retirement age did not increase rapidly enough to offset general fund payments for longevity bonuses. Thus, this form of front-loading did not significantly reduce long-term general fund obligations. Nor did it satisfy the goal of the Committee to provide the greatest incentives to those who may need them most.

To better accomplish this goal, the Committee next considered a straight $10 incremental increase in front-loading based on age: that is, participants would receive $10 for each

year that they were older than age 17 -- up to age 65. 6/ This option produced a better result in terms of reduced general fund obligations than the per-capita distribution, but it still did not increase annuity payments fast enough to be a significant incentive -- to older Alaskans in particular -- to participate in the program.

Finally, projections were run on the option embodied in the bill: persons 18-34 years old would receive a base amount of front-loading in addition to the dividend -- for example, $50. Those over 34 would receive a percentage increase (for example, 10%) for each year of age over 34, up to age 65. Under this option, front-loading increases on a curve rather than a straight line -- increasing dramatically as an individual approaches age 65. Thus, a $50 base with 10% per year increases results in an 34 year old receiving $50, a 50 year old $211, and a 64 year old approximately $800.

The incentive to join the program, then, increases dramatically as retirement age approaches. It is this aspect which is most appealing to the Committee, for the following reasons:

First, older Alaskans are most in need of incentives to participate. Because initial annuity payments are small, many may be tempted to take a cash payment which is larger than the

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6/ Thus, an 18 year old would receive $10, a 38 year old $210, and a 65 year old $480.

annual annuity which it will yield. Then, years later, that person will suffer materially reduced benefits because of that short-sighted decision. On the other hand, younger Alaskans need not participate in the program every year in order to build a sizeable annuity. Based upon projections available to the Committee, a 47 year old (in 1986) would be required to participate every year in order to achieve the target annuity when he reaches 65 in the year 2004 -- the year the ALB program disappears. Recognizing that financial circumstances may require a cash election in some years, and that some individuals may be ineligible for a dividend in some years, the Committee concluded that additional incentives are appropriate beginning at age 35 in order to help ensure that the maximum possible number of Alaskans will achieve the target annuity.

Second, while older Alaskans will receive more at the outset, the front-loading given younger Alaskans will be invested for a longer period of time. To the extent that the percentage differential is commensurate with account earnings, the eventual return to both old and young will be quite similar.

Additionally, this option actually costs less in front-loading dollars than the straight line approach -- even though the now-elderly receive larger amounts.

Two additional points regarding front-loading warrant note. First, and as discussed earlier, under the Committee bill those who reach age 65 before 1986 do not participate in the annuity program because they are guaranteed a full longevity

bonus for life. As a result, in 1985, there will be no front-loading for any individual over the age of 64. In future years, elderly Alaskans who are not within the Committee's grandfather clause will be required to participate in the annuity program if they wish to receive the "target" payment. The incremental increase in front-loading will end at age 65, and those over the age of 65 will receive the same amount of front-loading as a 65-year-old.

Second, the Committee bill envisions that the source of front-loading funds may be the earnings of the undistributed income account of the Alaska permanent fund. In past years, permanent fund earnings have exceeded the amount necessary to pay dividends and inflation-proof the fund itself. The resulting surplus comprises the undistributed income account, which has a current balance of $557 million. That account itself yields annual earnings which are greater than that necessary to provide front-loading, and which are available for appropriation.

The Committee concluded that these earnings are an appropriate source of funds for front-loading for one obvious reason: as with the basic structure of the annuity program itself, this aspect of the bill will devote current permanent fund earnings in a manner which will substantially decrease general fund obligations in later and perhaps leaner years. Once again, however, only earnings are involved. It must be stressed that nothing in the Committee bill in any way impairs the integrity of the permanent fund itself.

2. The 3% Escalator. The committee recognizes that, in legislation which passed the House last session, no automatic escalator was provided. Since the beginning of the ALB program in 1972, the original $100 payment has been periodically increased to its current $250 limit. While the amount seems large, it has -- in fact -- roughly kept pace with inflation. If the ALB is retained, the committee believes that it is unreasonable to assume that no increase in the ALB will ever be made. The persistent erosion in the real value of the ALB would at some point become so severe that relief would be necessary. For example, assuming a 6% inflation rate, a $250 ALB now will be worth only $104 15 years hence.

There are two ways of dealing with the gradual erosion of the value of the ALB. The first is to leave the problem to future legislatures. The second is the approach taken in the committee bill, which provides a modest 3% annual adjustment intended not to precisely keep pace with inflation, but rather to provide certainty in the amount of the payment.

3. Administrative Costs of the Program. Subsection 2(e) provides that the legislature may appropriate funds from the annuity account to pay the administrative costs of the annuity program. 7/ Thus, the costs of the program will be borne by the

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7/ If the states chooses to place the funds with private carriers, any costs shifted to the carrier under the contract would also be paid from the annuity accounts.

annuity participants, whether the funds are privately placed or not.

The bill states that administrative costs will be "equitably allocated" among annuity accounts; it is the Committee's intent that an equitable allocation will take into account such factors as numbers of participants, age, and relative account balances.

4. Choice of Benefits. Most annuity programs offer participants a choice of options, such as joint and survivor benefits. The primary reason for survivor benefits in employment annuity programs is that among married couples there is often only one wage earner. Survivor benefits are thus available to insure that the dependent spouse is not left without income. Since the annuity program in the draft bill is available to both spouses, just as is the present longevity bonus program, the Committee opted for simplicity and did not include a choice of benefits.

5. Setting the Amount of the Longevity Bonus Payment. Section 8 of the bill provides that the longevity bonus payment for those who have not reached 65 before 1986 -- is determined by deducting from that payment the maximum possible annuity available to a person who turns 65 in the year in question. The bill uses the annuity available to a 65-year-old because that annuity is the smallest available (among those who have received the maximum possible credits). A 75-year-old with the identical contribution of a 65-year-old will receive a larger annuity

because his life expectancy is shorter, and his capital will be returned faster. Thus, some Alaskans will receive more than the target amount during the early years of the program, and no elderly Alaskans (with full participation) will receive less.

6. Residency Questions. The bill has no residency requirements for receipt of annuity payments. Permanent fund dividends are, of course, only available to Alaska residents -- so that an individual must be an Alaskan to contribute to an annuity account. 8/

7. Federal Income Tax Considerations. The Committee has engaged special tax counsel to consider the federal income tax consequences of its proposal. The key income tax issue is whether an Alaskan who is entitled to a permanent fund dividend will be taxable on the cash he could have elected to receive as a dividend even though, under the new program, he or she actually is only credited with the right to receive a future annuity from the state. Tax counsel has advised the Committee that due to the uniqueness of this proposed program, there is no legal precedent currently available which definitively provides an answer to this question.

Based on analogous federal tax authorities, tax counsel believes that a crucial factor in determining whether or not an Alaskan receiving an annuity credit will avoid current federal

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8/ The longevity bonus program will still require that an individual be a one-year resident to receive a bonus.

income taxation is the amount with which the legislature "front-loads" the annuity credit in the year the credit is granted. If the legislature provides a substantial front-load to the annuity credit for a particular year, an Alaskan receiving a credit that year should not be subject to tax until annuity payments are actually made on retirement. However, if the legislature provides little or no front-load to the credit for a particular year, there would be a substantial risk that those receiving annuity credits would be taxable immediately on the amount of cash they could have elected in lieu of the credit.

Tax counsel has advised the Committee that the available tax authorities do not provide firm guidance as to the minimum amount of front-load necessary to support deferred tax treatment of annuity credits. There is an example in the regulations suggesting that a front-load of 25% or more of the amount of the annuity credit for the year would be sufficient; however, tax counsel believes that a lesser amount may suffice. Because of this uncertainty, tax counsel suggests that if the legislature enacts this proposal it would be in the state's best interest to obtain an advance ruling from the Internal Revenue Service on the question before the proposal is actually implemented.

8. Annuity Credits Are Not a Vested Right. The Committee bill provides that an individual does not receive a vested or property right to an annuity payment until that payment is made. Funds must be appropriated annually by the legislature from the

annuity account to make annuity payments. Although the legislative intent of the bill clearly is to provide annuity payments to those who have participated in the program, the Committee bill neither binds future legislatures nor creates a dedicated fund. Thus, the legislature may legally appropriate the annuity funds for any public purpose. An individual's right to an annuity payment prior to dispersal is an unfunded, unsecured promise of the state. Thus, a future annuitant is in no better legal position than any unsecured creditor of the state.

As a result, the bill is silent with regard to the garnishment of annuity credits. Prior to annuity payments, there is nothing to garnish or attach, nor anything that can properly be regarded as "income" or an "asset."

9. Protection of Alaska's Existing Elderly. As noted previously, persons who reach the age of 65 before 1986 will not be required to forego their permanent fund dividend in order to receive a $250 per month Longevity Bonus, inflated 3% annually. The Committee decided to integrate this aspect of "stair-stepping" because it concluded that many retired Alaskans have come to rely upon both the ALB and the permanent fund dividend, and -- since they are now retired -- would be unable to make adequate arrangements to mitigate the impact of an abrupt denial (or reduction) in either payment.

Under last session's House bill, those who had reached the age of 60 before 1986 would have received a full ALB for

life, although the amount of that bonus would not be increased in future years. The Committee considered, and rejected the option of extending this protection to 60-year-olds for three reasons:

1. Assuming a retirement age of 65, those under that age will have 1-5 years to make necessary arrangements to accommodate either the loss of a cash dividend, or incremental reductions in the ALB payment. Current retirees, on the other hand, have little or no ability to alter their financial condition. Thus, while any age group might be said to have some "expectancy" to both an ALB and a cash dividend, that "expectancy" is more immediate, and more critical, for existing retirees;

2. Exempting 60-year-olds from the ALB reduction of the Committee bill would not simply postpone the inevitable financial disparity between two groups of Alaskans -- it would aggravate it. Under the House bill, the first reduction in payments would occur in 1991. Because of the growth in the "maximum possible annuity" by that time, the initial difference in monthly ALB payments between an exempt recipient, and a non-exempt recipient who did not forego his dividend, would be $67.21 per month. Conversely, under the Committee bill, differential payments will begin in 1986, and will initially be $11.92 per month. The Committee felt that if some smaller differential were felt immediately, the need to begin participation in the program now would be more apparent to non-exempt recipients. In other words, immediate

"stair-stepping" may well encourage higher annuity participation, which in turn will reduce the actual differential treatment between exempt and non-exempt recipients; and

3. The ALB program cannot go on forever. Indeed, it has been a goal of the Committee to develop a proposal which phases out general fund obligations near the turn of the century -- when oil revenues are predicted to dramatically decline. If the bill were to protect existing 60-year-olds, the Committee projects that the state would still be making general fund ALB payments of $74.9 million in the year 2000, and general fund obligations would not end until the year 2029. Moreover, extending the bill's protection to 60-year-olds would cost an additional $330 million over the life of the program. In drawing the necessary dividing line between those who can continue to receive the full benefits of existing law, and those who cannot, economic feasibility plays an appropriate role. For the reasons above-stated, the Committee believes that the line is best drawn at age 65.

10. Possible Participation Rates. The committee attempted to estimate likely participation rates for the legislation's annuity program. Currently, participation rates in certain voluntary employee retirement plans exceed 50%. There are, however, differences between those plans, and the annuity program established by the committee's bill. Under most employee plans, contributed funds can be withdrawn upon termination, or in case of substantial hardship. Under the committee bill, however, no

benefits can accrue until retirement. Additionally, high participation rates in employee plans are, in large part, a function of intensive educational efforts which cannot be duplicated on a statewide basis -- particularly in Alaska. Finally, participation rates for employee plans may be irrelevant in predicting participation by the jobless and very poor.

On the other hand, with front loading, matching contributions which participants receive may be, at least for older Alaskans, substantially more than typical matching payments by employers. Additionally, under any employee plan, an employee must dedicate a portion of his or her regular monthly salary -- each dollar of which may already have been budgeted for regular family needs. The permanent fund dividend, on the other hand, is an irregular source of income which (for some Alaskans) is not a component of the regular family budget, and hence more readily disposable.

Given these differences, and the unique nature of the annuity program established by this bill, the committee does not believe that any meaningful projection, or even range of projections, can be provided.

If participation rates are very high, by the year 2003 state Old Age Assistance payments may be substantially decreased. Indeed, it is conceivable that a successful annuity program could virtually eliminate the need for old age welfare payments. For example, by the year 2010, every elderly Alaskan who has fully participated in the program will be receiving a monthly annuity

of $1,047.88.

On the other hand, if participation is very low, the state may experience increased old age assistance obligations as the residual longevity bonus phases out.

The only way to guard against future increases in OAA clientele is to maintain the existing ALB program -- an option which the committee believes is cost-prohibitive. Other options studied would not simply threaten, but inevitably lead to higher OAA obligations. The committee bill, on the other hand, offers Alaska's future elderly at least the opportunity to ultimately avoid the need for OAA assistance -- an opportunity which at least some Alaskans will accept. In other words, even with modest levels of participation, the result would be better than under "stair-stepping."

11. Costs of Various ALB Alternatives. The committee has estimated the costs of various alternatives. Although population figures (and hence program costs) in future years are difficult to predict, several of the alternatives studied -- including the House stair-stepping approach -- envision general fund expenditures well into the next century. The committee felt that it was particularly important to at least estimate costs beyond the year 2000 for two reasons:

First, it has been a goal of the committee to develop a program which phases out general obligations after the turn of the century -- when oil revenues are projected to dramatically decline. Estimating post-2000 expenditures is thus particularly

important.

Second, some options envision higher immediate investment in return for lower long term obligations. Others involve smaller near-term expenditures -- an attribute which is paid for in the years to come. A fair comparison, then, can only be made by looking at total expenditures over the life of each alternative.

Chart 1 indicates the costs of making continued ALB payments under four alternatives. This chart assumes that -- whatever program is chosen -- an escalation in the ALB payment will be made as the years go by. As the chart indicates, the cost of continuing the current, expanded ALB program is prohibitive. The second option, the "Annuity Program," reflects the committee bill without grandfathering Alaska's existing elderly. Under this option, in order to receive the target amount, existing elderly would be required to forego their permanent fund dividends.

The third option -- the "Annuity Program w/1986 Stairstep" -- reflects the ALB costs of the committee bill itself. Finally, the "House Stairstep" approach refers to last session's legislation, which would begin stair-stepping in FY 1991.

Assuming that the legislature provides a 3% per annum increase in the ALB payment, the ALB costs of the options considered are as follows:

Chart 1

ALB COSTS THROUGH 2034
WITH 3% ESCALATOR (in millions)

	Nominal $	Constant $	Present Value 9/
Current Law	13,087	2,501	1,393
Annuity Program	964	605	496
Annuity Program w/1986 Stairstep	1,290	735	584
House Stairstep	1,455	745	577

Conversely, if the legislature held the amount of the ALB constant over the years instead of providing a regulator escalator, the ALB costs of the option would be:

Chart 2

ALB COSTS THROUGH FY 2034
WITHOUT ESCALATION (in millions)

	Nominal $	Constant $	Present Value
Current Law	5,419	1,391	880
Annuity Program	619	432	369
Annuity Program w/1986 Stairstep	864	539	444
House Stairstep	1,040	586	470

In addition to the general fund costs of (1) continuing the current ALB for existing recipients, and (2) providing a

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9/ The term "Nominal $" is self-explanatory. The term "Constant $" refers to costs expressed in 1986 dollars -- assuming 6% annual inflation. The term "Present Value" refers to the amount of money which, if invested now, would endow the various options through the duration of each.

gradually reduced ALB for new recipients, the committee bill envisions that individual annuity accounts will be "front loaded" with funds drawn from the earnings of the undistributed income account of the Alaska permanent fund.

Estimating the costs of "front loading" is a three step process. First, the committee assumed that the legislature would provide sufficient front loading to allow those 35 and younger to receive a $50 base supplement, and those over 35 to receive a supplement which is increased 10% for each year of age up to 65. Second, the committee assumed that participation rates would be very low in younger Alaskans, and extremely high for those older Alaskans receiving the greatest front-loading. The cost of "front load payments" under those assumptions -- with and without the grandfathering of existing recipients are reflected in Chart 3.

Finally, the effect of front loading is to more rapidly reduce the "target" ALB, and hence reduce general fund obligations. Thus, the net cost of any front loading must be offset by "ALB savings," which are also reflected in Chart 3:

Chart 3

EFFECT OF 3-YEAR FRONT LOADING
(in millions)

	Nominal $	Constant $	Present Value
Annuity Program (3% Esc.)			
Front-Load Payments	113	101	96
(ALB Savings)	(126)	(69)	(31)
Net Cost (Savings)	(13)	32	65
Annuity Program (No Esc.)			
Front-Load Payments	113	101	96
(ALB Savings)	(91)	(57)	(46)
Net Cost (Savings)	22	44	50
Annuity & 1986 Stairstep (3% Esc.)			
Front-Load Payments	79	71	67
(ALB Savings)	(32)	(41)	(31)
Net Cost (Savings)	(3)	30	36
Annuity & 1986 Stairstep (No Esc.)			
Front-Load Payments	79	71	56
(ALB Savings)	(56)	(30)	(23)
Net Cost Savings	23	41	44

The net costs (or savings) of front loading for any particular program can then be added (or subtracted) from the appropriate column of Charts 1-2. From that exercise, it is apparent that front loading does not materially affect the cost ranking of any of the options considered.

Finally, under the House stair-stepping bill, those who do not reach age 65 by FY 1990 will receive no longevity bonus. Of those who are denied the bonus in the future, a portion will apply for state Old Age Assistance. As noted previously, some 6,600 ALB recipients are currently eligible for OAA and Medicaid;

yet, largely because of the bonus, only 2,526 actually receive these benefits. There is thus a segment of Alaska's elderly -- currently as many as 4,000 -- who are now eligible for OAA and Medicaid, and who might apply for benefits under those programs if the ALB were denied.

It is difficult to predict the number of elderly who would actually turn to state welfare assistance if and when the ALB program were terminated. Currently, one out of every 2.65 eligible ALB recipients actually applies for OAA. Under the "moderate low" scenario of Chart 4, one half of those elderly would apply for OAA. Under the "moderate high" scenario, two-thirds of the eligible elderly would apply for assistance once the bonus program were terminated. Cumulative costs, 10/ in increased OAA and Medicaid benefits, through the year 2010 under these two scenarios are as follows:

Chart 4

INCREASED OAA/MEDICAID COSTS THROUGH 2010
(in millions)

Moderate Low	Moderate High
81.3	150.2

10/ The cost estimates in Chart 4 should be viewed as substantially eqivalent to constant 1986 dollar estimates. Although they are technically nominal dollars, they assume no increase in OAA or Medicaid benefits as the years go by. If one assumes that OAA and Medicaid benefits keep close pace with inflation, these estimates would then better reflect constant dollar costs.

It is possible that increased OAA costs would also result from the committee bill. Although, under the bill, the ALB is gradually phased out, rather than abruptly terminated, those new elderly who have not participated in the annuity program may eventually find themselves in need of welfare assistance. The degree of that problem, of course, is a function of participation rates -- which are difficult to determine. However, because -- under the committee bill -- the ALB is phased out, rather than abruptly terminated, 11/ and because a portion of Alaska's population will participate in the annuity program, the committee believes that -- even with low participation rates -- the impact of the bill upon old age assistance programs is likely to be less severe than under the House Stairstepping approach.

Finally, the committee looked at the cost of various options after 1999. As noted previously, it has been a goal of the committee to develop a longevity bonus program in which general fund obligations would be minimized as oil revenues declined. Chart 5 indicates the cost of the House stairstepping bill, and the annuity program with and without stairstepping, which would be incurred in the 21st century:

11/ Thus under the House bill, a person turning 65 in 1991 would receive no ALB whatsoever. On the other hand, under the committee bill, a person turning 65 in 1991, and who has not participated in the annuity program, will still receive a longevity bonus of $222.61 per month.

SB

67

COMMITTEE REPORT

SENATE

FURTHER: HESS
JUDICIARY

1/21/85

Date MARCH 12, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 67

service of domestic violence injunctions.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB67
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Bill Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Edwards
2/22/85

Original sponsor: Rules/Governor

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 67 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the service of domestic violence injunctions."

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

* Section 1. AS 22.20.110 is amended to read:

Sec. 22.20.110. DUTY OF THE COMMISSIONER IN THE COURT OF APPEALS, THE SUPERIOR COURT AND DISTRICT COURTS. When required by the supreme court, and except as otherwise provided in AS 25.35.040, the commissioner shall serve and execute all process issued by the court of appeals, the superior court, and the district courts; [,] attend to and wait upon grand and petit juries; [,] maintain order; [,] attend the sessions of the courts; [,] and exercise the power and perform the duties concerning all matters within the jurisdiction of the courts as may be assigned. The commissioner is the executive officer of the court of appeals, the superior court, and district courts.

* Sec. 2. AS 25.35.040 is amended to read:

Sec. 25.35.040. SERVICE OF PROCESS. Process issued under AS 25.35.010 or 25.35.020 shall be promptly served and executed. If process is to be served upon a person believed to be present or residing in a municipality, as defined in AS 29.78.010, or in an unincorporated community, process shall be served by a peace officer of that municipality or unincorporated community. If a peace officer of that municipality or unincorporated community [A STATE PEACE OFFICER] is not available, a superior court, district court, or magistrate may designate any other peace officer to serve and execute

process issued under AS 25.35.010 or 25.35.020. A peace officer shall use every reasonable means to serve process issued under AS 25.35.010 or 25.35.020.

POSITION PAPER
MUNICIPALITY OF ANCHORAGE

Bill Number: SB 67

Bill Title: An Act Relating to the Service of Domestic Violence Injunctions

Anchorage Position: The Municipality of Anchorage does not support this legislation. While we feel strongly about the need for domestic violence sanctuons it is our position on SB 67 that it is only an economic measure that transfers costs of injunction service from the State to the Municipality.

Findings: Since inception of the injunction program the number of injunctions served has increased an average of 38 percent per year. In FY 83-84 the Anchorage Judicial Services Section of the Alaska State Troopers served 1,267 injunctions, at an average time expended per injunction of 2.5 hours or 3,168 man-hours. One Judicial Services Trooper position is dedicated to this task and the excess (1,128 hours) is spread among the the other Judicial Services Troopers and Troopers assigned to the Anchorage Patrol Section.

Of the total injunctions served in FY 83-84, 633 did not have any action taken subsequent to service; 310 were rejected as not meeting statutory requirements; and 324 resulted in formal proceedings.

Impact of Municipality subsequent to passage: The Anchorage Police Department would face a severe program and fiscal impact. Court process service is a program task assigned to the APD Warrant Section where the current workload is about 50 percent beyond the capabilities of existing resources. Addition of the responsibility to serve domestic violence injunctions would cause a severe increase in the backlog of all process to be served.

To meet only the service requirements of anticipated domestic violence injunctions in 1986 the Warrant Section would require two additional Patrol Officer and one Police Clerk, two police sedans, equipment, supplies, furnishings, and additional space for the Warrant Section which is housed in the State Court Building at 941 W. 4th Avenue.

The estimated costs (in 1985 dollars) amount to:

2 Patrol Officers (24P-F)	$140,880
1 Police Clerk II (14P-1F)	42,890
2 Police Vehicles (with equipment)	32,000
Operation & Maintenance	31,200
Supplies, Furnishings & Space	18,000
	264,970

Summary: We do not support passage of SB 67 since there would not be any increase or improvement in public safety; there would not be any improvement in the timeliness of service of domestic violence injunctions; and there would be a severe program and fiscal impact to the Municipal and Police budget.

Recommended:	Concur:	Concur:
Brian A. Porter 2/27/85	[signature] 2-28-85	
Div. or Dept. Head / Date	Manager Date	Intergovernmental Affairs Date

For further information, contact Suzanne Tryck at 586-2401.

Prepared by the Anchorage Police department

BILL SHEFFIELD
GOVERNOR

sb 67

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will transfer primary responsibility for the service of process for domestic violence injunctions from the state troopers to local police departments. Current law places primary responsibility for service of these court orders on the state troopers, but provides that a court may order any other peace officer to serve them if a state trooper is not available. AS 25.35.040. This bill would require local officers to serve the orders if the person to be served is present or resides within the local department's jurisdiction. If a local officer is not available, the court may direct a state trooper to serve the court order.

This change in the law is needed because the number of domestic violence orders issued by courts each year has increased dramatically since AS 25.35.010 -- 25.35.060 (formerly AS 09.55.600 -- 09.55.640) took effect in September of 1980. In Anchorage alone, the number of domestic violence orders that must be served has climbed from an average of 15 to an average of 100 a month. The vast majority of these orders (approximately 90 percent) is directed to persons who reside within municipalities that have local police departments.

In many cases, a local police officer was called to the domestic disturbance that gave rise to the need to obtain a domestic violence injunction. The officer may even have transported the victim of the assault to the local magistrate or judge to obtain the order. To require that the resulting court order be served by a state trooper whose primary patrol area is often outside of the city or borough and who has had no previous contact with the victim or the case is not an efficient use of law enforcement

Gov's Transmittal Ltr. & Fiscal Note SB67

resources, and may cause a delay in the service of the order. In the larger cities, service of these injunctions is made by officers in the judicial services section of the state troopers. The need to ensure adequate security in courtrooms, transport prisoners, and serve criminal arrest warrants and subpoenas severely limits the amount of time and effort a judicial services officer may devote to service of domestic violence injunctions.

In the interests of providing the quickest and best possible protection for victims of domestic violence, and of making the wisest possible use of available law enforcement resources, I urge your prompt passage of this bill.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/~~Resolution No.~~: 67

Title: SERVICE OF DOMESTIC VIOLENCE INJUNCTIONS

Sponsor:

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: PUBLIC SAFETY

Program Category Affected: ALASKA STATE TROOPERS

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NO FISCAL IMPACT

Prepared By: PAUL CONGER Phone: 465-4338

Division: ADMINISTRATIVE SERVICES Date: 12-6-84

Approved by Commissioner: Date: 12/11/84

Agency: PUBLIC SAFETY

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

February 28, 1985

The Honorable Mitch Abood
Chairman, Senate Transportation Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Abood:

During the hearing on Senate Bill 67 "Service of Domestic Violence Injunctions", you had asked this Department to provide the cost factor directly attributed to the service of Domestic Violence Injunctions in Anchorage.

Based on the 1094 injunctions served in that community in 1984, the computation is as follows:

1755 man hours are available for one Trooper year.

The average service of an injunction is 1.5 hours. This equates to 1641 man hours or 93.5% of one Trooper's time. Thus it would take one man year.

One Trooper costs (included are benefits and personal equipment) $52,426.00.

One vehicle (included is radio and emergency equipment) $16,000.00.

The total sum is $68,426.00.

Sincerely,

Robert J. Sundberg
Commissioner

RECEIVED
MAR 1 1985

Position Paper Dept of Public Safety

12-L2LH

3 amendment, substituted
2" in paragraph (a)(3).
1983 amendment, added

3 amendment, substituted
3" in paragraph (a)(2).
1983 amendment, substi-
or "1983" in paragraph

84 amendment repealed
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or the Alaska Resources

1984 amendment substi-
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-ka Transportation Com-
l Senate Journal, p. 1424,
Journal, p. 1939.

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natural resources
January, 1983.
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1 of the following

Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, or of an agency program under AS 44.66.020 and 44.66.030, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

Statutes Reference

SB

70

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 70

Title: "...release of confidential records...fish & wildlife protection"

Sponsor: Sen. Zharoff

Requestor: Sen. Zharoff

Date of Request: 1/30/85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

RECEIVED
FEB 4 1985

Prepared By: Marcia Lynn McKenzie

Phone: 465-4349

Division: Administrative Services

Date: 1/30/85

Approved by Commissioner: Robert J. Sundberg

Date: 1-30-85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 70

Support

SB 70 - "An Act relating to the release of confidential records and reports of the division of fish and wildlife protection."

Under the present language in Alaska Statute 16.05.815(a), our Department's Division of Fish & Wildlife Protection is prohibited from viewing fish tickets without first having probable cause, and then obtaining a Court Order. Providing ready access by the Division of Fish & Wildlife Protection to fish tickets is vital to our agency's efforts to effectively enforce the State's limited entry laws.

Our Division of Fish & Wildlife Protection utilizes the information from the fish tickets as evidence to substantiate that a violation of the State's limited entry laws, or other commercial fishing laws or regulations, did in fact take place.

The type of information contained on fish tickets can provide our Fish & Wildlife Protection Troopers with probable cause to believe that a violation of the State's limited entry laws has occurred.

Having ready access to the fish tickets and fish ticket information is absolutely essential if the Division of Fish & Wildlife Protection is to enforce limited entry. Access to fish tickets would: (1) Allow us to determine who were permit holders; (2) allow us to determine who was purchasing fish from non-permit holders; and (3) increase the apprehension of illegal commercial fishermen substantially.

Our Department strongly believes that having ready access to fish tickets and fish ticket information, as provided for in SB 70 is critical to our agency's effective enforcement of Alaska's limited entry and commercial fishing laws.

Robert J. Sundberg

SB 70

HISTORY OF HB 7

To: House Resources Committee Files
From: Janet Fries, Committee Aide
Date: 1/23/85

The need for a change in AS 16.05.815(a) arose when the Division of Fish and Wildlife Protection, which was formerly the enforcement arm of the Department of Fish and Game (ADF&G), was transferred to the Department of Public Safety (DPS). Prior to that time, all enforcement officers had full access to ADF&G confidential reports and records.

In 1982, the Alaska Legislature passed a Senate CS for House Bill 668, which provided the Division of Fish and Wildlife Protection with access to fish ticket information until July 1, 1984. This was done, presumably, so that it would come back to the Legislature for reconsideration.

Late in the Thirteenth Legislative Session, the Department of Public Safety approached the Senate Resources Committee with an amendment which would reinstate the Division's access to fish ticket information. The amendment was proposed for HB 404, an Administration housecleaning bill which would amend several sections of Title 16. HB 404 was then under consideration by the Committee. The bill was not amended, due primarily to concerns that fish ticket information regarding "hot fishing spots" might inadvertently leak from Division officers or clerical personnel to other fishermen in a given fishery.

The Division of Fish and Wildlife Protection officers have strict policies regarding the use of confidential information which preclude this type of "leakage". This is discussed in the attached memorandum from Lt. Seibel to Commissioner Sundberg. Because these officers are trained enforcement personnel who deal with confidential information continually, these policies are stringently enforced.

The attached background information regarding HB 7 contains a strong statement of support from Governor Bill Sheffield, who was planning to introduce a similar bill this session, had it not been introduced by a Legislator. Also included are resolutions which support the measure from the United Fishermen of Alaska, the Bering Sea Fishermen's Association, and the Naknek-Kvichak Fish and Game Advisory Committee. The Department of Fish and Game strongly supports this bill. The Bristol Bay Native Association and the Bristol Bay Borough both support the bill, as enforcement of the limited entry law and in-season fishing regulations are a serious problem affecting the livelihood of local fishermen in the Britol Bay salmon fishery, the largest in the state.

This packet also contains information provided by the Department of Public Safety which demonstrates how fish ticket information is used by the Division of Fish and Wildlife Protection and why it is necessary for their officers to access this information in order to be effective in their enforcement of fishing laws and regulations throughout the state. For those not familiar with fish tickets, samples are attached.

UNITED FISHERMEN OF ALASKA

319 Seward Street, Suite #10
Juneau, Alaska 99801-1188
(907) 586-2820

Cass M. Parsons
Executive Director

RESOLUTION 84-19

WHEREAS the Department of Public Safety does not have legal access to fish tickets; and

WHEREAS the Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations; and

WHEREAS the Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, and to name a few; and

WHEREAS without this access to fish tickets, the Department of Public Safety's effort to enforce these regulations is severely hampered.

NOW THEREFORE BE IT RESOLVED, that the United Fishermen of Alaska requests that legislation be passed which would allow the Department of Public Safety accessability to fish tickets.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Members of the Board of Fisheries, Commissioner Don W. Collinsworth of the Department of Fish and Game, and Commissioner Robert J. Sunberg of the Department of Public Safety.

Cass M. Parsons
UFA Executive Director

Robert M. Blake
President

Date: 11-16-84

BERING SEA FISHERMEN'S ASSOCIATION
RESOLUTION NUMBER 7

WHEREAS the Bering Sea Fishermen's Association represents over 1600 commercial salmon and herring fishermen in western Alaska and,

WHEREAS the Department of Public Safety does not currently have legal access to fish tickets, and

WHEREAS the Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations, and

WHEREAS the Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, fishing in closed waters, and fishing in closed periods to name a few, and

WHEREAS Without this access to fish tickets, the Department of Public Safety's efforts to enforce these regulations is severely hampered.

THEREFORE BE IT RESOLVED that the Association request that legislation be passed which would allow the Department of Public Safety accessability to fish tickets and,

BE IT FURTHER RESOLVED that copies of this resolution be sent to Members of the Boards of Fisheries, Commissioner Sunberg of the Department of Public Safety, members of the Iliamna-Lake Clark Advisory Committee, members of the Lower Brtistol Bay Advisory Commitdtee, and members of the Nushagak Advisory Committee.

Motion Passed this 31 day of August, 1984 in Anchorage, Alaska.

HENRY IVANOFF
PRESIDENT - BERING SEA FISHERMEN'S ASSOCIATION

Naknek-Kvichak Fish and Game Advisory Committee

RESOLUTION 84-1

A RESOLUTION REQUESTING THE LEGISLATURE TO CONSIDER ALLOWING THE DEPARTMENT OF PUBLIC SAFETY ACCESS TO FISH TICKETS.

THE NAKNEK-KVICHAK FISH AND GAME ADVISORY COMMITTEE RESOLVES:

WHEREAS: The Department of Public Safety does not have legal access to fish tickets, and

WHEREAS: The Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations, and

WHEREAS: The Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, fishing in closed waters, and fishing in closed periods to name a few, and

WHEREAS: Without this access to fish tickets, the Department of Public Safety's effort to enforce these regulations is severely hampered.

NOW THEREFORE BE IT RESOLVED, that the Naknek-Kvichak Fish and Game Advisory Committee requests that legislation be passed which would allow the Department of Public Safety accessability to fish tickets.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Members of the Board of Fisheries, Commissioner Don W. Collinsworth of the Department of Fish and Game, Commissioner Robert J. Sunberg of the Department of Public Safety, members of the Iliamna-Lake Clark Advisory Committee, members of the Lower Bristol Bay Advisory Committee, and members of the Nushagak Advisory Committee.

Passed this 16 day of August, 1984 by the Naknek-Kvichak Advisory Committee

Chairman

Attested:

Secretary

BILL SHEFFIELD, GOVERNOR

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

May 18, 1984

The Honorable Bettye M. Fahrenkamp
Chairman
Senate Resources Committee
Pouch V
Juneau, AK 99811

RE: CS for Sponsor
Substitute for
House Bill 404

Dear Senator Fahrenkamp:

As requested by the Fisheries Sub-Committee, attached is information regarding enforcement activities as a result of this department having access to records related to landing of fish, shellfish, or fishery products (fish tickets).

At the outset, I wish to respectfully point out that the availability of access to fish tickets by this Department's law officers acts as a deterrent to violations by fish pirates and thus sustains the resource availability for the predominantly law abiding commercial fishermen. In fact, past experience has shown that in most cases, fishermen accused of illegal activities by others are immediately cleared of any wrongdoing by simply reviewing their fish tickets.

I know it is of great concern to some members of the Committee that proliferation of access to the fish tickets encourages leakage of information contained therein that is financially harmful to the fishermen. Let me assure the Committee and the Legislature as a whole that of all those agencies that have had access to the tickets, this Department's enforcement officers have, and will continue to, treat the information gained as confidential evidentiary knowledge as is done in all investigations. Any officer who would do less would be severely disciplined.

As expressed before the Fisheries Sub-Committee, the fish tickets are an excellent tool to deter and detect violations. Without this Department's enforcement officers having such immediate availability, and if there was common

knowledge to that fact, violations would be encouraged. As an example, the Norton Sound herring fishery is an exclusive registration area. If this Department does not have access to fish tickets, it will not be able to immediately determine who is fishing illegally in that exclusive area. This fact could be tempting to the some 500 boats now in Togiak as well as vessels in other locations.

To accurately address the question of the number of cases made by this Department via use of fish tickets requires a hand search of all cases in file within the five various detachments of the Division of Fish & Wildlife Protection. This is a time consuming activity. Time being of the essence in this instance, as the Fisheries Sub-Committee is graciously holding the bill awaiting this Department's input on cases made, a current list based on individual enforcement officers personal knowledge is being submitted at this time. There are other cases in file but that knowledge would not be gained in time for consideration.

I can appreciate the concerns of members of the Committee related to this Department having access to the fish tickets, but our only interest is in protection of the renewable fish resource by bringing charges against the fish pirates.

Sincerely,

Robert J. Sundberg
Commissioner

Attachments: a/s

cc: Senator Bob Mulcahy, Chairman
Fisheries Sub-Committee

Senator Richard I. Eliason
Alaska State Legislature

D DETACHMENT - PRINCE WILLIAM SOUND - LOWER COOK INLET

OMITTING BRISTOL BAY

1982

Includes only those with convictions. Other cases were investigated.

Case Number	Charge	Total Fine	Net Fine	
D82-3007	Closed Period	$1,000.00	$ 500.00	
3048	Closed Waters	4,000.00	2,600.00	
3053	Closed Season	4,000.00	2,000.00	
2026	Closed Waters	2,000.00	1,000.00	
2029	Closed Period	2,000.00	1,000.00	
2035	Closed Period	3,000.00	1,500.00	
2040	Closed Period	2,000.00	1,500.00	
2058	Closed Period	2,000.00	500.00	
2146	Closed Period	2,000.00	1,000.00	
2140	Fail to Register	1,500.00	500.00	
2152	Closed Water	5,000.00	2,500.00	
1084	Closed Period		5,000.00	15 days
	Closed Period (6 DEF)	5,000.00	2,000.00	
				(2 days)
1089	Closed Period		2,250.00	
1115	Closed Period	5,000.00	2,000.00	
1135	Unlawful Salmon		1,300.00	
1247	Closed Waters	1,000.00	500.00	
1248	Closed Waters	1,000.00	500.00	
0453	Closed Period		500.00	
0455	Closed Waters	1,000.00	550.00	
0458	Closed Period		5,000.00	
0501	Closed Period		3,000.00	
0539	Closed Period		2,800.00	
0548	Closed Period		500.00	
0554	Closed Waters		500.00	
0556	Closed Waters		2,000.00	
0593	Limited Entry		2,000.00	
0594	Limited Entry		2,000.00	
0595	Limited Entry		2,000.00	
0602	Closed Waters	5,000.00	2,500.00	
0604	Limited Entry	5,000.00	2,500.00	
0605	Limited Entry	5,000.00	2,500.00	
0755	Closed Period	3,000.00	1,000.00	

D DETACHMENT - PRINCE WILLIAM SOUND - LOWER COOK Inlet

INCLUDING BRISTOL BAY

1983

Number Total	Charge	Net Fine Net Fines
42	Closed Season or Period	$250.00 - 5,000.00
67	Closed Area	250.00 - 5,000.00 @30 days

E DETACHMENT - Kodiak & Westward

Dutch Harbor

August 1982 to Present

Initiated 132 cases involving Fish Tickets

Judgements against 67 individuals

Net Fine $67,850.00

Kodiak

August 1982 to Present

Investigator's Cases

Still pending-on appeal or filed, no judgment.

1983	1984
Case Number	Case Number
83-0238	84-0164
0722	0308
0432	0309
0520	0310
0551	0312
	0318
	0320
	0321
	0322
	0323

C DETACHMENT

Southcentral

Bethel

1982	1983
Case Number	Case Number
C82-08638	C83-61 521
11784	542
12885	563
12887	588
12890	606
12897	608
13191	621
13207	
13761	
13764	
13766	
13783	
13789	
13790	

Exact charges unknown
Almost all cases had charges filed

B DETACHMENT

Juneau

Case Number	Charges
WB82-4433	Yes
4434	Yes
7342	Yes
WB83-3939	Yes
0074	Yes
6682	No

Haines - None

Hoonah

Case Number	Charges
WB83-0633	Yes
0634	Yes
0630	Yes
0635	Yes
0636	Yes
0115	Yes

Wrangell Post - Information not available

Petersberg Post - Information not available

Yakutat

Case Number	Charges
WB83-7113	Yes
7115	Yes
7114	Yes
7128	Yes

Ketchikan

Case Number	Charges
WB82-5057	Yes
2282	Yes
4368	Yes
4355	Yes
4260	Yes
4261	Yes
4269	Yes
0148	Yes
4281	Yes
4330	Yes
4331	Yes
4332	Yes
4333	Yes
4334	Yes
4335	Yes
4328	Yes
4329	Yes
4337	Yes
4290	Yes
WB84-0147	Yes
0148	Yes
0150	Yes
0136	Yes
0135	Yes
0140	Yes
0142	Yes
0143	Yes
0144	Yes
0141	Yes
0145	Yes
0146	Yes

Craig

Case Number	Charges
WB82-0864	Yes
5930	Yes
5929	Yes
5907	Yes

Sitka

Case Number	Charges
WB83-0585	Yes
0556	Yes
0536	Yes
6696	Yes

Ketchikan

Case Number	Charges
WB82-3936	Yes
7604	Yes
7634	Yes
0612	Yes
0692	Yes
6369	Yes
0588	Yes
0577	Yes
6368	Yes
6694	Yes
0587	Yes
6693	Yes
6393	Yes
6413	Yes

I DETACHMENT - NORTHERN AREA

Case Number	Charge
I82-2369	Unlawful Geer
3298	Closed Waters
3309	Sale of Subsistence Fish
I83-7751	Comm. Fish no permit
7760	Comm. Fish Closed
7804	Fish Exclusive Area
7822	Fish Exclusive Area

No Processors involved in violations

MEMORANDUM State of Alaska

TO: Robert J. Sundberg
Commissioner
Dept. of Public Safety

DATE: January 21, 1985

JAN 21 '85

FILE NO:

TELEPHONE NO: 465-4313

FROM: Lt. Conrad Seibel
"B" Detachment Commander
Fish & Wildlife Protection
Juneau

SUBJECT: HB 7 - Fish Ticket Access

On January 18, 1985 I met with Ms. Janet Freis from Representative Adelheid Herrmann's office to discuss HB 7 pertaining to our Division's access to fish tickets and fish ticket information. During this meeting I offered to provide Representative Herrmann with some background history and some other important information that I believe is pertinent to this particular issue.

To give you an overview I have provided the following index:

A. What is Fish Ticket?
B. History
C. Examples of Specific Cases Involving Fish Tickets
D. Legislation Audit Report
E. Confidentiality
F. Summary

A. What is a Fish Ticket?

First of all, fish tickets are those records of delivery of fish caught for commercial purposes. Information on these tickets include the date the fish are landed, or sold; numbers or pounds of fish sold by species; name of the fisherman and his limited entry permit number, name of the buyer, ADF&G statistical area where the fish were caught, and may or may not include the price paid for the fish.

B. History

In 1972 the Protection Division was transferred from the Department of Fish & Game to the Department of Public Safety. Because the Protection Division had been a part of the Department of Fish & Game, restricting

access to members of that Department still allowed exchange of these tickets; where it appeared a violation had occurred, between Fish & Game biologists and law enforcement personnel.

Increasingly in the years since the transfer of the Protection Division to Public Safety, access was restricted, based on opinions of State attorneys that Public Safety could not be allowed to have this information under the old statute. The Division was required to have sufficient probable cause to convince a court that a crime had been committed before looking at the fish tickets.

In many cases, it was the fish ticket information that was the initial indication that a violation had occurred, and therefore these tickets could not be reviewed by enforcement personnel, and also could not be obtained through the court. If a Fish & Game biologist or data clerk thought they had evidence of a violation they would have to follow through on it themselves, at least to a point where enough probable cause was developed to allow enforcement personnel to gain access to the tickets. This interfered with their work and was a source of concern to Fish & Game.

In some cases, because of the lack of access to fish tickets, cases could not be properly investigated, and persons violating fishery statutes or regulations could not be prosecuted.

The Legislature enacted legislation that allowed access to fish tickets by Division personnel beginning in the summer of 1982 and extending for two years until July 1, 1984. Since July 1, 1984 the problems facing the Division of Fish & Wildlife Protection restricting it's access to the fish ticket information as experienced prior to the summer of 1982 have now, again, resurfaced.

C. Examples of Specific Cases Involving Fish Tickets

I believe that it is important, at this point, to cite examples of various investigations, where through the use of fish tickets, commercial fishing violators were apprehended.

1. The first case involves a 100 foot vessel Alaska Coast in June of 1983. A fish ticket and biological sample of the delivery allowed Fish & Wildlife Protection to compare crab weights from the F/V Alaska Coast with other deliveries and past survey data from the same ADF&G statistical area. Based on this comparative fish ticket information a search warrant was obtained and served. The vessel's logs confirmed that they were fishing more that 350 miles inside the closed waters of the Bering Sea. The vessel was subsequently seized. This case involved receipt of $197,000 by the defendants for delivery of brown king crab.

2. In the Dutch Harbor area from August 1982 to spring of 1984 Fish & Wildlife Protection initiated 132 cases involving fish tickets, resulting in judgements against 67 defendants and a net fine of $67,850.

3. In the Bristol Bay case of State Vs. Monte Hughes (1983) access to the fish ticket information resulted in the defendant being charged with commercial fishing without a limited entry permit. This case resulted in a deferred prosecution with the following conditions:

   a. Payment of $25,000 plus interest to the State;

   b. No commercial fishing as a skipper or crewman for three years;

   c. Cooperation with State officials in the investigation of an additional offense by another person.

4. A fourth example pertains to a commercial fish buyer in Southeast. During the spring of 1984 Mr. Walter Rasmussen of Bar Harbor Seafoods was cited for several violations pertaining to his fish processing business in Ketchikan. He was cited for failing to imprint the fish tickets with the fisherman's limited entry permit number and other violations. He was fined a total of $9,250 with $4,950 suspended. Without having ready access to these fish tickets prosecution would have been difficult at best.

D. Legislative Audit Report

In 1981 a Legislative Audit report, concerning the Bristol Bay fisheries, stated that "the most efficient means of enforcing a limited fishery would be to allow Fish & Wildlife Protection access to fish tickets and fish ticket information".

E. Confidentiality

There is a concern by some individuals that the more people who review fish tickets increases the possibility of catch locations becoming public information. Fish & Wildlife Protection's responsibility for the confidentiality of the fish ticket information would be the same as ADF&G and Limited Entry.

As in any investigation by our Department's personnel, officer's that mis-used any information could be subject to reprimand, dismissal and/or possibly criminal charges being filed against them. Section 101.410 of the Department's Operating Procedures Manual states that "Employees shall not release information relative to any investigation or reports except in accordance with the written instructions of the Department of Public Safety relative to the confidentiality of certain records... No employees shall divulge information deemed as confidential to any unauthorized

person, whether obtained through the execution of departmental duties or other means."

Also an important fact to point out here is that compared to ADF&G, Limited Entry and Department of Revenue, Public Safety probably has the most stringent requirements for becoming a member of its Department by its use of employee background investigations and the use of the polygraph.

F. Summary

The Division of Fish & Wildlfie Protection is the agency responsible for protection of the State's resources. This makes our agency an integral part of the overall management scheme. To restrict our access to fish ticket information severely hampers our efforts and ability to effectively enforce Alaska's statutes and regulations passed for the conservation and development of its fisheries resources.

CC: Col. Henderson

CS/lk

xc: Sandra Borbridge, Special Assistant
Ray Gillespie, Legislative Assistant

GD - 1/26/85

SERIES " J " FISH TICKET SAMPLE

PLACE WRAPAROUND COVER UNDER GOLDENROD COPY

DISTRIBUTION: WHITE - PURCHASER YELLOW - FISH & GAME PINK - SELLER GOLDENROD - PURCHASER

PURCHASER

ALASKA DEPARTMENT OF FISH & GAME
FISH BUYING TICKET

DO NOT WRITE IN THIS SPACE

J85196511

Vessel Name F/V Salmon Troller

Fishery Name Permit Number → 5 AAC 39.130.(5)(9) REQUIRES IMPRINTING OF THE CFEC PERMIT CARD HERE

ADF&G NO. 00000

CHECK TYPE OF GEAR ONLY IF USED HERRING GILL NET
00 ☐ DRIFT NET 04 ☐ SET NET

TIME GEAR OPERATED IN HOURS 12

Proc. Code F0000 0

Company ADF&G C55

Date Fishing Began 6/23/85

Date Landed 6/24/85

AREA CAUGHT Hawk Inlet
↑ SHOW NEAREST BAY OR HEADLAND ↑

112-16
↑ STAT. CHART NO. ↑

SPECIES	CODE	FISH	POUNDS	PRICE	AMOUNT	SPECIES	CODE	FISH	POUNDS	PRICE	AMOUNT
HALIBUT 1C - 20 lbs.	202					SALMON Lg. Red Kings	410				
2C - 40 lbs.	202					Med. Red Kings	410	10	100	1.60	160.00
4C - 80 lbs.	202					Sml. Red Kings	410				
Total Medium	202					Jacks	410				
						Lg. White Kings	410				
6C - 80 lbs.	203					Sml. White Kings	410	5	30	1.20	36.00
8C - 100 lbs.	203					TOTAL KINGS	410				
100 - 150 lbs.	203										
Over 150 lbs.	203					REDS (SOCKEYE)	420				
Total Large	203										
						Lg Cohos	430				
No. 2's Med.	204					Med. Cohos	430				
No. 2's Lg	204					Sml. Cohos	430				
						TOTAL COHOS	430				
TOTAL LESS HEAD - BLINDS	200										
						PINKS	440				
HERRING Herring Eggs on Kelp	231										
Herring Roe Skeins	232										
Herring Bait	233					BRIGHT CHUMS	450	2	20	.35	7.00
Herring Food	235										
Herring Sac Roe	234					DARK CHUMS	450				
% Roe Content =											
MISCELLANEOUS Capelin	516					TOTAL CHUMS	450				
Steelhead	540					SALMON ROE	400		10	5.00	50.00
						Sub-Total		17	160		253.00
						Less Salmon Enhancement Tax @ 3%					- 7.59
						TOTAL		17	160		245.41

©=

Fisherman's Signature * Capt. John Doe

Fish Received by Mr. Salmon Buyer

FISH DELIVERED HEREBY WERE CAUGHT IN COMPLIANCE WITH STATE LICENSING LAWS AND STATE LABOR LAWS AND REGULATIONS

REV 1/74 11 M

NOT NEGOTIABLE

Alaska State Legislature

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

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

Butrovich Room #205, Capitol
8:30 a.m.

Tues/Wed/Thurs
465-4522

February 5, Tuesday

SB 81 Definition of veteran for purposes of veterans employment preference rights

Campaign Reform, Committee Work Session

February 6, Wednesday

SB 100 Prohibiting salaries for certain employees from exceeding the Governor's salary; efd

SB 70 Release of confidential records and reports of the Div. of Fish and Wildlife Protection

SB 58 Participation by magistrates in the Judicial Retirement System

February 7, Thursday
(STATEWIDE TELECONFERENCE)

SB 71 Open containers of alcoholic beverages

SB 73 Identification of persons arrested when driving while intoxicated

SB 74 Driving while intoxicated

SB 75 Suspension of the privilege to obtain a driver's license

SB 76 Rights of prisoners; and amending Rule 5(b) of the Alaska Rules Criminal Procedure

COMMITTEE REPORT

SENATE

FURTHER: Resources FINANCE

1/22/85

Date 2-6-85

Mr. President

The Committee on STATE AFFAIRS considered SB 70

release of confidential records and reports of the division of fish and wildlife protection.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 70 (SA)
[X] new title
[ ] same title and recommends

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE ZERO

[ ] reports it back without recommendation

[ ] recommends referral to Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

SB

73

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY
FINANCE

1/22/85

Date 1/8/85

Mr. President

The Committee on STATE AFFAIRS considered SB 73

identification of persons arrested when driving while intoxicated.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 73 (SAT)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Bier Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 73

Support

January 31, 1985

SB 73 - An Act relating to the identification of persons arrested when driving while intoxicated.

The purpose of this legislation is to require the photographing and fingerprinting of all suspects arrested for driving while intoxicated.

In most, but not all, Alaska State Troopers posts these suspects are processed through a booking facility which obtains both photographs and fingerprints. In other locations including Anchorage, the suspects are brought before a magistrate after video taping and intoximeter testing. They are usually released on their own recognizance or to a third party, thus avoiding photographing or fingerprinting which are the best means of identification.

The recent installation of the Automated Fingerprint Identification Network (AFIN) in the AST Crime Lab has provided the law enforcement community with the ability to quickly identify suspects based upon their fingerprints if they are suspects in other crimes. This identification can then be confirmed through the examination of photographs.

Passage of this legislation will enhance the effective use of AFIN and will increase the number of arrests in both misdemeanor and felony cases.

Section (b) of this proposed legislation requires that all law enforcement agencies forward a copy of the fingerprint cards to the Federal Bureau of Investigation. The Federal Bureau of Investigation will not accept these cards directly from all local law enforcement agencies. They should be forwarded through the Department of Public Safety. The following wording change is suggested: "shall forward two sets of fingerprints and information concerning the subject's arrest to the Alaska State Troopers, Scientific Crime Detection Laboratory."

Robert J. Sundberg
Commissioner

OK I agree

TO: Senator Abood

FROM: Catherine Zalewski

RE: SB 73 - "An Act relating to the identification of persons arrested when driving while intoxicated."

DATE: January 31, 1985

On Monday, January 28th Craig Pease called (586-2008 or 586-3085) and suggested that we include video taping as mandatory in SB 73 along with photographing and fingerprinting.

On Tuesday, January 29th, I talked with Mr. Bill Brown from DMV and ask him the procedure dealing with the taping of DWI suspects. He stated that it was a departmental policy and as far as he knew that all the departments with video equipment did have the policy to video tape the suspects.

On Wednesday, January 30th, I talked with Mr, George Edwards of legal services. I asked him about the possibility of mandating the video taping. He said that he did not believe that it would be necessary, especially in this bill. SB 73 was drafted to make positive identification. Video taping is used as evidence of intoxication.

In addition, requiring the department to video tape would cause a few problems. One of financial impact. The departments that do not have the equipment would have to purchase it. There would also be the problem of what is a department to do when the equipment is broken down.

Therefore, I suggest that the issue of video taping not be addressed in SB 73 at this time.

SENATE BILL 73

"An Act relating to the identification of persons arrested when driving while intoxicatied."

SB 73 will force law enforcement agencies to take photographs and fingerprints from a person arrested for DWI, negligent homicide or assault in connection with driving incidents. As DWI and related statutes around the country are given more meaningful penalties for repeated violators, it becomes more and more important to be able to prove in court that a particular offense on a person's criminal record printout was actually committed by that person. Fingerprints do not lie. In Alaska, where defendants are routinely released on their own recognizance by the court before they are even booked into jail (where the fingerprints are normally obtained), law officers do not normally perform these operations themselves; they can do it, however, and should be required to do so.

There are people who have actually killed their victims in traffic accidents and whose names are not in either the state or federal criminal records, simply because they were not arrested at the scene of the accident and were later brought into court voluntarily without being fingerprinted or arrested.

SENATE AMENDMENT

BY _____

To: _____ SENATE BILL No. 73

To: _____ HOUSE BILL No. _____

PAGE: LINE:

Sec

Sec. 12.25.240.

(b) A law enforcement agency that obtains fingerprints under this section shall forward two sets of fingerprints [a set of those fingerprints] and information concerning the subject's arrest to the Alaska State Troopers, Scientific Crime Detection Laboratory. [Federal Bureau of Investigation.]

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 73

Title:"...identification of persons arrested for Driving While Intoxicated."

Sponsor: Sen. Abood

Requestor: Sen. State Affairs

Date of Request: 2-6-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		5.0				
500 EQUIPMENT		25.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		30.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS		30.0				
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached analysis.

Prepared By: Francis C. Allan F.C.A. Phone: 269-5691

Division: Alaska State Troopers Date: 2/1/85

Approved by Commissioner: R. J. Sundberg Date: 2-6-85

Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

SB 73
Fiscal Analysis

Ten of the Alaska State Trooper posts throughout the state do not have immediate access to a booking facility or which operate under procedures dictated by the Court System which do not provide for the suspect to be processed through a local booking facility. These locations are Anchorage, Yakutat, Deadhorse, Coldfoot, Seven Mile, Fort Yukon, Cantwell, Healy, Delta, and Tok.

At each of these locations a $2,500.00 camera capable of taking pictures of the quality necessary to ascertain identity for booking purposes will need to be installed. No space requirements are anticipated since each location has areas used for Intoximeter Testing that can double for the picture taking and fingerprinting area. Minimal costs are anticipated for the initial film and fingerprint card supplies. Ongoing supply needs can be absorbed in future budgets. The additional Trooper time necessary to implement this system is felt to be minimal.

SB

74

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY
FINANCE

1/22/85

Date 2/8/85

Mr. President

The Committee on STATE AFFAIRS considered SB 74

driving while intoxicated.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 74 (SH)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 74

Title: An Act relating to driving while intoxicated...

Sponsor: Sen. Abood

Requestor: Sen. State Affairs

Date of Request: 2-6-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger

Phone: 465-4338

Division: Administrative Services

Date: 2-6-85

Approved by Commissioner: for Michael J. Cleveland

Date: 2-6-85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 74

Support

February 1, 1985

SB 74 - "An Act relating to driving while intoxicated."

The intent of this legislation is to clarify the language in 28.35.030 to close loopholes through which suspects have been able to avoid prosecution.

Robert J. Sundberg
Commissioner

SENATE BILL 74

"An Act relating to driving while intoxicated"

Section 1

Would solve the problem created by defendants who drive under the influence of alcohol and drugs, or drugs alone, where the drug is one which affects the ability to drive, but which is not listed in the statutes set forth in AS 28.35.030(a)(1). In attempting to prohibit such conduct, the Legislature stated in AS 28.35.030(a)(3) that it was unlawful to drive under the influence of "alcohol and another substance." The Alaska Supreme Court found that subsection unconstitutionally vague in Williford v. State, 675 P.2d 1329 (Alaska 1983). The amendment, which is patterned after comparable subsections of the Uniform Vehicle Code, would solve this legal problem.

Section 2

Adds a new paragraph to specify the meaning of "drug".

Section 3 and 4

Would make clear the Legislature's intent that all persons convicted of DWI or breath test refusal should serve time in jail, not just those who could not afford some type of residential alcohol treatment program. Under the court cases of Nygren v. State, 658 P.2d 141 (Alaska 1983), and Lock v. State, 609 P.2d 539 (Alaska App. 1980), if a defendant is required to spend time in a residential alcohol program prior to sentencing, as a condition of bail, then he or she must receive credit for that time spent in the program against the total jail time to be served. At least one district judge in Anchorage has held that, under a variation of this concept, the defendant may enter the treatment program after sentencing and still receive credit against the jail sentence. These new subsections will calarify that the time spent in a residential alcohol treatment or rehabilitation program cannot be credited towards part or all of a mandatory sentence.

Section 5

Would cure a defect in the wording of AS 28.35.035 which, in some cases, permits uncooperative DWI defendants to avoid conviction for either DWI or refusal. An example is a DWI defendant who is injured, but who did not injure any other person, in a accident; if he is held at the hospital emergency room for treatment and will not take a blood alcohol test, the police are often unable to obtain any evidence of blood alcohol concentration. Adding the words or at a location would make it clear that, if a person is at a medical facility and, for that reason alone, cannot be offered a breath test (the court-approved instruments are not portable), the person may be subjected to an involuntary blood test because he is "at a location rendering that person incapable of providing a breath sample." There is not constitutional impediment to this procedure. Schmerber v. California, 384 U.S. 757, 86 S.Ct. 1826, 16 L.Ed.2d 908 (1966).

SB

75

COMMITTEE REPORT

SENATE

1/22/85

FURTHER: JUDICIARY
FINANCE

Date 2/27/85

Mr. President

The Committee on STATE AFFAIRS considered SB 75
suspension of the privilege to obtain a driver's license.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 75 (2nd)
[ ] new title
[ ] same title and recommends _____

[X] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Edwards
2/20/85

Original sponsor: Abood

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR FOR SENATE BILL NO. 75 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to suspension of the privilege to obtain a driver's license."

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

* Section 1. AS 22.15.100 is amended to read:

Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND MAGISTRATE. Each district judge and magistrate has the power

(1) to issue writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, returnable before a judge of the superior court, and the same proceedings shall be had on the writ as if it had been granted by the superior court judge under the laws of the state in such cases;

(2) of a notary public;

(3) to issue marriage licenses and to solemnize marriages;

(4) to issue warrants of arrest, summons and search warrants according to manner and procedure prescribed by law and the supreme court;

(5) to act as an examining judge or magistrate in preliminary examinations in criminal proceedings; to set, receive and forfeit bail and to order the release of defendants under bail;

(6) to act as a referee in matters and actions referred to the judge or magistrate by the superior court, with all powers conferred upon referees by laws;

(7) of the superior court in all respects including but not

(8) to order the temporary detention of a minor, or take other action authorized by law or rules of procedure, in cases arising under AS 47.10, when the minor is in a condition or surrounding dangerous or injurious to the welfare of the minor or others which requires immediate action; the action may be continued in effect until reviewed by the superior court in accordance with rules of procedure governing these cases;

(9) to issue a temporary order for emergency injunctive relief in cases involving domestic violence as provided in AS 25.35.-020;

(10) to review an administrative revocation of a person's driver's license, [OR] nonresident privilege to drive, or privilege to obtain a driver's license, and an administrative refusal to issue an original license, when designated as a hearing officer by the commissioner of public safety and with the consent of the administrative director of the state court system.

* Sec. 2. AS 28.15.061(b) is amended to read:

(b) An application under (a) of this section shall

(1) contain the applicant's full name, date and place of birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed as a driver and, if so, when and by what jurisdiction;

(3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked, [OR] whether an application for a driver's license has ever been refused, or whether the applicant's privilege to obtain a driver's license has ever been revoked by a court or the department or a similar agency in another state and, if so, the date of and reason for the suspension, revocation or refusal; and

(4) contain other information which the department may reasonably require to determine the applicant's identity, competency, and eligibility.

* Sec. 3. AS 28.15.165(a) is amended to read:

(a) If a chemical test administered under AS 28.35.031(a) to a person driving a motor vehicle for which a driver's license is required produces a result described in AS 28.35.030(a)(2) or if a person under arrest for driving a motor vehicle for which a driver's license is required refuses to submit to a chemical test under AS 28.35.031(a), a law enforcement officer shall read a notice and deliver a copy to the person. The notice shall advise that

(1) the department intends to revoke the person's driver's license or nonresident privilege to drive, or refuse to issue an original license to the person;

(2) the person has the right to administrative review of the revocation or determination not to issue an original license;

(3) the notice itself is a temporary driver's license, for persons then holding a valid license, that expires seven days after it is delivered to the person;

(4) revocation of the person's driver's license or nonresident privilege to drive, or a determination not to issue an original license shall take effect upon expiration of the temporary driver's license unless the person within seven days requests an administrative review.

* Sec. 4. AS 28.15 is amended by adding a new section to read:

Sec. 28.15.176. SUSPENSION OR REVOCATION OF PRIVILEGE TO OBTAIN A LICENSE. (a) A court or the department may suspend or revoke a person's privilege to obtain a driver's license in the same manner and for the same reasons as a driver's license issued under this chapter.

(b) If a court or the department is required by statute or regulation to suspend or revoke a person's driver's license, then the privilege to obtain a driver's license shall be suspended or revoked if the person does not have a driver's license.

(c) Procedures and references in AS 28 relating to the suspension or revocation of a driver's license are equally applicable to the suspension or revocation of the privilege to obtain a driver's license.

* Sec. 5. AS 28.15.291 is amended to read:

Sec. 28.15.291. DRIVING WHILE LICENSE OR PRIVILEGE TO OBTAIN A LICENSE CANCELLED, SUSPENDED, REVOKED OR IN VIOLATION OF LIMITATION. (a) A person may not drive a motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to obtain a driver's license, or privilege to drive has been canceled, suspended or revoked in this or another jurisdiction, or when driving in violation of a limitation placed upon that person's license or privilege to drive in this or another jurisdiction. Except as provided in (c) of this section, upon conviction of a violation of this section, the court shall impose a sentence of imprisonment of not less than 10 days. The execution of sentence may not be suspended nor may probation or parole be granted until the minimum imprisonment provided in this section has been served; nor may imposition of sentence be suspended. In addition, the person's license, privilege to obtain a license, or privilege to drive shall be revoked, and the person may not be issued a new license nor may the privilege to drive be restored for an additional period of not less than one year after the date that the person would have been entitled to restoration of driving privileges or issuance of a license.

(b) When a person's license or privilege to obtain a license is

canceled, limited, suspended or revoked, that person shall be informed by the department or the court that takes the action at the time of the action that, upon a conviction of driving on a highway or vehicular way or area in this state at a time when that person's driver's license, [OR] privilege to drive or privilege to obtain a driver's license in this state has been canceled, suspended or revoked, or upon a conviction of driving in violation of a limitation of the license, that person will be subject to the mandatory minimum sentence of imprisonment under this section.

(c) The court shall impose a sentence of imprisonment of not less than 30 days and a fine of not less than $500 upon conviction of a violation of this section if the person's driver's license or privilege to obtain a driver's license was revoked under circumstances described in AS 28.15.181(c)(1). The court shall impose a sentence of imprisonment of not less than 90 days and a fine of not less than $1,000 upon conviction of a violation of this section if the person's driver's license or privilege to obtain a driver's license was revoked under circumstances described in AS 28.15.181(c)(2) or (3). The execution of sentence may not be suspended nor may probation or parole be granted until the minimum imprisonment provided in this subsection has been served. Imposition of sentence may not be suspended. In addition, the person's privilege to drive and to obtain a driver's license shall be revoked for an additional period of not less than one year after the date that the person would have been entitled to restoration of driving privileges or to obtain a driver's license if the person had not been convicted under this section.

(d) A person convicted of a violation of this section is guilty of a class A misdemeanor.

Edwards
2/8/85

IN THE SENATE BY ABOOD

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 75

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to suspension of the privilege to obtain a driver's license."

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

* Section 1. AS 22.15.100 is amended to read:

Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND MAGISTRATE. Each district judge and magistrate has the power

(1) to issue writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, returnable before a judge of the superior court, and the same proceedings shall be had on the writ as if it had been granted by the superior court judge under the laws of the state in such cases;

(2) of a notary public;

(3) to issue marriage licenses and to solemnize marriages;

(4) to issue warrants of arrest, summons and search warrants according to manner and procedure prescribed by law and the supreme court;

(5) to act as an examining judge or magistrate in preliminary examinations in criminal proceedings; to set, receive and forfeit bail and to order the release of defendants under bail;

(6) to act as a referee in matters and actions referred to the judge or magistrate by the superior court, with all powers conferred upon referees by laws;

(7) of the superior court in all respects including but not limited to contempts, attendance of witnesses and bench warrants;

(8) to order the temporary detention of a minor, or take other action authorized by law or rules of procedure, in cases arising under AS 47.10, when the minor is in a condition or surrounding dangerous or injurious to the welfare of the minor or others which requires immediate action; the action may be continued in effect until reviewed by the superior court in accordance with rules of procedure governing these cases;

(9) to issue a temporary order for emergency injunctive relief in cases involving domestic violence as provided in AS 25.35.-020;

(10) to review an administrative revocation of a person's driver's license, [OR] nonresident privilege to drive, or privilege to obtain a driver's license, and an administrative refusal to issue an original license, when designated as a hearing officer by the commissioner of public safety and with the consent of the administrative director of the state court system.

* Sec. 2. AS 28.05.141(c) is amended to read:

(c) If at the hearing under (a) of this section it appears that the record of the person sustains suspension, revocation, limitation, denial, or other remedial action, the hearing officer shall so order and the department may suspend, revoke, limit, deny, or take other remedial action against that person's license or privilege to obtain a license and, if appropriate, the department shall adjust the person's point total accumulated under AS 28.15.231.

* Sec. 3. AS 28.15.031(b) is amended to read:

(b) The department may not issue an original or duplicate driver's license to, nor renew or reinstate the driver's license of, a person

(1) whose license or privilege to obtain a license is

suspended or revoked, except as otherwise provided in this chapter;

(2) who fails to appear in court for the adjudication of a certain vehicle, driver or traffic offense when the person's appearance is required by statute, regulation or court rule;

(3) who is an habitual user of alcohol or another drug to such a degree that the person is incapable of safely driving a motor vehicle;

(4) who has previously been adjudged to be afflicted with, or suffering from, a mental disability or a disease and who has not, at the time of application for the license, been restored to competency by the methods provided by law;

(5) when the department, based upon medical evidence, has determined that because of the person's physical or mental disability the person is not able to drive a motor vehicle safely;

(6) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(7) who has knowingly made a false statement in the person's application for a license or has committed fraud in connection with the person's application for, or in obtaining or attempting to obtain, a license, or who has not applied under oath on the form provided for the purpose of obtaining or attempting to obtain a license or permit; or

(8) who is required under AS 28.20 to furnish proof of financial responsibility and who has not done so.

* Sec. 4. AS 28.15.061(b) is amended to read:

(b) An application under (a) of this section shall

(1) contain the applicant's full name, date and place of

birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed as a driver and, if so, when and by what jurisdiction;

(3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked, [OR] whether an application for a driver's license has ever been refused, or whether the applicant's privilege to obtain a driver's license has ever been revoked by a court or the department or a similar agency in another state and, if so, the date of and reason for the suspension, revocation, or refusal; and

(4) contain other information which the department may reasonably require to determine the applicant's identity, competency, and eligibility.

* Sec. 5. AS 28.15.165(a) is amended to read:

(a) If a chemical test administered under AS 28.35.031(a) to a person driving a motor vehicle for which a driver's license is required produces a result described in AS 28.35.030(a)(2) or if a person under arrest for driving a motor vehicle for which a driver's license is required refuses to submit to a chemical test under AS 28.35.031(a), a law enforcement officer shall read a notice and deliver a copy to the person. The notice shall advise that

(1) the department intends to revoke the person's driver's license or nonresident privilege to drive, or refuse to issue an original license to the person;

(2) the person has the right to administrative review of the revocation or determination not to issue an original license;

(3) the notice itself is a temporary driver's license, for persons then holding a valid license, that expires seven days after it is delivered to the person;

(4) revocation of the person's driver's license or nonresident privilege to drive, or a determination not to issue an original license shall take effect upon expiration of the temporary driver's license unless the person within seven days requests an administrative review.

* Sec. 6. AS 28.15 is amended by adding a new section to read:

Sec. 28.15.176. SUSPENSION OR REVOCATION OF PRIVILEGE TO OBTAIN A LICENSE. (a) A court or the department may suspend or revoke a person's privilege to obtain a driver's license in this state in the same manner and for the same reasons as a court or the department may suspend or revoke a driver's license issued under this chapter.

(b) This section applies to a person who

(1) has not been issued a driver's license under this chapter, whether or not the person is eligible to apply for a license; and

(2) does not have a privilege to drive in this state.

* Sec. 7. AS 28.15.181(a) is amended to read:

(a) Conviction of any of the following offenses is grounds for the immediate revocation of a driver's license <u>or the privilege to obtain a driver's license</u>:

(1) manslaughter or negligent homicide resulting from driving a motor vehicle;

(2) a felony in the commission of which a motor vehicle is used;

(3) failure to stop and give aid as required by law when a motor vehicle accident results in the death or personal injury of another;

(4) perjury or making a false affidavit or statement under oath to the department under a law relating to motor vehicles;

(5) driving a motor vehicle while intoxicated;

(6) reckless driving;

(7) using a motor vehicle in unlawful flight to avoid arrest by a peace officer;

(8) refusal to submit to a chemical test under AS 28.-35.032;

(9) driving while license or privilege to obtain a license is canceled, suspended, revoked or in violation of a limitation.

* Sec. 8. AS 28.15.181(b) is amended to read:

(b) A court convicting a person of an offense described in (a)(1) - (4), (6), or (7) of this section shall revoke that person's driver's license or privilege to obtain a driver's license for not less than 30 days for the first conviction, unless the court determines that the person's ability to earn a livelihood would be severely impaired and a limitation under AS 28.15.201 can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public. If a court limits a person's license under this subsection, it shall do so for not less than 60 days. Upon a subsequent conviction of a person for any offense described in (a)(1) - (4), (6), (7) of this section occurring within 10 years after a prior conviction, the court shall revoke the person's license or privilege to obtain a driver's license and may not grant the person limited license privileges for the following periods:

(1) not less than one year for the second conviction; and

(2) not less than three years for a third or subsequent conviction.

* Sec. 9. AS 28.15.181(c) is amended to read:

(c) A court convicting a person of an offense described in (a)(5) or (8) of this section arising out of the operation of a motor

vehicle for which a driver's license is required shall revoke that person's driver's license or privilege to obtain a driver's license. The revocation may be concurrent with or consecutive to an administrative revocation under AS 28.15.165. The court may not, except as provided in (e) of this section, grant limited license privileges for the following periods:

(1) not less than 90 days if, within the preceding 10 years, the person has not previously been convicted of an offense

(A) described in (a)(5) or (8) of this section; or

(B) under a law or ordinance in another jurisdiction with elements substantially similar to an offense described in (a)(5) or (8) of this section;

(2) not less than one year if, within the preceding 10 years, the person has been previously convicted of one offense

(A) described in (a)(5) or (8) of this section; or

(B) under a law or ordinance in another jurisdiction with elements substantially similar to an offense described in (a)(5) or (8) of this section;

(3) not less than 10 years if, within the preceding 10 years, the person has been previously convicted of more than one of the following offenses or has more than once been previously convicted of one of the following offenses:

(A) an offense described in (a)(5) or (8) of this section; or

(B) an offense under another law or ordinance in another jurisdiction with elements substantially similar to an offense described in (a)(5) or (8) of this section.

* Sec. 10. AS 28.15.211(a) is amended to read:

(a) Except for a point system suspension or revocation under

AS 28.15.221 - 28.15.241 and unless provided otherwise by law, and unless the suspension or revocation was for a cause that has been removed, a person whose driver's license, privilege to obtain a driver's license, or privilege to drive a motor vehicle in this state has been suspended or revoked may not apply for a new license nor may the person's driving privilege be restored until the expiration of

(1) one month from the date on which the license or privilege to obtain a license was suspended or revoked for a first conviction of the particular offense from which the suspension or revocation resulted;

(2) three months from the date on which the license or privilege to obtain a license was suspended or revoked for a second conviction within 12 consecutive months of the same offense from which the suspension or revocation resulted;

(3) one year from the date on which the license or privilege to obtain a license was suspended or revoked for a third or subsequent conviction within 12 consecutive months of the same offense from which the suspension or revocation resulted.

* Sec. 11. AS 28.15.291 is amended to read:

Sec. 28.15.291. DRIVING WHILE LICENSE OR PRIVILEGE TO OBTAIN A LICENSE CANCELED, SUSPENDED, REVOKED OR IN VIOLATION OF LIMITATION. (a) A person may not drive a motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to obtain a driver's license, or privilege to drive has been canceled, suspended or revoked in this or another jurisdiction, or when driving in violation of a limitation placed upon that person's license or privilege to drive in this or another jurisdiction. Except as provided in (c) of this section, upon conviction of a violation of this section, the court shall impose a sentence of imprisonment of not less

than 10 days. The execution of sentence may not be suspended nor may probation or parole be granted until the minimum imprisonment provided in this section has been served; nor may imposition of sentence be suspended. In addition, the person's license, privilege to obtain a license, or privilege to drive shall be revoked, and the person may not be issued a new license nor may the privilege to drive be restored for an additional period of not less than one year after the date that the person would have been entitled to restoration of driving privileges or issuance of a license.

(b) When a person's license or privilege to obtain a license is canceled, limited, suspended or revoked, that person shall be informed by the department or the court that takes the action at the time of the action that, upon a conviction of driving on a highway or vehicular way or area in this state at a time when that person's driver's license, [OR] privilege to drive or privilege to obtain a driver's license in this state has been canceled, suspended or revoked, or upon a conviction of driving in violation of a limitation of the license, that person will be subject to the mandatory minimum sentence of imprisonment under this section.

(c) The court shall impose a sentence of imprisonment of not less than 30 days and a fine of not less than $500 upon conviction of a violation of this section if the person's driver's license or privilege to obtain a driver's license was revoked under circumstances described in AS 28.15.181(c)(1). The court shall impose a sentence of imprisonment of not less than 90 days and a fine of not less than $1,000 upon conviction of a violation of this section if the person's driver's license or privilege to obtain a driver's license was revoked under circumstances described in AS 28.15.181(c)(2) or (3). The

be granted until the minimum imprisonment provided in this subsection has been served. Imposition of sentence may not be suspended. In addition, the person's privilege to drive and to obtain a driver's license shall be revoked for an additional period of not less than one year after the date that the person would have been entitled to restoration of driving privileges or to obtain a driver's license if the person had not been convicted under this section.

(d) A person convicted of a violation of this section is guilty of a class A misdemeanor.

* Sec. 12. AS 28.20.090(a) is amended to read:

(a) If a person required to deposit security under this chapter fails to deposit security within 10 days after the department sends notice, the department shall suspend

(1) the license of each driver involved in the accident;

(2) the privilege of operating a vehicle subject to registration if the driver is a nonresident;

(3) the privilege of the owner to operate or permit the operation within this state of a vehicle subject to registration if the owner is a nonresident;

(4) the privilege to obtain a driver's license if the person has not been issued a license under this title and does not have a privilege to drive in this state.

* Sec. 13. AS 28.22.240(a) is amended to read:

(a) If a person fails to provide proof that motor vehicle liability insurance or a certificate of self-insurance was in effect at the time of an accident or when the person was charged with a violation of a traffic law described in AS 28.22.210, the department shall suspend the driver's license or privilege to obtain a driver's license

(1) not less than 90 days if, within the preceding 10 years, the person has not previously had a driver's license or privilege to obtain a driver's license suspended for violation of AS 28.22.200;

(2) not less than one year if, within the preceding 10 years, the person has previously had a driver's license or privilege to obtain a driver's license suspended one or more times for violation of AS 28.22.200.

* Sec. 14. AS 28.35.030(c) is amended to read:

(c) Upon conviction under this section the court shall impose a minimum sentence of imprisonment of not less than 72 consecutive hours and a fine of not less than $250 if the person has not been previously convicted in this or another jurisdiction of driving while intoxicated under this or another law or ordinance with substantially similar elements or refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements. Upon conviction under this section the court shall impose a minimum sentence of imprisonment of not less than 20 consecutive days and a fine of not less than $500 if, within the preceding 10 years, the person has been previously convicted once in this or another jurisdiction of driving while intoxicated under this or another law or ordinance with substantially similar elements or refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements. Upon conviction under this section the court shall impose a minimum sentence of imprisonment of not less than 30 consecutive days and a fine of not less than $1,000 if, within the preceding 10 years, the person has been previously convicted in this or another jurisdiction of more than one of the following offenses or has more than once been previously convicted of one of the following offenses:

(1) driving while intoxicated under this or another law or ordinance with substantially similar elements; (2) refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements. The execution of sentence may not be suspended nor may probation be granted except on condition that the minimum imprisonment provided in this section is served. Imposition of sentence may not be suspended. In addition, if the offense involved driving a motor vehicle for which a driver's license is required, the person's driver's license or privilege to obtain a driver's license shall be revoked in accordance with AS 28.15.181 and the vehicle used in commission of the offense may be forfeited under AS 28.35.036. In addition, the court shall order, and a person convicted under this section shall undertake, for a term specified by the court, that program of alcohol education or rehabilitation that the court, after consideration of any information compiled under (d) of this section, finds appropriate.

* Sec. 15. AS 28.35.032(g) is amended to read:

(g) Upon conviction of a person under this section, the court shall impose a minimum sentence of imprisonment of not less than 72 consecutive hours and a fine of not less than $250 if the person has not been previously convicted in this or another jurisdiction of driving while intoxicated under AS 28.35.030 or another law or ordinance with substantially similar elements or refusal to submit to a chemical test under this section or another law or ordinance with substantially similar elements. Upon conviction under this section the court shall impose a minimum sentence of imprisonment of not less than 20 consecutive days and a fine of not less than $500 if, within the preceding 10 years, the person has been previously convicted once in this or another jurisdiction of driving while intoxicated under

AS 28.35.030 or another law or ordinance with substantially similar elements or refusal to submit to a chemical test under this section or another law or ordinance with substantially similar elements. Upon conviction under this section the court shall impose a minimum sentence of imprisonment of not less than 30 consecutive days and a fine of not less than $1,000 if, within the previous 10 years, the person has been previously convicted in this or another jurisdiction of more than one of the following offenses or has more than once been previously convicted of one of the following offenses: (1) driving while intoxicated under AS 28.35.030 or another law or ordinance with substantially similar elements; (2) refusal to submit to a chemical test under this section or another law or ordinance with substantially similar elements. The execution of sentence may not be suspended nor may probation be granted except on condition that the minimum imprisonment provided in this section is served. Imposition of sentence may not be suspended. If the offense involved driving a motor vehicle for which a driver's license is required, the person's driver's license or privilege to obtain a driver's license shall be revoked under AS 28.-15.181. In addition, the court shall order, and a person convicted under this section shall undertake, for a term specified by the court, that program of alcohol education or rehabilitation that the court, after consideration of any information compiled under (h) of this section, finds appropriate. The sentence imposed by the court under this subsection shall run consecutively with any other sentence of imprisonment imposed on the committed person.

* Sec. 16. AS 28.40.050(b) is amended to read:

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than $500, or by

imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or to obtain a license or the registration of vehicles may be suspended or revoked.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 75

Title: An Act relating to suspension of the privilege to obtain a driver's

Sponsor: Abood

Requestor: Sen Abood

Date of Request: 1-25-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Life and Property Protection

BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bill Brown Phone: 465-4335

Division: Motor Vehicles Date: 1-30-85

Approved by Commissioner: for Michael J Clemens Date: 1-30-85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

TO: Committee Members

FROM: Senator Abood, Chairman

RE: CS for SB 75 (SA)

The changes made in SB 75 are as follows:

Added a new section (Sec. 6) which defines when a person's privilege to obtain a driver's license may be suspended or revoked and who the suspension,revocation applies to.

Sec. 12 of the bill amends AS 28.20.090(a), which deals with security deposits, to included the authority to suspend the privilege to obtain a driver's license.

Sec. 13 of the bill amends AS 28.22.240(a), which deals with the ability to provide proof of motor vehicle liability insurance or a certificate of self-insurance, to included the language of privilege to obtain a driver's license.

Each of these changes were made at the recommendation of the Department of Public Safety.

2

SENATE AMENDMENT

BY State Affairs Committee

To: _____ SENATE BILL No. 75

To: _____ HOUSE BILL No. _____

PAGE: LINE:

* Sec 11. AS 28.20.090(a) is amended to read:

(a) If a person required to deposit security under this chapter fails to deposit security within 10 days after the department sends notice, the department shall suspend

(1) the license of each driver involved in the accident;

(2) the privilege of operating a vehicle subject to registration if the driver is a nonresident;

(3) the privilege of the owner to operate or permit the operation within this state of a vehicle subject to registration if the owner is a nonresident;

(4) the ability to apply for a driver's license if the person has not been issued a license under this title and does not have a privilege to drive in this state.

3

SENATE AMENDMENT

By _____

To: _____ _____ SENATE BILL No. SB 75

To: _____ HOUSE BILL No. _____

PAGE: LINE:

AS 28.22.240(a) is amended to read:

(a) If aperson fails to provide proof that motor vehicle liability insurance or a certificate of self-insurance was in effect at the time of an accident or when the person was charged with a violation of a traffic law described in AS 28.22.210, the department shall suspend the driver's license or privilege to obtain a driver's license of that person for the following periods:

(1) not less than 90 days if, within the preceding 10 years, the person has not previously had a driver's license or privilege to obtain a driver's license suspended for violation of AS 28.22.200;

(2) not less than one year if, within the preceding 10 years, the person has previously had a driver's license or privilege to obtain a driver's license suspended one or more time for violation of AS 28.22.200.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 75

Support with Amendments

January 30, 1985

SB 75, An Act relating to suspension of the privilege to obtain a driver's license.

This bill addresses a problem brought to our attention by the Alaska Court of Appeals decision in the case of Francis vs Municipality of Anchorage in 1982. That decision held that a person who had never applied for a driver's license could not be charged with driving while license suspended if stopped for driving after the Division of Motor Vehicles had issued him a suspension following an accident for which he failed to establish financial responsibility. The court held that since the defendant had never had a license, there was nothing for the Division of Motor Vehicles to suspend. The most the defendant could be charged with was for driving without a valid license.

This problem has been discussed with the Department of Law. Their responses as to how it could be solved are contained in Sections 8, 13, and 15 of SB 84.

Public Safety supports the sponsor's intent but would like the bill amended by adding the wording "or privilege to obtain a license" to AS 28.20.090(a) and AS 28.22.240(a). As written, the bill would cover license actions by the court, and administrative license actions imposed after an arrest for DWI, however, not administrative license actions under the Mandatory Insurance or Financial Responsibility laws following an uninsured accident. The proposed amendments would cover these two instances.

ROBERT J. SUNDBERG
Commissioner

RECEIVED
JAN 31 1985

SENATE BILL 75

"An Act relating to suspension of the privilege to obtain a driver's license"

SB 75 will solve a problem brought about by the Court of Appeals decision in Francis v. Municipality of Anchorage, 641 P.2d 226 (Alaska App. 1983). The gist of that decision is that a person who has never held a driver's license cannot be convicted of driving on a revoked license, even if the "revocation" was the result of a DWI conviction. Because of a standing order by the presiding judge in Anchorage, such a person can only receive a maximum sentence of a $300 fine and be convicted of driving without a valid license.

This problem is solved by adding the language "privilege to obtain a driver's license."

SB

76

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY
FINANCE

1/22/85

Date 1/25/85

Mr. President

The Committee on STATE AFFAIRS considered SB 76

rights of prisoners; and amending Rule 5(b) of the Alaska Rules of Criminal Procedure.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Bill Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 76

Support

February 1, 1985

SB 76 - "An Act relating to rights of prisoners; and amending Rule 5(b) of the Alaska Rules of Criminal Procedure."

The purpose of this legislation is to clarify the rights of Driving While Intoxicated suspects during the period they are to be tested.

Occasionally suspects have been able to delay the implementation of Driving While Intoxicated testing by demanding to speak to their attorney prior to the admission of the test. This statute establishes the priority of the testing without interfering with the rights of the suspects. This will allow for smoother processing of Driving While Intoxicated suspects by law enforcement officers and thus improve their efficiency.

Robert J. Sundberg
Commissioner

SENATE BILL 76

"An Act relating to rights of prisoners: and amending Rule 5(b) of the Alaska Rules of Criminal Procedure."

SB 76 modifies AS 12.25.150(b) and Alaska Criminal Rule 5(b) thus eliminating the difficulties caused police officers who are attempting to give breath alcohol test to DWI suspects. Since it would force a change in a rule promulgated by the Alaska Supreme Court, it must be passed by a two-thirds majority of each house of the Alaska Legislature.

The amendment would allow officers to wait until after they have given breath tests to drunk drivers to permit the suspects to call their attorneys. There is no constitutional impediment to this change, as the constitution already permits the gathering of such evidence without a search warrant, or giving the defendant access to an attorney, as a search incident to an arrest. (Schmerber v. California, 384 U.S. 757, 86 S.Ct. 1826, 16 L.Ed.2d 908(1966); Burnett v. Municipality of Anchorage, 678 P.2d 1364 (Alaska App. 1984), cert. den. 36 Cr.L. 2001)

Even though there is no right to refuse a breath test under Alaska law (Palmer v. State, 604 P.2d 1106 (Alaska 1979, and Jensen v. State, 667 P.2d 188 (Alaska App. 1983)), the Supreme Court of Alaska in Copelin v. State, 659 P.2d 1206 (Alaska 1983), stated that AS 12.25.150(b) and Criminal Rule 5(b) required that a DWI suspect be given access to a telephone, if he request it, before taking a breath test or videotaped sobriety test. This causes delay of 15 to 30 minutes, or longer, in giving the breath test--a test for a substance that is quickly disappearing from the defendant's body.

This change would also be in response to the recommendation of the Presidential Commission on Drunk Driving "That an individual's right to consult his attorney may not be permitted to unreasonably delay administration of the test." A common defense tactic in drunk driving trials is to suggest that the defendant may have been intoxicated at the time of the breath test, but that his breath alcohol concentration at the time of his driving was not over the legal limit. It is therefore imperative that there be as little delay as possible prior to the breath test.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 76

Title: Rights of prisoners.....

Sponsor: Sen. Abood

Requestor: Sen. State Affairs

Date of Request: 2-6-85

FISCAL DETAIL

Agency Affected: Public Safetv

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger Phone: 465=4338

Division: Administrative Services Date: 2-6-85

Approved by Commissioner: For Michael J. Cleary Date: 2-6-85

Agency: Public Safetv

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

SB

81

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

1/22/85

Date 2/5/85

Mr. President

The Committee on STATE AFFAIRS considered SB 81

definition of veteran for purposes of veterans' employment preference rights.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB ~~81~~

Title: Veterans Employment Preference

Sponsor:

Requestor: Military & Vets Affairs

Date of Request: 30 August 1984

FISCAL DETAIL

Agency Affected: Military & Veterans Affairs

Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected: Veterans Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Would conform Alaska's definition of veterans to that used by the federal government in the administration of the Veteran's Preference Program.

Prepared By: Richard L. Rountree Phone: 465-4600

Division: Administrative and Support Services Date: 8 January 1984

Approved by Commissioner: Major General E. G. Pagano Date: 8 January 1984

Agency: Military & Veterans Affairs

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 22, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the definition of "veteran" for purposes of veterans' preference rights for state employment. This bill conforms the current definition of veteran found in AS 39.25.150(19)(A) to the federal definition in 5 U.S.C. sec. 2108.

In essence, the bill extends the period of time of active duty in the United States armed forces which qualifies an individual as a veteran for employment preference. The Alaska statute currently sets November 7, 1975 as the service cut-off date for qualifying as a veteran, while federal law establishes October 14, 1976 as the date. The bill amends AS 39.25.150(19)(A) to reflect the October 14, 1976 date, thereby conforming the federal and state periods of service for being considered a veteran to receive employment preference rights.

Sincerely,

Bill Sheffield
Governor

SB
84

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY
FINANCE

1/22/85

Date 2/21/85

Mr. President

The Committee on STATE AFFAIRS considered SB 84

Motor vehicle laws.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 84 (SA)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

John McCain
Jim Kelly
[illegible]
H. Fischer

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Edwards
2/20/85

Original sponsor: Rules/Governor

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 84 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to motor vehicle laws."

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

* Section 1. AS 28.05.091 is amended to read:

Sec. 28.05.091. VEHICLE IMPOUNDMENT [SEIZURE OF UNSAFE OR DEFECTIVELY EQUIPPED VEHICLE]. A motor vehicle which is driven on a highway or vehicular way or area, and which has been determined to be defective in equipment so as to be unsafe for driving, or on which the vehicle identification number has been removed, defaced, or otherwise altered, is an unlawful vehicle and may be impounded by a peace officer or an employee of the department officially designated for that purpose. The owner or person in lawful possession of a vehicle that is driven on a highway or vehicular way or area and that is so defective in equipment as to be unsafe for driving [THE VEHICLE] shall pay the necessary costs of impounding and storing the vehicle. The impounding of a vehicle is in addition to any other penalty. Nothing in this section prevents the driving or moving of a defective vehicle in the manner directed by the peace officer or employee to a place for

(1) the correction of a defect in the equipment;

(2) dismantling or wrecking; or

(3) storage without repair.

* Sec. 2. AS 28.05.141(c) is amended to read:

(c) If at the hearing under (a) of this section it appears that the record of the person sustains suspension, revocation, limitation, denial, or other remedial action, the hearing officer shall so order

and the department may suspend, revoke, limit, deny, or take other remedial action against that person's license, registration, or title and, if appropriate, the department shall adjust the person's point total accumulated under AS 28.15.231.

* Sec. 3. AS 28.05.141(d) is amended to read:

(d) A person aggrieved by the decision of the hearing officer may, within 30 days, initiate a proceeding in district court to rescind the department's action by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. The district court shall base its review on the record of the hearing, without taking additional testimony. The court may reverse the department's determination if the court finds that the hearing officer misinterpreted the law, acted in an arbitrary and capricious manner, or made a determination unsupported by the evidence in the record. The filing of an appeal under this section does not automatically stay the hearing officer's order. The court may grant a stay of the order only upon a motion and hearing, and upon a finding that there is a reasonable probability that the petitioner will prevail on the merits and that the petitioner will suffer irreparable harm if the order is not stayed [THE COURT SHALL CONDUCT A HEARING DE NOVO. THE DECISION OF THE DEPARTMENT SUSPENDING, REVOKING, CANCELING, LIMITING, RESTRICTING OR DENYING A LICENSE, REGISTRATION, TITLE, PERMIT OR PRIVILEGE IS STAYED AND DOES NOT TAKE EFFECT DURING THE PENDENCY OF AN APPEAL].

* Sec. 4. AS 28.10.051 is amended to read:

Sec. 28.10.051. DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION. The department may suspend or revoke the registration of a vehicle, the certificate of registration or registration plates for a vehicle, or a special permit when

(1) the department determines [IS SATISFIED] that the registration or certificate, plate or permit was fraudulently procured or erroneously issued;

(2) the department determines that a registered vehicle is mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state and the vehicle has been seized or impounded under AS 28.05.091;

(3) a registered vehicle has been scrapped, dismantled or destroyed beyond repair;

(4) the department determines that a required fee or tax has not been paid and the fee or tax is not paid upon reasonable notice and demand;

(5) a registration plate, permit, or certificate is knowingly displayed upon a vehicle other than the vehicle for which issued;

(6) the department determines that the owner of a vehicle has committed an offense under this chapter involving the registration or the certificate, plate, or permit to be suspended or revoked;

(7) the vehicle has been reported to the department as stolen or unlawfully converted; or

(8) the department is otherwise required to do so under the laws of this state.

* Sec. 5. AS 28.10.105(f) is amended to read:

(f) The registration period of a [EVERY] vehicle registered under this section and AS 28.10.107 may, at the option of the owner, be [HAVE ITS REGISTRATION PERIOD] extended in monthly increments by payment of the proportionate prorated applicable fees to allow annual registration to occur in any month of the owner's choice. The registered owner of a vehicle may exercise this option only once for each

vehicle.

* Sec. 6. AS 28.10.411(c) is amended to read:

(c) A resident 65 years of age or older on the date that the tax is due is entitled to an exemption from the tax under AS 28.10.431(b) and the registration fee [TAX] under this section for one motor vehicle subject to registration under AS 28.10.421(b)(1), (2), (5), or (6). An exemption may not be granted except upon written application for the exemption on a form prescribed by the department.

* Sec. 7. AS 28.10.421(d) is amended to read:

(d) The special registration fees under this subsection are imposed annually, unless otherwise specified, for:

(1) an historic vehicle (one time only upon initial registration under AS 28.10.181).....$10;

(2) special request plates.....$20;

plus the fee required for that vehicle under (b)(1) or (2) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates;

(3) a vehicle owned by a disabled veteran or other handicapped person, and registered under AS 28.10.181 [OR A RESIDENT 65 YEARS OF AGE OR OLDER WHO COMPLIES WITH AS 28.10.411(c)].....none;

(4) a vehicle owned by the state.....none;

(5) a vehicle owned by an elected state official.....the fee required for that vehicle under (b) of this section;

(6) a vehicle owned by a consular officer, unless waived under AS 28.10.181.....$30;

(7) a vehicle owned by a rancher, farmer, or dairyman and registered under AS 28.10.181.....$30;

(8) a snowmobile or off-highway vehicle.....$ 5;

(9) an amateur mobile radio station vehicle,

(A) with a transceiver capable of less than 5-band operation.....the fee required for that vehicle under (b) or (c) of this section;

(B) in recognition of service to the public: a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands between 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage.....none

for a mobile amateur radio station vehicle included in (b)(1) or (2) of this section;

(10) dealer registration plates,

(A) the initial set of plates.....$40;

(B) each subsequent set of plates.....$20;

(11) a vehicle owned by a municipality or charitable organization meeting the requirements of AS 28.10.181(c).....$ 5;

(12) an occasional use vehicle under AS 28.10.181(k)....$15;

(13) a vehicle owned by a former prisoner of war.....none.

* Sec. 8. AS 28.15.051(d) is amended to read:

(d) The department may issue a special driver's permit to a person who is at least 14 years of age with the consent of the person's parents, [OR] guardians, or spouse who is 18 years of age or older, for the purpose of driving a motor-driven cycle. This permit may be issued upon application and successful completion of all prescribed tests and fees, and is valid for the same period of time as a driver's license. The permit is not valid in a municipality which by ordinance prohibits the driving of a motor-driven cycle by a person under the

age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under AS 29.33.250 - 29.33.290.

* Sec. 9. AS 28.15.071(a) is amended to read:

(a) The application of a person under the age of 18 years for an instruction permit or driver's license must be signed by the father, mother, [OR] guardian, or spouse who is 18 years of age or older, or if there is no parent, [OR] guardian, or spouse, then by another responsible adult who is willing to assume the obligation imposed under this section upon a person signing the application. The application must be signed and verified before a person authorized to administer oaths, or be signed in the presence of an authorized representative of the department.

* Sec. 10. AS 28.15.071(c) is amended to read:

(c) If a minor deposits, or there is deposited on behalf of the minor, proof of financial responsibility for the minor's driving of a motor vehicle, in the form and amount required in AS 28.20, then the department may accept the application of the minor signed as required under (a) of this section, and, while proof of financial responsibility is maintained, the parent, guardian, spouse, or other responsible adult is not subject to the liability imposed under (b) of this section.

* Sec. 11. AS 28.15.171(a) is amended to read:

(a) The privilege of driving a motor vehicle on a highway or vehicular way or area of this state given to a person licensed in another jurisdiction is subject to suspension, [OR] revocation, or limitation by the department or a court in the same manner and for the same reasons as a driver's license issued under this chapter.

* Sec. 12. AS 28.15.231 is amended by adding a new subsection to read:

(f) The notice required under (a) of this section may be given by first class mail.

* Sec. 13. AS 28.35.032(a) is amended to read:

(a) If a person under arrest refuses the request of a law enforcement officer to submit to a chemical test under AS 28.35.031(a), after being advised by the officer that the refusal will, if that person was arrested <u>for</u> [WHILE] operating or driving a motor vehicle for which a driver's license is required, result in the denial or revocation of the license or nonresident privilege to drive, that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating or driving a motor vehicle or operating an aircraft or a watercraft while intoxicated, and that the refusal is a misdemeanor, a chemical test shall not be given, except as provided by AS 28.35.035.

BILL SHEFFIELD
GOVERNOR

SB 84

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which makes many badly needed amendments to the motor vehicle laws contained in AS 28. These amendments address a variety of issues. The bill alters existing statutes to more accurately reflect the current practices of the division of motor vehicles (DMV) in the Department of Public Safety, to allow DMV to adopt more efficient procedures, and to address some inadvertent omissions in current law.

Section 1 of the bill amends AS 28.05.091 to make it clear that a peace officer may impound a motor vehicle if the vehicle's identification number has been altered or removed. Law enforcement officers often must impound such vehicles in order to investigate whether the vehicle has been stolen, but the language of the current impoundment statute does not clearly authorize a seizure of this sort. Under the proposed language, the owner of an impounded vehicle would not be required to pay any costs associated with impoundment or storage of the vehicle. The owner of an impounded vehicle would be entitled to request a hearing to contest the impoundment. See existing AS 28.05.131.

Section 2 of the bill amends a general provision regarding DMV administrative hearings to make it clear that a hearing officer may take appropriate action against a person's vehicle title or registration as well as against the person's driver's license. This amendment would bring the language of AS 28.05.141(c) into conformity with AS 28.05.131(a), with current administrative practices, and with common sense interpretation.

Section 3 of the bill amends AS 28.05.141(d), which deals with a motorist's right to appeal from an administrative

hearing officer's decision. The new language would allow a motorist to appeal a hearing officer's decision to the district court, and specifies the scope of appellate review. Existing law allows a hearing de novo -- a complete new hearing on the same issues which were decided at the administrative hearing. In many cases, this makes the entire administrative hearing process superfluous. A motorist dissatisfied with a hearing officer's decision will commonly request a de novo hearing in district court, and DMV personnel and their witnesses are forced to present the entire case over again. This is not an efficient use of either administrative or judicial resources. The new language is modelled upon the provisions adopted by the legislature in 1983 regarding the appeal rights granted to a person whose driver's license has been administratively revoked because he drove while intoxicated or refused to take a breath test. See AS 28.15.166(m) and (n).

The amendment contained in sec. 4 of the bill clarifies AS 28.10.051(1), which authorizes DMV to suspend or revoke a motor vehicle certificate of registration if it was fraudulently obtained. Unless an emergency requires immediate action, a motorist has the right to request a hearing under AS 28.05.131 before DMV suspends or revokes a registration certificate.

For the convenience of vehicle owners, current AS 28.10.105(f) allows an owner to register a vehicle for a portion of a year so that annual registration fees for all vehicles owned by that person will be due at the same time under the state's staggered registration system. This privilege has been abused by some owners who have repeatedly registered and paid fees on a vehicle for only part of a year, rather than for the entire year. AS 28.10.105 was never intended to allow a vehicle to be routinely registered for a period of less than a year. The amendment to the statute contained in sec. 5 of the bill states that an owner may exercise this partial-year payment option only once per motor vehicle.

The changes made in secs. 6 and 7 of the bill correct an ambiguity in current law. AS 28.10.411 establishes a state motor vehicle registration fee. AS 28.10.431 authorizes municipalities to levy a motor vehicle registration tax, which may be collected by DMV on behalf of the municipality at the same time that state registration fees are collected. Present AS 28.10.411(c) exempts a resident 65 years of age or older from payment of "tax under this section" for one motor vehicle. This language does not make sense, as AS 28.10.411 levies a fee. A tax is

authorized under AS 28.10.431. The new language makes it clear that a resident aged 65 years or older on the date the tax is due is exempt from payment of both the registration fee and the tax. This is in accord with DMV's present interpretation of the existing language. The amendment specifies that the exemption applies to one personal vehicle, but not to commercial vehicles. This would fulfill the original intent of the provision, which was to excuse senior citizens from paying the costs of registering one personal vehicle, rather than to benefit commercial businesses.

Sections 8, 13, and 15 of this bill provide that a person's "ability to apply for a license" may be suspended or revoked in the same manner and under the same conditions as a person's driver's license may be suspended or revoked under existing law. In the case of Francis v. Municipality of Anchorage, 641 P.2d 226 (Alaska App. 1982), the Alaska Court of Appeals held that a person who had never applied for a driver's license could not be charged with the misdemeanor crime of driving while license suspended (DWLS) for driving after DMV had suspended his "privilege to drive" following an accident for which he failed to establish financial responsibility. The court held that since the defendant had never had a license, there was nothing for DMV to suspend, and the most that the defendant could be charged with was driving without a valid license.

Driving without a valid license in violation of AS 28.15.011 carries a maximum penalty of 90 days in jail, a $500 fine, or both. See AS 28.35.230(a) and (b). In contrast, DWLS carries a maximum penalty of one year in jail, a $5,000 fine, or both. See AS 28.15.291(d). Additionally, a conviction for driving without a valid license does not require the mandatory minimum sentences which must be imposed following a conviction for DWLS. See AS 28.15.291(a) and (c).

In a very real sense, persons such as defendant Francis are more blatant violators of the motor vehicle laws than the "average" DWLS offender. Not only did Francis drive after receiving a suspension notice from DMV, he drove (and was involved in an accident) without ever obtaining a license in the first place. Such blatant disregard of the licensing laws should not be rewarded with lesser criminal penalties. The amendments included in this bill will make offenders like Francis subject to the general DWL laws and their more serious penalties.

Under current law, a person under age 18 may not apply for a driving instruction permit or a motorcycle driver's permit unless a parent or guardian signs the application and agrees to assume responsibility for damage caused by the negligence or willful misconduct of the minor. In the case of a minor who is married, however, a parent may be unavailable or unwilling to assume this responsibility. The language contained in secs. 9, 10, and 11 of this bill allows a spouse 18 years of age or older to sign the necessary application forms and assume this responsibility on behalf of the minor.

AS 28.15.171 presently provides that DMV may suspend or revoke a nonresident's privilege to drive in this state in the same manner and for the same reasons that an Alaska driver's license may be suspended or revoked. Section 12 of the bill amends AS 28.15.171 to clarify that a court also has this authority, and allows the court or DMV to place a limitation on the non-resident's privilege to drive.

Section 14 of the bill specifically authorizes DMV to use first class mail to notify a driver that he is half-way to losing his license because of the accumulation of points resulting from traffic law violations. Existing AS 28.05.121 is a general provision which requires notice to be made by personal delivery, or by registered or certified mail, "unless a different method of giving notice is otherwise expressly provided." "Half-way" notices are currently being sent by first class mail in accordance with 13 AAC 08.220(c). The proposed amendment is intended to meet the requirements of AS 28.05.121 and to bring the statutory language in line with existing regulations and procedures.

The amendment contained in sec. 16 of the bill is a minor one which is intended only to clarify AS 28.35.032(a), which established the misdemeanor crime of refusal to take a breath test. The new language provides that a person's license may be revoked if he was "arrested <u>for</u> operating or driving a motor vehicle for which a driver's license is required." The current law contains the language "arrested <u>while</u> operating ...." Obviously, a DWI offender would never be arrested <u>while</u> he was driving. The arrest always occurs after the offender's vehicle has been stopped.

Adoption of these amendments to AS 28 will clarify some imprecise language contained in the current law, and will

ab 85

enable DMV to more efficiently administer the state's motor vehicle laws. I therefore urge your prompt action on this bill.

Sincerely,

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/~~Resolution No.~~: SB 84

Title: An Act relating to motor vehicle laws.

Sponsor: Rules by request of Governo

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Life and Property Protection

BRU, Program or Subprogram(s) Affected: Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Bill Brown

Phone: 465-4335

Division: Motor Vehicles

Date: 12-10-84

Approved by Commissioner:

Date: 12/11/84

Agency:

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

SB

87

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

3/23/85

Date _____

Mr. President

The Committee on STATE AFFAIRS considered SB 87
campaign financing.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

_____

_____

_____

_____

_____

_____

_____

_____

MEMBERS HAVING
OTHER RECOMMENDATIONS

_____

_____

_____

_____

_____

_____

_____

Chairman

Chairman recommendation

14-0609
Bradley
2/11/85

DRAFT

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to state election campaigns."

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

* Section 1. AS 15.13.110(a) is amended to read:

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the due date of the report. The report shall be filed at the following times:

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

(2) one week before the election;

(3) 10 [TEN] days after the election; and

(4) 31 days after the end [DECEMBER 31] of each year for expenditures and contributions received which were not reported that year.

* Sec. 2. AS 15.13.110(b) is amended to read:

(b) Each contribution received that [OR EXPENDITURE WHICH] exceeds $250 and that [WHICH] is received [MADE] within 10 days [ONE WEEK] of the election shall be reported to the commission by date, amount, and contributor [OR RECIPIENT] within 24 hours of receipt [OR EXPENDITURE] by the candidate or campaign officer [TREASURER].

* Sec. 3. AS 15.13.120(a) is amended to read:

DRAFT

(a) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year or by a fine of not more than $5,000. A violation includes but is not limited to any of the following acts or omissions:

(1) failing to make a statement or report required to be made under this chapter, or failing to make a statement or report at the time the statement or report is required to be made under this chapter;

(2) making a campaign contribution or expenditure which exceeds the limitations of AS 15.13.070 [AS 15.13.070(f)];

(3) making a false statement or report under this chapter or failing to report in whole or in part a contribution or expenditure required to be reported under this chapter;

(4) giving or furnishing money to another person or group for the purpose of making a contribution or expenditure anonymously, in a fictitious name, or in the name of another, or contributing in violation of AS 15.13.070(d);

(5) making a communication to support or defeat a candidate without identification of sponsorship, in violation of AS 15.13.090;

(6) knowingly accepting a contribution in violation of AS 15.13.070;

(7) knowingly expending funds from a contribution made unlawful by this chapter.

* Sec. 4. AS 15.13.125 is repealed and reenacted to read:

Sec. 15.13.125. CIVIL PENALTY FOR LATE FILINGS OF REQUIRED REPORTS. (a) A candidate or group that fails to file a properly completed report within a time stated in AS 15.13.110 is subject to a civil penalty assessed under this section for each day the delinquency

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continues as determined by the commission. A candidate or group against whom a civil penalty is assessed by a decision of the commission under this section may appeal the decision to the superior court. An affidavit stating facts in mitigation may be submitted to the commission by a candidate or group against whom a civil penalty is assessed under this section. The imposition of a penalty does not excuse the candidate or group from filing a report required by this chapter.

(b) A candidate or group that fails to file a properly completed report 30 days before the election as required under AS 15.13.110(a)-(1) or 10 days after the election as required under AS 15.13.110(a)(3) is subject to cumulative civil penalties of $50 for each of the first two days that the report is delinquent. In addition to any other penalty required under this subsection, a candidate or group that fails to file a properly completed report within the first two days after the report is delinquent accumulates a daily penalty of one percent of the total monetary contributions received by the candidate or group during the calendar year through the period ending three days before the due date of the report.

(c) A candidate or group that fails to file a properly completed report one week before the election as required under AS 15.13.110(a)-(2) shall be assessed a penalty of a percentage of the total monetary contributions received by the candidate or group during the calendar year through the period ending three days before the due date of the report

(1) on the first day the report is delinquent, one percent of the total monetary contributions received;

(2) on the second day the report is delinquent, three percent of the monetary contributions received;

DRAFT

(3) on the third day that the report is delinquent, six percent of the total monetary contributions received;

(4) on the fourth and each succeeding day that the report is delinquent, an additional three percent of the total monetary contributions received for each day the report is delinquent in addition to the amount stated in (c)(3) of this section.

(d) A candidate or group that fails to file a properly completed report 31 days after the end of each year as required under AS 15.13.-110(a)(4) is subject to cumulative civil penalties of $50 for each day that the report is delinquent.

(e) A candidate or group that fails to file a properly completed report for a contribution that exceeds $250 and that was received 10 days before the election as required under AS 15.13.110(b) is subject to a civil penalty of

(1) 10 percent of the amount of the unreported contribution on the first day that the report is delinquent;

(2) 30 percent of the amount of the unreported contribution on the second day that the report is delinquent;

(3) 60 percent of the amount of the unreported contribution on the third day that the report is delinquent; and

(4) 100 percent of the amount of the unreported contribution on the fourth day that the report is delinquent.

(f) In addition to the civil penalties established in (b) - (e) of this section, a candidate or campaign treasurer filing a report required under AS 15.13.110 who fails to report a contribution or expenditure or who reports a portion but not the entire amount of the contribution or expenditure is liable to the state for a civil penalty in an amount equal to three times the amount or the value of the contribution or expenditure that was omitted from the report.

Bradley
2/11/85 ✓✓

DRAFT

Original sponsor: Ray

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 87 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to campaign financing."

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

* Section 1. AS 15.13.040(a) is amended to read:

(a) Each candidate shall keep an accurate record of contributions received and of expenditures made and shall make a sworn [FULL] report, upon a form prescribed by the commission, listing the information required by this chapter [DATE AND AMOUNT OF ALL EXPENDITURES MADE BY THE CANDIDATE, THE TOTAL AMOUNT OF ALL CONTRIBUTIONS, INCLUDING ALL FUNDS CONTRIBUTED BY THE CANDIDATE HIMSELF, AND FOR ALL CONTRIBUTIONS IN EXCESS OF $100 IN THE AGGREGATE A YEAR, THE NAME, ADDRESS, PRINCIPAL OCCUPATION, AND EMPLOYER OF THE CONTRIBUTOR AND THE DATE AND AMOUNT CONTRIBUTED BY EACH CONTRIBUTOR]. The report shall be filed under [IN ACCORDANCE WITH] AS 15.13.110 and shall be certified correct by the candidate or campaign treasurer.

* Sec. 2. AS 15.13.040(b) is amended to read:

(b) Each group shall keep an accurate record of contributions received and of expenditures made and shall make a sworn [FULL] report, upon a form prescribed by the commission, listing the information required by this chapter. The report shall be filed under AS 15.13.110 and shall be certified correct by the chairman or campaign treasurer of the group

[(1) THE NAME AND ADDRESS OF EACH OFFICER AND DIRECTOR;

(2) THE AGGREGATE AMOUNT OF ALL CONTRIBUTIONS MADE TO IT; AND, FOR ALL CONTRIBUTIONS IN EXCESS OF $100 IN THE AGGREGATE A YEAR,

THE NAME, ADDRESS, PRINCIPAL OCCUPATION, AND EMPLOYER OF THE CONTRIBUTOR, AND THE DATE AND AMOUNT CONTRIBUTED BY EACH CONTRIBUTOR; AND

(3) THE DATE AND AMOUNT OF ALL CONTRIBUTIONS MADE BY IT AND ALL EXPENDITURES MADE, INCURRED OR AUTHORIZED BY IT].

* Sec. 3. AS 15.13.040(c) is repealed and reenacted to read:

(c) Each report filed under (a) and (b) of this section and under AS 15.13.110 shall list the name, the business or residence address, and the telephone number of the campaign treasurer and shall contain the following information:

(1) the total amount of all contributions received, including the funds contributed by the candidate;

(2) the total amount of all expenditures made during the reporting period;

(3) the total amount of all contributions of $250 or less received;

(4) the date, the amount, the full name and complete address of the payee, and the purpose of each expenditure;

(5) the full name and complete address, the principal occupation, and the employer of each person from whom contributions in the aggregate amount of more than $250 were received during the calendar year, and the date and the amount of the contributions;

(6) the total amount of all contributions returned to contributors;

(7) the full name and complete address of each contributor whose contribution of more than $250 was returned and the amount of the contribution returned;

(8) the full name and complete address of each person who assisted a candidate or group to obtain credit or a loan of money, if the credit or the loan of money was involved, directly or indirectly,

in an election, [,] the date and the total amount of the credit or loan;

(9) the full name and complete address of each person who guaranteed or agreed to assume a financial obligation of benefit to a candidate or group, if the guaranty or assumption of the financial obligation was involved, directly or indirectly, in an election, and the date and the amount of the guaranty or the assumption of the financial obligation;

(10) the total amount of unexpended contributions received and the outstanding indebtedness from expenditures of the candidate or group.

* Sec. 4. AS 15.13.040(d) is amended to read:

(d) Every individual or [,] person and every [OR] group that is not required to register under AS 15.13.050 [MAKING A CONTRIBUTION OR EXPENDITURE] shall make a sworn [FULL] report, upon a form prescribed by the commission, of [THE FOLLOWING CONTRIBUTIONS OR EXPENDITURES:]

(1) any contribution of cash, goods or services valued at more than $250 [$100] a year to any group or candidate; or

(2) any independent expenditure [WHATSOEVER] for advertising in newspapers, on radio or on television [;] or [,] for the publication, distribution or circulation of brochures, flyers, or other campaign material for or against any candidate, [OR] ballot proposition or question.

* Sec. 5. AS 15.13.040(f) is repealed and reenacted to read:

(f) Except as provided in AS 15.13.110(b), a candidate or a group is required to report an expenditure or a contribution on the first report occurring after the expenditure is made or the contribution is received.

* Sec. 6. AS 15.13.040 is amended by adding new subsections to read:

(g) A report required to be filed under this chapter must contain the following affidavit:

"I do solemnly swear that, to the best of my knowledge, the foregoing report is in all respects true and correct and fully shows all information required to be reported by me under AS 15.13."

(h) A report filed under this chapter is a public record under AS 09.25.110 - 09.25.120 and shall be preserved for four years after the election for which it was filed.

(i) A report or statement required to be filed under this chapter other than a report required under AS 15.13.110(b) is considered filed when deposited in the United States mail and addressed to the commission with the proper postage affixed. While a postmark is prima facie evidence of the time of filing, an individual may offer evidence as to the actual time of placing the report or statement in the United States mail.

* Sec. 7. AS 15.13.045 is amended by adding a new subsection to read:

(e) A person who believes a violation of this chapter has occurred may file a complaint with the commission. If the commission determines there is substantial reason to believe that a violation has occurred, it shall expeditiously make an investigation, which may also include an investigation of reports and statements filed by the complainant, of the matter complained of. When, in the judgment of the commission, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in an act or practice that constitutes or would constitute a violation of this chapter or a regulation adopted or order issued under it, it shall promptly report the information to the attorney general for appropriate action. The commission shall report its determination and recommendation to the

person who filed the complaint with the commission within 60 days of receiving the complaint unless circumstances require additional time to make an adequate investigation.

* Sec. 8. AS 15.13.060(a) is amended to read:

Sec. 15.13.060. CAMPAIGN <u>OFFICERS</u> [TREASURERS]. (a) <u>Each candidate may and each group shall appoint a campaign chairman.</u> Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. <u>Each candidate and each group may appoint deputy campaign treasurers at any time.</u> A candidate may be a campaign treasurer.

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

(b) Each group shall file the name<u>,</u> [AND] address<u>, and telephone number</u> of its <u>campaign chairman, its</u> campaign treasurer<u>, and any deputy campaign treasurers</u> with the commission at the time it registers with the commission under AS 15.13.050. <u>The group shall report changes or additions with the commission as they occur. The address of the campaign treasurer is the mailing address of the group unless the group files a different mailing address with the commission.</u>

* Sec. 10. AS 15.13.060(c) is repealed and reenacted to read:

(c) An individual may not act as the campaign chairman, campaign treasurer, or deputy campaign treasurer for a candidate until the name, address, and telephone number of the individual has been filed with the commission. The address of the campaign treasurer, if a campaign treasurer is appointed, is the address of the candidate unless the candidate files a different mailing address with the commission.

* Sec. 11. AS 15.13.060(d) is amended to read:

(d) In the case of the death, resignation or removal of a cam-

paign officer required to be appointed under this section [TREASURER], the candidate or group shall appoint a successor as soon as practicable and file the [HIS] name, [AND] address, and telephone number of the successor with the commission within 48 hours of the appointment. [THE CANDIDATE IS DISQUALIFIED WHEN HE HAS BEEN FOUND TO HAVE BEEN IN WILFUL VIOLATION OF THIS SUBSECTION.]

* Sec. 12. AS 15.13.060(e) is repealed and reenacted to read:

(e) A candidate may receive contributions and make expenditures either personally or by a campaign chairman, a campaign treasurer, or a deputy campaign treasurer. A group may receive contributions and make expenditures only by the campaign chairman, campaign treasurer, or deputy campaign treasurer of the group.

* Sec. 13. AS 15.13.060(f) is amended to read:

(f) The candidate is responsible for the performance of the campaign officers [HIS CAMPAIGN TREASURER,] and any default or violation by an officer [THE TREASURER] also shall be considered a default or violation by the candidate if the candidate [HE] knew or had reason to know of the default or violation.

* Sec. 14. AS 15.13.070(a) is amended to read:

(a) A [NO] person or group, including but not limited to all political committees of a candidate, businesses, corporations, and labor unions, may not contribute to or expend more than $2000 [$1,000] a year on behalf of or in opposition to the competing candidates for each elective office. Political parties and their subdivisions are not subject to the limitation prescribed in this subsection, but they are subject to the reporting requirements prescribed by AS 15.13.040(b) and 15.13.110. This chapter does not prohibit [NOTHING IN THIS CHAPTER PROHIBITS]

(1) a candidate from contributing more than $ of

personal funds to the candidate's own candidacy [$1,000 OF HIS OWN MONEY TO HIS OWN CAMPAIGN]; or

(2) individuals or groups, including but not limited to all political committees, businesses, corporations, and labor unions, from contributing to or expending on behalf of or in opposition to a ballot proposition or question more than $____ [$1,000] a year; however, these contributions and expenditures shall be reported under [IN ACCORDANCE WITH] AS 15.13.040 and 15.13.110.

* Sec. 15. AS 15.13.110(a) is amended to read:

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the due date of the report. The report shall be filed at the following times:

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

(2) one week before the election;

(3) 10 [TEN] days after the election; and

(4) 31 days after the end [DECEMBER 31] of each year for expenditures and contributions received which were not reported that year.

* Sec. 16. AS 15.13.110(b) is amended to read:

(b) Each contribution received that [OR EXPENDITURE WHICH] exceeds $250 and that [WHICH] is received [MADE] within 10 days [ONE WEEK] of the election shall be reported to the commission by date, amount, and contributor [OR RECIPIENT] within 24 hours of receipt [OR EXPENDITURE] by the candidate or campaign officer [TREASURER].

* Sec. 17. AS 15.13.110(c) is amended to read:

(c) Each candidate and group shall file the reports required by this chapter [THE REPORTS OF CANDIDATES SHALL BE FILED] with the commission's central office and each report is [. ALL REPORTS REQUIRED BY THIS CHAPTER SHALL BE KEPT] open to public inspection. After [WITHIN 30 DAYS AFTER] each election, the commission shall, upon request, prepare a summary of each report which shall be made available to the public at cost [UPON REQUEST]. Each summary shall use uniform categories of reporting.

* Sec. 18. AS 15.13.130 is amended by adding a new paragraph to read:

(8) "independent expenditure" means the disbursement of funds made to support or oppose the election of a candidate or the passage or defeat of a ballot proposition or question that is not made with the cooperation, consent, or at the request of a candidate, the campaign committee or controlled group of a candidate, or a group that is supporting or opposing the candidate or ballot proposition or question for which the funds are disbursed.

* Sec. 19. AS 15.13.070(e) - (g), and 15.13.120(d) are repealed.

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
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IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

Synopsis Of Amendments To CSSB 87 Adopted By The Committee During The February 12th Hearing

1) Page 1 - 5 : no change.

2) Page 6, Section 14 : $1,000 limit for contributions has been maintained throughout Section 14.

Page 6, Line 21:

After "political committees", delete "of a candidate."

3) Page 7, Line 5:

After "behalf of" add "or opposed to"

4) The following language was adopted by the committee:

" any independent expenditure in the amount of $ 1,000 or more within 30 days of an election shall be reported to the commission within 72 hours of the expenditure."

The following language appears in the latest draft of CSSB 87:

Beginning with the last word on page 7, line 29 ; through page 8, line 4:

" Each independent expenditure in the amount of $1,000 or more that is made within 30 days of an election shall be reported to the commission by date, amount, and purpose within 72 hours of the expenditure and shall identify the name of the person or group that made the expenditure."

Reporting independent expenditures by date, amount and purpose conforms to the present law pertaining to the reporting of campaign contributions and expenditures.

Dianne Colvin - disclaimers by media
limiting contributions of Kids - ages

Identification of the independent expenditure by the name of the person or group that made the expenditure is modeled on the Federal Election Code, and allows for full disclosure.

5) Page 8, Line 15

New paragraph has been correctly renumbered from (7) to (8).

6) Page 8, Lines 23-24:

An immediate effective date has been added.

Taken from 'Campaign Guide' - Federal Elections Commission

C. Independent Expenditures

Note that this appendix may be reproduced and distributed by the candidate or his/her committee to anyone who requests FEC guidelines on independent expenditures.

1. Definition

What Is an Independent Expenditure?

An independent expenditure is an expenditure for communications expressly advocating the election or defeat of a clearly identified candidate[1] which is NOT made with the cooperation or consent of, or in consultation with, or at the request or suggestion of, any candidate or any of his/her agents[2] or authorized committees. 100.16. Independent expenditures may be made without limit since they do not count against the contribution limits established by the Federal Election Campaign Act. (However, contributions made to an independent expenditure committee are subject to monetary limits, as explained below.)

What Is NOT an Independent Expenditure?

Contact with Candidate or Authorized Committees

Any expenditure made in cooperation, consultation, or in concert with the candidate or as a result of his/her request or suggestion is considered an in-kind contribution (not an independent expenditure) by the person making the expenditure and counts against his/her contribution limit. 100.16 and 109.1 (b)(4).

Note that when an individual merely requests and receives from a candidate FEC guidelines on independent expenditures (such as this section of the Guide), he/she is not considered to have coordinated, cooperated or consulted with the candidate. 109.1(b)(4)(ii).

Candidate-Prepared Materials

Any expenditure to finance the dissemination or re-publication of a broadcast or other campaign materials prepared by a candidate (or his/her agent or authorized committee) is considered an in-kind contribution by the person making the contribution. 109.1(d).

Expenditure by Committee Employee

An expenditure made on behalf of a candidate by a current or former officer or employee of that candidate's committee or by a person who has received compensation or reimbursement from the campaign is presumed not to be independent. 109.1(b)(4)(i)(B).

Examples

An individual not previously involved in the campaign of candidate Smith purchases a newspaper advertisement supporting Smith without ever contacting the candidate or any of his campaign staff. The purchase is considered an independent expenditure. If, however, before purchasing the ad, the individual asks candidate Smith or his campaign staff how he may help the campaign or when Smith wants a newspaper ad to appear, the individual makes an in-kind contribution. Or, if the individual buys a campaign advertisement using text actually prepared by Smith's campaign staff, the individual makes an in-kind contribution to the candidate. (An in-kind contribution, when combined with all other contributions from the same individual, is limited to $1,000 per election.)

2. Public Notice Required

Any independent expenditure must include a clear and conspicuous public notice in the printed material or during the broadcast. The notice must:

- State that the communication is not authorized by the candidate or his/her authorized committee; and
- Identify the name of the person or committee that financed the expenditure. 109.3; 2 U.S.C. §441d(a).

3. Reporting Requirements

Political Committee

A reporting political committee must itemize each independent expenditure it makes exceeding $200 (Schedule E of the appropriate reporting form) at the end of any reporting period in which the expenditure is made. In addition, the total of all independent expenditures of $200 or less must be reported but not itemized. 104.3(b)(3)(vii).

Any Other Person

Any other person (individual, partnership or group of individuals) must file a report with the FEC (on FEC Form 5) at the end of the first reporting period in which independent expenditures aggregate more than $250 and in any succeeding period during the same year in which additional independent expenditures of any amount are made. 109.2(a).

Last-Minute Independent Expenditures

An independent expenditure of $1,000 or more made between 2 and 20 days before an election must be reported within 24 hours after it is made to the FEC, the Secretary of the Senate or the Clerk of the House, as appropriate. 104.5(g). A political committee must disclose a last-minute independent expenditure a second time on a Schedule E filed with its next scheduled report. The committee may, if it wishes, note on Schedule E that the expenditure was previously reported.

4. Contents of Report

Itemized reports on independent expenditures must include the information described below:

Certification

The report must include a certification, under penalty of perjury, that the expenditure meets the above standard of independence. 104.3(b)(3)(vii)(B) and 109.2(a)(1).

Information About Expenditure

The report must include the date, amount and purpose of the expenditure (i.e., a brief description of why the disbursement was made) and must indicate whether the expenditure is in support of or in opposition to the candidate(s). 104.3(b)(3)(vii) and 109.2(a). When an

[1] *A "clearly identified candidate" is one whose name, photograph or drawing appears or whose identity is apparent by unambiguous reference. 100.17.*

[2] *"Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures. 109.1 (b)(5).*

independent expenditure is made on behalf of more than one clearly identified candidate, the expenditure must be allocated among the candidates in proportion to the benefit they are expected to receive. 106.1(a).

Information About Candidate

The report must include the name and address of the candidate(s) and the office sought. 104.3(b)(3)(vii) and 109.2(a)(1).

Information About Person Making Expenditure

When a person other than a political committee makes the expenditure, the report must include the person's name, address, occupation and employer, if any. 109.2(a)(1).

Information About Payee

The report must include the name and address of the person to whom the expenditure was made. 104.3(b)(3)(vii) and 109.2(a)(1).

Information About Other Contributors

The report must include the name, mailing address, occupation and name of employer of each person who contributes more than $200 to the person who makes the expenditure. 104.3(a)(4)(i) and 109.2(a)(1).

5. Contributions to Persons Making Independent Expenditures

All the limitations and prohibitions on contributions to candidates also apply to contributions made to persons making independent expenditures. In addition, when a person contributes to a political committee that makes independent expenditures exclusively in support of, or in opposition to, a single candidate, that contribution is subject to the per candidate, per election, limit. For example, Citizen Smith contributes $500 to an independent committee established to make independent expenditures exclusively on behalf of Candidate Jones. Smith may then contribute only $500 more to Candidate Jones since Smith's total contributions benefiting Jones would then reach the $1,000 per candidate, per election, limit. 110.1(h).

D. Earmarked Contributions

1. Definition

An earmarked contribution is one which the contributor directs (either orally or in writing) to a candidate (or his/her authorized committee) through an intermediary or conduit. The intermediary may be a nonregistered entity, such as an individual or a group, or a registered political committee with regular reporting obligations. 110.6(b).

2. Earmarking and Contribution Limits

An earmarked contribution is considered to have been made by the original contributor, thus counting against his/her contribution limit for that candidate. The contribution limitation of the conduit or intermediary is not affected unless the conduit exercises direction or control over the choice of the intended recipient of the contribution. In that case, the contribution is considered to have been made by both the original contributor and the intermediary or conduit and counts against both of their contribution limits. 110.6(d).

3. Forwarding Earmarked Contributions

The intermediary or conduit must forward an earmarked contribution to the recipient committee within 10 days. The report to the recipient (described below) must be forwarded along with the contribution. 102.8(a), (c) and 110.6(c)(2).

4. Reporting Earmarked Contributions

The reporting of earmarked contributions is required[1] by all intermediaries, including registered political committees and nonregistered entities (such as individuals, partnerships and groups of people), and by the recipients. 110.6(c).

Reports by Political Committee Serving as Intermediary

A political committee which is an intermediary or conduit of an earmarked contribution must disclose the earmarked contribution, regardless of amount, on two separate reports: the next regularly scheduled report, and a special report to the recipient. 110.6(c).

Next Regular Report

The conduit's next regularly scheduled report must indicate whether the earmarked contribution was:

- Passed through the conduit's account, in which case each contribution must be reported on the regular reporting schedules of itemized receipts and disbursements (Schedules A and B of the appropriate reporting form); or
- Passed on in the form of the original contributor's check, in which case each earmarked contribution must be reported on a separate Schedule A, filed as a *memo entry*.* 110.6(c)(1)(i) and (ii).

Report to Recipient

A report to the intended recipient must also be made at the time the conduit or intermediary passes the contribution on to the recipient. 110.6(c)(2).

Contents of Reports on Earmarked Contributions

The above reports by the intermediary or conduit must contain all of the following information:

- The name and mailing address of the original contributor and, if the contribution is from an individual and exceeds $200 per year when combined with other contributions from the same donor, the contributor's occupation and the name of his/her employer;
- The amount of the earmarked contribution;
- The date the contribution was received by the conduit;

* *See Definitions in Appendix A.*

[1] *However, the reporting rules for earmarked contributions do not apply when a person merely physically transfers to a candidate checks (or other written instruments) which, in the aggregate, do not exceed $1,000 in a calendar year. 110.6(c)(5). Also, the rules do not apply to authorized agents of a committee.*

CAMPAIGN GUIDE

FOR CONGRESSIONAL CANDIDATES AND COMMITTEES

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ONE
CANDIDATE COMMITTEES

The Federal Election Campaign Act (the Act) requires political committees which support candidates for Federal office to register and disclose their campaign receipts and disbursements and to abide by certain contribution limits and prohibitions. To help candidates and committees comply with the Act, the Federal Election Commission (FEC) has prepared this Guide to focus exclusively on those requirements affecting candidates for the U.S. House and Senate, their principal campaign committees and any other authorized committees. The information presented here is based on the Act and FEC Regulations.[1]

Before reading this Guide, candidates and committee staff should note the following suggestions:

- Review this Guide carefully. Note the definitions in Appendix A which give special meaning to key words. Terms included in this Appendix are italicized and marked with an asterisk the first time they appear in the text.
- Keep good records of receipts and disbursements.
- If a mistake is discovered, correct it promptly and straightforwardly.
- When seeking more information, consult the Federal Election Campaign Act (2 U.S.C. §§431-455) and the FEC Regulations (11 CFR Parts 100-115). Note in particular the definitions (and their exceptions) given at the beginning of most sections of the Regulations. An index accompanying the Regulations helps a reader quickly locate those provisions pertinent to his/her particular concern.
- If in doubt as to what the law means or how it applies to a specific situation, seek help from the FEC (see Appendix E). Call toll free 800/424-9530 or, in Washington, 523-4068. Phone calls from Alaska or Hawaii may be made collect to the Commission (202/523-4068).

[1] *Citations appearing in this Guide refer to sections of the FEC Regulations and, where prefaced by 2 U.S.C., to the Act. Selected advisory opinions (AOs) and directives issued by the Commission are cited as well.*

Contributions and Expenditures

Under the Federal Election Campaign Act (the Act), the terms "contributions" and "expenditures" are essential to understanding the basic requirements of the Act:

- The amount of "contributions" received and the amount of "expenditures" made, for example, determine whether or not an individual is a *candidate** and subject, therefore, to the requirements of the Act.
- Moreover, contributions received and expenditures made must be reported by the candidate's authorized committee(s).
- Finally, candidate committees may **NOT** accept contributions that exceed the dollar limitations or violate the prohibitions of the Act.

To comply with the Act, therefore, one needs to know just exactly what is a "contribution" and what is an "expenditure." This section explains these terms, providing examples where helpful.

1. Contributions vs. Expenditures

The Act makes a basic distinction between contributions and expenditures. A contribution is one way individuals and groups provide support to a candidate for Federal office. A contribution usually involves the giving of money, goods or services to a campaign or the giving of money to *political committees** which, in turn, make contributions to the candidates of their choice.

An expenditure is not the same as a contribution. It usually represents the utilization of contributions received by a candidate or a political committee. Thus, candidates and their authorized committees conduct campaigns by expending the resources which have been contributed to them.

Contributions to candidates and their campaign committees are subject to certain limits and prohibitions under the Act. By contrast, expenditures by House and Senate candidates and their committees are not limited.[1] Full reporting is required, however, for both contributions and expenditures.[2]

2. Contributions vs. Other Receipts

Campaign Contributions

A campaign contribution is anything of value given to an *authorized committee** of a candidate (or the committee's *authorized agents**) to influence the candidate's nomination or election to Federal office. 100.7(a)(1). Note that a candidate is considered an authorized agent of the committee. 101.2 and 102.7(d). Listed below are different types of contributions, all of which are subject to the Act's prohibitions and dollar limitations (except contributions from the candidate) and are reportable by the candidate's authorized committee.[3] Committees may receive other goods, services or monies that are not considered contributions and, therefore, are not subject to the Act's dollar limitations. These receipts, nevertheless, are reportable; they are described below under "Other Reportable Receipts."

* *See Definitions in Appendix A.*

[1] *Expenditures by Presidential candidates receiving public funds, on the other hand, are limited by the Act.*

[2] *Other types of receipts and disbursements are also reportable, with a few exceptions. See "Contributions vs. Other Receipts," above, and "Expenditures vs. Other Disbursements," which follows.*

[3] *See page 8 for limits and prohibitions on contributions and pages 15-16 for reporting requirements.*

Gifts of Money

A gift of money may be made by check or cash (i.e., currency). Cash contributions, however, are limited to $100. 110.4(c).

Loans from Persons

A loan, including a loan made by the candidate's family to his/her campaign, is considered a contribution to the extent of the outstanding balance. Once repaid in full, a loan no longer counts against a person's contribution limit.[4]

Thus, an individual loan, when added to other contributions from the same lender, may not exceed $1,000. If, for example, a committee repays $500 of a $1,000 loan, it could borrow up to $500 from the same person again. *Bank** loans, however, made according to applicable banking laws and in the ordinary course of business, are not considered contributions by the bank but must be reported as receipts (and continuously reported as debts until repaid in full). 100.7(a)(1)(i) and 100.7(b)(11).

Endorsements and Guarantees of Loans

An endorsement or guarantee of a loan, like a regular loan, counts as a contribution from the endorser or guarantor to the extent of his/her portion of the outstanding balance of the loan. Once a loan is repaid, the endorsement or guarantee no longer counts against the endorser's or guarantor's contribution limit. 100.7(a)(1)(i)(C).

Extension of Credit

The extension of credit by any person for a length of time beyond normal business or trade practice is a contribution, unless the creditor has made a reasonable attempt to collect the debt. 100.7(a)(4). (See also "Debt Settlement," page 17.)

In-Kind Contributions

Services, goods and property offered to the committee free or at less than the usual charge are considered in-kind contributions. They are subject to the same limits as any other type of contribution and are reported by the recipient committee as both contributions and expenditures. 100.7(a)(1)(iii) and 104.13.

- **Goods** (such as office space or equipment) are valued at the ordinary market price.
- **Services** (such as consultant work or printing) are valued at the hourly or piecework rate when the individual performing the service is compensated by a person other than the candidate's authorized committee.[5] (When not compensated, such services may be considered "volunteer activity," which does not count as a contribution. See page 8. 100.7(a)(1)(iii)(B).

If a person makes an expenditure that fails to qualify as an *independent expenditure,** it is considered an in-kind contribution. An expenditure is not independent if it is made in cooperation or consultation with, or at the request or suggestion of the candidate or the candidate's authorized committee or agents. 109.1(a) and (c). For example, an expenditure for a billboard advertisement supporting a candidate counts as an in-kind contribution to the candidate if the individual paying for the ad asks the candidate where he/she would like the billboard placed.

Proceeds from Sales

The entire amount paid to attend a fundraiser or other political event is a contribution. Similarly, the entire amount paid for any item sold for fundraising purposes is a contribution. 100.7(a)(2).

Contributions from the Candidate

Donations or loans made by House and Senate candidates from their *personal funds** to their campaigns are considered contributions, but they are not subject to contribution limits. Nevertheless, they must be reported. Similarly, a campaign expenditure made by a candidate from personal funds is considered an in-kind contribution. 110.10.

Other Reportable Receipts

The following types of *receipts** are not considered contributions but, nevertheless, must be reported as receipts by an authorized committee.

Legal and Accounting Services

Legal and accounting services rendered to a candidate's authorized committee solely to ensure compliance with the Act do not count as contributions if compensated by the regular employer of the individual performing the services. 100.7(b)(14).

Transfers Among Authorized Committees

Transfers of funds among committees authorized by the same candidate do not count as contributions and are not limited. 102.6(a). The following transactions are considered transfers:

- Transfers among committees authorized by the candidate for the same election. 110.3(a)(2)(ii).
- The transfer of unused primary funds from the primary campaign committee to the general election campaign committee. 110.3(a)(2)(iii).
- Transfers between a candidate's previous campaign committee and his/her currently registered political committee. 110.3(a)(2)(iv). If the previous campaign was for a State or local office, the original donors of transferred contributions exceeding $200 must be identified and their contributions fully itemized on the first report filed after the transfer. It is assumed that the last contributions received by the State or local campaign committee are those transferred to the current Federal campaign committee. The Federal campaign committee may not, however, accept any funds which would be unlawful under the Act. 104.12.

Transfer of Joint Fundraising Receipts

If a joint fundraiser is held by several committees, the transfer to a committee of the portion of funds collected for that committee is not a contribution. 102.6 and 110.3(a)(2)(i).

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* *See Definitions in Appendix A.*

[4] *Note that a loan exceeding the contribution limit is unlawful even if it is repaid in full.*

[5] *However, under certain circumstances, legal and accounting services compensated by the regular employer may be rendered to a candidate or committee without counting as a contribution. See page 10.*

Bank Loans
A *bank** loan is not a contribution by the bank to the candidate's authorized committee if the loan is made according to applicable banking laws and in the ordinary course of business, i.e., if it:

- Bears the bank's usual and customary interest rate for the category of loan involved;
- Is made on a basis which assures repayment;
- Is evidenced by a written instrument; and
- Is subject to a due date or amortization schedule. 100.7(b)(11).

3. Expenditures vs. Other Disbursements

Campaign Expenditures

A campaign expenditure is a purchase or payment made by an authorized committee of a candidate (or the committee's authorized agents) to influence the candidate's nomination or election to Federal office. 100.8(a)(1). Note that a candidate is considered an authorized agent of the committee. 101.2 and 102.7(d). Expenditures must be reported by the candidate's authorized committees. Certain types of disbursements are not considered expenditures but, nevertheless, are reportable. They are described below under "OtherReportable Disbursements."

Operating Expenses
Payments for operating expenses, such as staff salaries, rent, travel, advertising, phones, office supplies and equipment, fundraising, legal or accounting services, etc., are expenditures.

Written Agreement to Make Expenditure
A written agreement to make an expenditure is considered an expenditure. 100.8 (a)(2).

In-Kind Contributions
An in-kind contribution received by the committee is reported by the committee as both a contribution and an expenditure. 104.13.

Candidate's Personal Funds
A campaign expenditure made by a candidate from *personal funds** is considered an in-kind contribution and reported as both a contribution and an expenditure. 110.10. Note that candidates may make unlimited expenditures from personal funds.

Other Reportable Disbursements

Listed below are other types of *disbursements** that are not considered campaign expenditures but, nevertheless, must be reported by the candidate's authorized committee.

Legal and Accounting Services
Legal and accounting services rendered to a candidate's authorized committee solely to ensure compliance with the Act are not campaign expenditures if the person paying for the services is the regular employer of the individual performing the service. 100.8(b)(15).

Loans to Others
Loans to other candidates or committees made by the candidate or his/her authorized committees are not considered expenditures.

Loan Repayments
Repayments of loans owed to another person (including to the candidate) are not considered expenditures. 100.8(a)(1)(ii).

Contributions by the Committee
Contributions to another candidate or political committee are not considered expenditures.

Delegate Expenses
Disbursements in connection with a candidate's participation in a national nominating convention are not considered expenditures as long as they are not made for the purpose of influencing his/her election to the House or Senate. AO 1980-29.

4. Other Transactions

Listed below are other types of transactions that are not contributions or expenditures by the candidate's committee and that are not reportable by the campaign (unless otherwise noted).

Honoraria[6]

An honorarium paid to a candidate, who is also a Federal officeholder, for a speech, appearance or article, as well as reimbursed travel and subsistence costs and any agent's fees related to the speech, appearance or article, are not considered contributions (or expenditures). 100.7 (b)(19). Note, however, the Act sets a $2,000 limit on honoraria paid for each speech, appearance or article (excluding travel, subsistence and agent's fees). There is no annual limit on honoraria. 110.12.

Funds Donated to Office Account[7]

Funds donated to an office account to support the activities of a Federal or State officeholder are not contributions (or expenditures). If, however, contributions to or expenditures from an office account are made for the purpose of influencing a Federal election, they are subject to the Act's limitations and reporting requirements. Furthermore, if a corporation or labor organization donates funds to an office account, no funds from the account may be transferred to a political committee account or used in connection with a Federal election. 113.3(b) and 113.4.

Candidate's Routine Expenses

Routine living expenses of the candidate paid by the candidate from personal funds are not expenditures (or contributions). 100.8(b)(22).

Coattail Support

When candidates (including those for local and State offices) pay for certain campaign materials (e.g., pins, bumper stickers, brochures) that include information on or reference to a candidate for Federal office, the payments for the materials are neither contributions to that candidate nor expenditures by his/her campaign as long as the materials are:

- Used in connection with volunteer activities;
- Not used for general public political advertising; and
- Paid for from funds that are permissible under the Act. 100.7(b)(16) and 100.8(b)(17).

Payments for campaign materials may be reportable by the committee of the candidate who pays for them.

Party Spending

Certain expenditures by State and national *party committees** on behalf of a candidate for a general election do not count as either contributions to or

*See Definitions in Appendix A.

[6] *Members of the House and Senate should also consult House and Senate rules.*

[7] *Members of the House and Senate should also consult House and Senate rules.*

expenditures by the candidate's campaign. 100.7(b). (See "Party Expenditures," page 9.)

Independent Expenditures

*Independent expenditures** made by an individual or group on behalf of a candidate for Federal office do not count as either contributions to or expenditures by the candidate's campaign. 109.1(a) and 109.2.

Volunteer Activity

Certain types of volunteer activity conducted in accordance with the rules described under "Volunteer Activity" (page 8) do not count as either contributions to or expenditures by the candidate's campaign.

Testing the Waters

Funds received or payments made to help an individual decide whether to become a candidate (such as payments for polling) are neither contributions nor expenditures if the individual does not become a candidate. If the individual becomes a candidate, however, the funds received and payments made count as contributions and expenditures and must be reported retroactively. 100.7(b)(1) and 100.8(b)(1). (See "Individual Becomes Candidate," below.) The testing-the-waters exemption does not include funds received or payments made for general public political advertising or funds collected for use after the individual becomes a candidate.

Starting the Campaign

1. Individual Becomes Candidate

An individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations under the Act) when his or her campaign exceeds $5,000 in either contributions or expenditures. The threshold is reached when any one of the following circumstances occurs:

Receives Contributions or Makes Expenditures

The individual receives contributions or makes expenditures, either of which aggregate over $5,000. 100.3(a)(1).

Exception: Testing the Waters
Note, however, that payments made to determine whether an individual should become a candidate (such as expenses for polling) do not alone trigger candidate status. Financial records of such activities should nevertheless be maintained because, if the beneficiary of such pre-candidacy activity becomes a candidate, the payments for the polls are considered contributions (subject to the Act's limits and prohibitions) and/or expenditures and must be reported with the first report filed by the candidate's principal campaign committee. 100.8(b)(1).

An individual may finance a variety of activities to test the feasibility of a potential candidacy for Federal office as long as the activities do not entail public political advertising (e.g., T.V. or newspaper ads) or represent the establishment of a campaign organization. If an individual moves beyond deciding whether or not to become a candidate and begins to plan activities to heighten his or her political appeal, he/she would become a candidate. Activities conducted over a protracted period of time might suggest, for example, campaign activity rather than testing-the-waters activity. See AOs 1981-32, 1982-3 and 1982-19.

Example
Mr. Jones is interested in running for Congress, but is unsure whether he has enough support within his District to make a successful bid. He therefore accepts up to $1,000 from each of several friends to pay for an opinion poll. The results of the poll indicate good name recognition in the community, and Jones decides to run. On the first report Jones files after he becomes a candidate (i.e., after he either receives contributions or makes expenditures which exceed $5,000), he must report the donations from his friends as "contributions" and the costs of the poll as an "expenditure." Had Jones not become a candidate, he would have had no obligation to report these financial transactions, and the donations made to help him pay for the poll would not have counted as contributions.

Authorizes Campaign Activity

The individual authorizes another person to accept contributions or make expenditures on his/her behalf, and the authorized person receives contributions or makes expenditures which exceed $5,000. 100.3(a)(2).

Fails to Disavow Campaign Activity

The individual fails to write the Commission a letter disavowing unauthorized campaign efforts on his/her behalf within 30 days after being notified by the FEC that another person has received contributions or made expenditures of more than $5,000 on the individual's behalf. 100.3(a)(3).

Reaches Aggregate Threshold

The individual and other persons (described in the two paragraphs above), in any combination, together raise or spend in excess of $5,000 on the individual's behalf. 100.3(a)(4).

2. Candidates and Committees Register

All forms for registration are available from the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 or by calling 202/523-4068 or toll free, 800/424-9530. (Phone calls from Alaska and Hawaii may be made collect.) Printed on the back of each FEC form are detailed line-by-line instructions on how to fill out the form. (See Part Two.)

* *See Definitions in Appendix A.*

Candidate

Within 15 days after an individual becomes a candidate, he/she must designate a *principal campaign committee** as the principal committee to receive contributions and make expenditures on the candidate's behalf. This designation must be made in writing by filing[1] a Statement of Candidacy (FEC Form 2) or by filing a letter with the same information (i.e., the individual's name and address, the District and/or State in which Federal office is sought, the name and address of his/her principal campaign committee and the committee's campaign depository.) 101.1 (a).

Principal Campaign Committee

Within 10 days after it has been designated by the candidate, each principal campaign committee must file a Statement of Organization (FEC Form 1) with either the Secretary of the Senate or the Clerk of the House as appropriate. The Statement must identify the committee's treasurer, bank depositories, all other committees authorized by the same candidate and other pertinent information. 102.1(a) and 102.2(a).

Name of Committee

The name of the principal campaign committee must include the name of the candidate it is supporting. 102.14(a).

Treasurer Required

Each principal campaign committee must have a treasurer; no contribution or expenditure may be made or accepted when there is a vacancy in that office. An assistant treasurer, who would act as treasurer in the event of a vacancy, may be designated on the committee's Statement of Organization. 102.7.

No Support of Other Candidates

A principal campaign committee may not support (or ever have supported) more than one candidate. It may, however, be authorized as a joint fundraising committee by several candidates who engage in joint fundraising activity. 102.13(c)(1). ("Support" does not include contributions aggregating $1,000 or less per election made to another candidate's authorized committee. 102.13(c)(2).)

Campaign Depositories

The principal campaign committee must designate at least one campaign depository where all contributions are deposited and from which all expenditures (except those from a petty cash fund) are made through a checking account. State banks, national banks or depository institutions insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation or the National Credit Union Administration may be designated as depositories. 103.2 and 103.3.

Identification Number

The principal campaign committee is given an identification number only after the Statement of Organization is filed. 102.2(c).

Other Authorized Committees

Any other committee authorized by the candidate (in addition to the principal campaign committee) to receive contributions or make expenditures on the candidate's behalf must also register. Registration involves three distinct steps:

Action by Candidate

The candidate designates the authorized committee by filing a written statement with the principal campaign committee. This designation may be made by letter or by filling in the appropriate lines on the Statement of Candidacy. (FEC Form 2). 101.1(b).

Action by Authorized Committee

Within 10 days after being designated, the authorized committee must file a Statement of Organization (FEC Form 1) with the principal campaign committee of the candidate it supports. 102.1(b).

All other registration requirements listed under "Principal Campaign Committee" (above) also apply to the registration of any other authorized committee.

Action by Principal Campaign Committee

The principal campaign committee, in turn, files both the Statement of Candidacy and the Statement of Organization with the Secretary of the Senate or the Clerk of the House of Representatives as appropriate. (Statements should not be filed directly with the FEC.) 101.1(b) and Part 105.

3. Amending the Registration

Committees must report any change or correction in their registration (such as change in officers, address, office sought, bank depositories or date of elections) by writing a letter or filing an amended Statement of Organization signed by the treasurer. Any such change must be reported within 10 days after it is made. 102.2(a)(2).

* *See Definitions in Appendix A.*

[1] *All documents and reports must be filed with either the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, and copies must be filed with the Secretary of State or appropriate elections official in the State in which the candidate seeks office. Statements should not be filed directly with the Federal Election Commission. Part 105. (See "Where Reports Are Filed," page 13.)*

Assessing Campaign Resources

Under the Federal Election Campaign Act, candidates and their authorized committees may use a variety of resources. Note, however, that the use of these resources is subject to certain limitations and prohibitions outlined below.

1. Contributions

Individuals, partnerships, political committees and other groups may make *contributions** directly to the candidate's authorized committee or agent or to another political committee, person or group supporting the candidate. 100.7(a). Candidate committees must report contributions they receive. 104.3(a). (The individual making the contribution has no reporting responsibility.) They must also be sure not to accept contributions which violate the Act's limitations or prohibitions.[1] Part 110, 114.2 and 115.2.

Prohibited Contributions

The Act prohibits certain types of contributions. The prohibitions listed below apply equally to all contributions made to candidates for Federal office, to political committees supporting them and to any *person** who makes a contribution to or an *independent expenditure** on behalf of a candidate for Federal office.

Corporations, Labor Organizations and Banks
Contributions made from the treasuries of national banks, corporations and labor organizations are prohibited. 114.2. However, contributions may be made from *separate segregated funds** (i.e., political action committees or PACs) established by corporations, labor organizations or national banks. 114.5.

Government Contractors
Contributions from Federal Government contractors are prohibited. 115.2. This prohibition applies to contributions made by individuals or sole proprietors who have entered into contract with the Federal Government. It does not apply, however, to personal contributions of employees, partners, shareholders or officers of businesses with Government contracts; nor does it apply to separate segregated funds established by corporations or labor organizations with Government contracts. 115.4, 115.5 and 115.6.

Foreign Nationals
Contributions from foreign nationals who have not been granted permanent residence in the United States (i.e., those without green cards) are prohibited. 110.4(a).

Cash Contributions
Cash contributions (currency) from one person, which, in the aggregate, exceed $100 per candidate for the entire campaign period are prohibited.[2] 110.4(c).

Contributions in the Name of Another
Contributions made by one person in the name of another person are prohibited. 110.4(b).

Contribution Limits

Under the Act, individuals and groups are limited in the amounts they may contribute to candidates for Federal office, to political committees which support them or to any committee making an independent expenditure on behalf of a candidate for Federal office. 110.1, 110.2 and 110.3. The limitations apply to any type of contribution, including contributions of money, contributions of goods and services, loans, endorsements of loans, etc. Candidate committees may not accept contributions that exceed the donor's contribution limit. 110.9(a). For specific limits, see the Chart on Contribution Limits in Appendix B.

2. Volunteer Activity

Subject to the limitations listed below, individuals may also volunteer their services and goods, without counting such activity as a contribution. Volunteer activity does not have to be reported. However, the value of any activity exceeding the limits listed below must be reported by the candidate's committee as an in-kind contribution, which counts against the volunteer's contribution limits.

Personal Services

An individual may volunteer any personal service provided he or she is not compensated for the service by any other committee, individual or organization. 100.7 (b)(3).

Activities in Home

For campaign-related activities, an individual may provide the use of his/her home or the recreation room of his/her residential complex, provided that the room is available without regard to political affiliation. Any nominal fee charged for the room is not considered a contribution. 100.7(b)(4).

Activities in Church or Community Room

An individual volunteer may obtain the use of a church or community room for campaign-related activity provided that the room is generally used by all members of the community, without regard to political affiliation, for noncommercial purposes. Any nominal fee paid for the room is not considered a contribution. 100.7(b)(5).

Food, Beverages and Invitations

An individual may spend up to $1,000 per candidate, per election, for food, beverages and invitations in connection with campaign-related activity conducted in his/her home or in a church or community room (as specified in the two paragraphs above). 100.7(b)(6).

Travel

An individual may spend up to $1,000 per candidate, per election, for his/her own travel expenses related to the campaign. 100.7(b)(8).

* *See Definitions in Appendix A.*

[1] *If a candidate committee receives contributions from a group that is not a registered committee, the candidate committee has the responsibility to verify that the funds are not from corporations, labor organizations or foreign nationals. FEC Directive 19, September 12, 1980.*

[2] *If a candidate's authorized committee receives an anonymous contribution of currency, the committee may use up to $50 of that contribution for campaign-related activities. Any amount exceeding $50 may be used only for other legal purposes not relating to the Federal election campaign or candidate (e.g., donation to charity). 110.4(c)(3).*

Living Expenses

An individual may spend any amount for his/her normal living expenses incurred while engaging in volunteer activity. 100.7(b)(8).

Vendor Discounts

A vendor, whether or not incorporated, may sell to a candidate's campaign, at cost, food and beverages to be used in connection with the campaign, as long as the cumulative value of the discounts does not exceed $1,000 per candidate, per election. 100.7(b)(7).

3. Independent Expenditures[3]

In addition to making contributions and volunteering, an individual or group may support candidates by making independent expenditures on their behalf. An independent expenditure is an expenditure for a communication expressly advocating the election or defeat of a *clearly identified candidate** which is not made with the cooperation or prior consent of, or in consultation with or at the request or suggestion of, any candidate or his/her authorized committees or agents. 109.1(a). There is no limit on the amount or frequency of independent expenditures, but they must be reported once they exceed $250 a year. A group of individuals acting in concert to collectively make independent expenditures that exceed $1,000 in a calendar year may be considered a political committee with registration and periodic reporting obligations. Any contribution to a political committee that makes independent expenditures on behalf of only one candidate is subject to the per candidate, per election, limitations. 110.1(h).

4. Party Support

Political parties may support candidates by contributing to them, making expenditures on their behalf and engaging in certain activities that may benefit candidates.

Party Contributions[4]

National Party Limit for House Candidates

A national party committee and its Congressional campaign committee may each contribute up to $5,000 to each House candidate, per election. 110.2(a)(1) and 110.3(b).

National Party Limit for Senate Candidates

The national party committee together with its Senatorial campaign committee may contribute up to a combined total of $17,500 to each Senate candidate for the entire campaign period (involving, for example, a primary and a general election). 110.2(c).

State Party Limits

A State party committee may contribute to Senate and House candidates up to the maximum limit (either $1,000 or $5,000, depending on whether it qualifies as a *multicandidate committee**). One contribution ceiling applies collectively to each State party committee and all subordinate party committees (county, district or local). A subordinate party committee may, however, contribute under its own separate limit if the committee neither receives funds from nor makes contributions in cooperation with or at the suggestion of any other party unit. 110.3(b)(2).

Party Expenditures

In addition to making contributions to candidates, party committees or their designated agents may make certain expenditures in connection with the general election campaign of their party's nominees for the House and the Senate. (They may not, however, make independent expenditures in the general election. 110.7(b)(4).) These funds may be spent in cooperation with the candidate. The party committee — not the candidate — must actually make the expenditures and is responsible for reporting them. 110.7.

For example, a party committee could extinguish a candidate's $1,500 advertising bill by paying the advertiser directly. If, however, the party committee directly gave the candidate $1,500 to pay the bill, the money would be a contribution, not a party expenditure.

These party expenditures are limited. 110.7(b)(2). The expenditure limits are prescribed as a flat amount or are determined by a specific formula based on the Voting Age Population (VAP).[5] Each calendar year, the limits are adjusted by the average annual increase in the cost of living (Consumer Price Index) over the base year (1974).[6] The chart below lists the formulas used to determine party spending limits:

National Party Limits

- For each House candidate[7] — $10,000 (plus annual cost-of-living increase).
- For each Senate candidate — $20,000 (plus annual cost-of-living increase) or $.02 x State VAP (plus cost-of-living increase), whichever is greater.

The national committee and the House and Senate campaign committees of the same party share one expenditure limit. 110.7(b).

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* *See Definitions in Appendix A.*

[3] *See also Appendix C on Independent Expenditures and Section 104.4 and Part 109 of the FEC Regulations.*

[4] *See Chart on Contribution Limits in Appendix B. When a State or local party committee, in conducting a voter registration or get-out-the-vote drive for a Presidential campaign, refers to a House or Senate candidate, the portion of costs allocable to that candidate is a contribution by the party committee on behalf of that candidate* unless *the reference is merely incidental to the overall activity. 100.7(b)(17) and 106.1(c)(3).*

[5] *The VAP is certified each year by the Secretary of Commerce.*

[6] *The Consumer Price Index is certified by the Secretary of Labor each year.*

[7] *In States having only one Congressional District, the party expenditure limit for House candidates is the same as the expenditure limit for Senate candidates in that State.*

State Party Limits

- For each House candidate[8] – $10,000 (plus annual cost-of-living increase).
- For each Senate candidate – $20,000 (plus annual cost-of-living increase) or $.02 x VAP (plus cost-of-living increase), whichever is greater.

All expenditures made on behalf of one candidate by the State party committee, including subordinate party committees (e.g., county, district or local), are subject to one ceiling. State and local party committees within a State may determine how to apportion the limit among the several committees. 110.7(c).

Campaign Materials

Any local or State party organization may pay for campaign materials (e.g., pins, bumper stickers, etc.) that are used in connection with volunteer activity on behalf of the party's nominee as long as the payments:

- Are not made for public political advertising or general public communication or direct mail;
- Are made from funds that are permissible under the Act; and
- Are not made from funds designated for a particular candidate.

These payments are not considered contributions or expenditures and are not reportable by the candidate's committee. 100.7(b)(15) and 100.8(b)(16).

Sample Ballot

A State or local party committee may prepare and distribute a sample ballot or printed list of three or more candidates for any public office provided no public political advertising is used. Public political advertising includes billboards, radio, T.V., newspapers and magazines. The payments are not considered contributions or expenditures and are not reportable by the candidate's committee. 100.7(b)(9) and 100.8(b)(10).

5. Coattail Support

Another candidate (for any local, State or Federal office) or his/her authorized committee may pay for campaign materials that include information on or reference to a candidate for Federal office as long as the materials are:

- Used in connection with volunteer activities;
- Not used for public political advertising or direct mail; and
- Paid for from funds that are permissible under the Act.

These payments are not considered contributions or expenditures on behalf of the candidate who is incidentally named in the materials; that candidate's committee, therefore, has no obligation to report the payments. 100.7(b)(16) and 100.8(b)(17).

6. Candidate's Personal Funds

House and Senate candidates may use *personal funds** for campaign purposes without limit. The use of personal funds must, however, be reported. 110.10.

7. Legal and Accounting Services

Candidates and their committees may accept free legal and accounting services provided they are rendered solely to ensure compliance with the Act and provided they are paid for by the regular employer[9] of the individual rendering the services. 100.7(b)(14).

This exemption does not include funds contributed to the campaign to pay for legal and accounting services obtained for a fee. Such contributions are subject to the limits.

* *See Definitions in Appendix A.*

[8] *In States having only one Congressional District, the party expenditure limit for House candidates is the same as the expenditure limit for Senate candidates in that State.*

[9] *The "regular employer" may be a partnership, a corporation or any other person.*

Conducting the Campaign

1. Fundraising

Candidate as Agent of Committee

Any candidate who makes a campaign finance transaction is regarded as an agent of his/her committee. Such a transaction must be reported by the principal campaign committee. 101.2 and 102.7(d).

Treasurer Required

Each political committee must have a treasurer. No contribution may be accepted and no expenditure may be made if there is a vacancy in the office of treasurer. The committee may designate, on its Statement of Organization, an assistant treasurer to assume the treasurer's duties during a temporary or permanent absence of the treasurer. 102.7.

Authorization Notice

Fundraising materials must include a notice indicating they have been paid for and authorized by the campaign. (See "Advertising," page 11.)

Campaign Worker's Responsibilities

Every campaign worker who receives contributions on behalf of a candidate must forward them within 10 days to the treasurer of the authorized committee. 102.8(a). The campaign worker must also provide the following additional information:

- For contributions of more than $50: contributor's name and address, date of contribution's receipt, and amount.
- For contributions of more than $200: complete identification of contributor (full name, mailing address, occupation and name of employer), contribution's date of receipt, and amount.

For reporting purposes, contributions are received on the date the campaign worker actually receives them. 102.8.

Depositing Funds

All contributions, regardless of amount, must be deposited in a checking account of the designated *bank** depository within 10 days after they have been received by the treasurer of the authorized committee. 103.3(a).

Illegal Contributions

A contribution which appears to be illegal must, within 10 days, either be:

- Returned to the contributor, or
- Deposited in the campaign depository. In this case, the committee must report the contribution, keep records noting the basis for concern, and try to determine the legality of the contribution. A statement noting that the legality of the contribution is in question should be included in the report. If, within reasonable time, the treasurer cannot determine whether or not the contribution is legal, he or she must return it and report the refund on the next scheduled report. 103.3(b).

Collections and Ticket Sales

The full purchase price of a ticket to a fundraising event (e.g., concert, dinner, etc.) and the entire amount paid for a fundraising sale item count as contributions. 100.7(a)(2).

Joint Fundraising

Candidates and their committees may engage in joint fundraising with other candidates and political committees. 102.6 and 110.3(a)(2)(i). For more information on joint fundraising procedures, contact the Federal Election Commission.

2. Traveling

Travel Paid by Campaign

Campaign-related travel by the candidate or committee staff is reportable as an expenditure if it is paid by the committee or from the candidate's personal funds. 106.3(a) and 106.3(b)(1).

Travel Paid by Individual

An individual may spend up to $1,000 per candidate, per election, for his or her own travel expenses related to the campaign. When, however, an individual's travel costs exceed $1,000 per election, the amount exceeding $1,000 counts as an in-kind contribution from the individual and, as such, must be reported by the candidate's committee. 100.7(b) (8).

Allocating Travel Costs[1]

When a candidate makes a trip involving both campaign and noncampaign stops, only the travel costs related to the campaign are expenditures. The amount reported as an expenditure is the cost to and from the campaign-related stop (i.e., the stop where the candidate conducts campaign-related activity). 106.3(b)(2).

Travel to and from Washington, D.C.[2]

Costs for travel between Washington, D.C. and the State or Congressional District in which an individual is a candidate are not reportable unless paid for by the candidate's authorized committee or another political committee, or by the candidate in connection with campaign-related travel (see "Travel Paid by Campaign," above). 106.3(d).

3. Advertising[3]

Advocacy and Solicitations

When a communication expressly advocates the election or defeat of a *clearly identified candidate** or solicits contributions (through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising), it must clearly and conspicuously display one of the following authorization notices,[4] as appropriate:

Authorized and Financed by Candidate's Authorized Committee
If a communication is authorized and financed by the campaign (e.g., the candidate or his/her authorized political committees or agents), the communication must state that it has been paid for by the committee.

Example: *Paid for by the John Doe for Congress Committee.*

Note that where a candidate or his/her committee is paying for or furnishing the material, authorization by the candidate is assumed and need not be specifically stated.

Authorized but Not Financed by Candidate's Authorized Committee
If a communication is authorized by the campaign but paid for by another person, the communication must identify the person who has paid for it and state that it has been authorized by the candidate or the candidate's committee.

Example: *Paid for by the XYZ Committee and authorized by the John Doe for Congress Committee.*

Not Authorized and Not Paid for by Candidate's Authorized Committee
If a communication is not paid for and not authorized by the campaign, the communication must identify the person who has paid for it and state that it has not been authorized by the candidate or the candidate's committee. 2 U.S.C. §441d(a).

Example: *Paid for by the XYZ Committee and not authorized by any candidate.*

Rates for Political Ads

Rates charged by newspapers and magazines for political advertising by candidates and their campaigns must be comparable to those charged for noncampaign purposes. 110.11(b).

4. Using Consultant Services

Candidates and their committees may use many kinds of consultant services, including pollsters, advertising experts, fundraisers and advisors on management techniques. Such services may be provided in a variety of ways, each of which entails a different set of restrictions and reporting requirements.

Services as In-Kind Contribution

If a committee or individual pays for consultant services on behalf of a candidate, the candidate's principal campaign committee must report the full value of such services (i.e., the usual and normal charge) as an in-kind contribution from

* *See Definitions in Appendix A.*

[1] *Members of the House and Senate should also consult House and Senate rules.*

[2] *Members of the House and Senate should also consult House and Senate rules.*

[3] *Campaigns should also consult the Communications Act and the regulations and policies issued by the Federal Communications Commission.*

[4] *These notices are not required on bumper stickers, pins, buttons or similar small items. 110.11(a)(2).*

the person who pays for them. 100.7(a)(3) and 104.13. Consultant fees paid by a committee or individual on behalf of a candidate may not exceed the appropriate contribution limit. (See Chart on Contribution Limits in Appendix B.) If the candidate is one of several candidates benefiting from consulting services paid for by another committee or individual, the candidate must count as an in-kind contribution a share of the consultant's fee proportionate to the benefit expected to be derived. 106.1. Candidates using opinion polls should consult 106.4 of the Regulations.

Services as Volunteer Activity

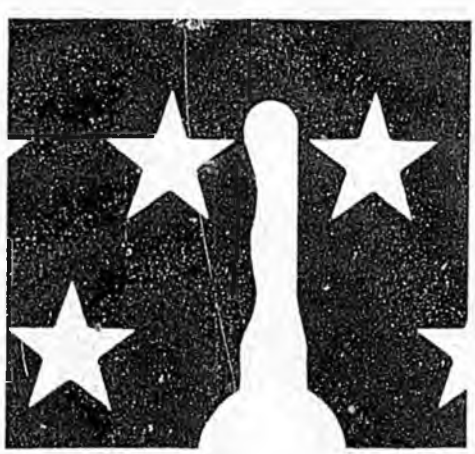
An individual may volunteer free consulting services to a candidate without limit, provided his or her services are not compensated by anyone. No reporting is required. 100.7(b)(3).

Services as Expenditure by Candidate

The candidate's principal campaign committee may hire a consultant, pay his or her fees and report the consultant fees as expenditures. 100.8(a)(1).

Services as Party Activity

A party committee may hire a consultant to work for a candidate and count the salary either as an in-kind contribution to the candidate (subject to the contribution limits) or as a party expenditure if made on behalf of the candidate in connection with the general election (subject to special party expenditure limits, p. 9). As an in-kind contribution, the services must be reported as both a contribution and expenditure by the candidate's principal campaign committee. As a party expenditure, the services need not be reported by the candidate (but must be reported by the party committee). 110.7.



Keeping Records

Committee treasurers are responsible for keeping records, including copies of statements, reports and other pertinent records, for three years after a report or statement is filed. 102.9(a) and 104.14 (b).

1. Recording Contributions

Although the Act requires committees to keep records of contributions only, all receipts must be reported. Therefore, keeping records of all receipts will help the committee fulfill its reporting obligations. Furthermore, designing the recordkeeping system to conform to those categories in which receipts and disbursements must eventually be reported will also facilitate reporting.

Total Contributions

Records must show figures for total contributions.

Identification of Contributions

Contributions Exceeding $50
Records must identify each contribution of more than $50 by date and amount of contribution and by the donor's name and address.

Contributions Aggregating Over $200
Records must identify each contribution aggregating more than $200 per calendar year from the same person by date and amount of contribution and by the donor's name and address, plus the donor's occupation and the name of the donor's employer. In the case of a person who has already contributed an aggregate of more than $200 per calendar year, all of his or her subsequent contributions must be identified in the same way. Records must indicate the date and amount of each such contribution, the donor's name, address and occupation and the name of the donor's employer.

Contributions from Political Committees
Records must identify all contributions from political committees, regardless of amount, by date and amount of the contribution and by the name of the committee. 102.9(a).

Identification of Transfers

Records must identify each transfer of funds from another committee authorized by the same candidate, regardless of amount, by date and amount and by the name and address of the transferring committee. 104.3(a)(4)(iii)(A).

2. Recording Disbursements

Total Disbursements

All disbursements (except from a petty cash fund) must be drawn by check or similar draft from the campaign depository. 102.10 and 103.3(a). Records must show figures for total disbursements.

Petty Cash Disbursements

A written record of petty cash disbursements must be kept if a petty cash fund is maintained. Payments from petty cash to one person for one purchase or transaction may not exceed $100. 102.11.

Identification of Disbursements

All Disbursements
Each disbursement must be identified by date and amount, name and address of payee and purpose (i.e., a brief description of why the disbursement was made, such as dinner expenses, salary, phone bank, etc.). 102.9(b) and 104.3(b)(4)(i)(A).

Disbursements Exceeding $200
In addition, for each single disbursement that exceeds $200, the committee must also keep a receipt, invoice or canceled check. 102.9(b)(2).

Credit Card Transactions
For all credit card transactions, a monthly billing statement or customer receipt for each transaction is required as well as the canceled check used to pay the account. 102.9(b)(2)(ii).

Credit Union or Share Draft Account
Carbon copies of share drafts or checks drawn on credit union accounts may be used as records, provided that the monthly account statement showing that the draft or check was paid by the credit union is also retained. 102.9(b)(2)(iii).

Filing Reports

1. Who Reports

Each treasurer of a political committee must file periodic reports until all debts relating to the Federal election are extinguished and the committee has filed a termination report. 104.1(a). (See page 18.)

Note that the candidate has no personal reporting obligation. If the candidate receives contributions or makes expenditures, they are reported by the principal campaign committee.

2. Where Reports Are Filed

Principal campaign committees must file all reports and statements simultaneously with the appropriate Federal and State officials, as listed below. 105.1, 105.2 and 108.3. Authorized committees (other than principal campaign committees) must file their reports and statements with the principal campaign committee. 108.4.

Filing with Federal Government

Principal campaign committees of House and Senate candidates should not file reports with the Federal Election Commission, but with the offices listed below.

House Reports
Principal campaign committees of House candidates must file all reports and statements with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515. 105.1.

Senate Reports
Principal campaign committees of Senate candidates must file all reports and statements with the Secretary of the Senate, Senate Public Records, 119 D Street, N.E., Washington, D.C. 20510. 105.2.

Filing with State Government

All principal campaign committees must file a copy of every report and statement with the Secretary of State or the appropriate elections official of the State in which the candidate seeks Federal office. 108.5 and 2 U.S.C. §439(a)(2)(B).

Filing with Principal Campaign Committee

Each authorized committee (other than than the principal campaign committee) must file its reports and statements with the principal campaign committee of the candidate it supports. The principal campaign committee, in turn, files these statements and reports (accompanied by the consolidated report – FEC Form 3Z) with either the Clerk of the House or the Secretary of the Senate, as appropriate, and with the appropriate State elections official. 104.3(f).

3. Public Inspection of Reports

Availability at FEC

All reports are available in the FEC's Office of Public Records for public inspection and copying.

Use of Information

Information copied from reports may not be sold or used to solicit contributions or for other commercial purposes, except that the names and addresses of political committees may be used to solicit contributions. 104.15(a).

Pseudonyms

To determine whether reported contributor names are unlawfully being copied and used, political committees may use pseudonyms. Such use, however, is limited and must follow the specific procedures described in Section 104.3 (e) of the Regulations.

4. When Reports Are Filed

During an Election Year

Quarterly Reports
Once an individual has qualified under the Act as a candidate, quarterly reports must be filed during an election year, regardless of amounts received or expended by the committee. Quarterly reports must be filed by the 15th day after the close of each calendar quarter (April, July and October); the fourth quarter (January year-end) report must be filed by January 31 of the following year. 104.5(a)(1)(iii).

Pre-Election Reports
Pre-primary and pre-general election reports must be filed 12 days before the election. If sent by registered or certified mail, the report must be postmarked no later than the 15th day before the election. The report must be complete as of the 20th day before the election. 104.5 (a)(1)(i).

Post-Election Reports
Post-primary reports are not required. Post-general election reports must be filed 30 days after any general election in which the candidate seeks election. The report must be complete as of the 20th day after the general election. 104.5(a)(1)(ii).

During a Nonelection Year*

Two semiannual reports are required during a nonelection year. The first report, covering January through June, must be

* *See Definitions in Appendix A.*

filed by July 31. The second report, covering July through December, must be filed by January 31 of the following calendar year. 104.5(a)(2)(i).

Special Elections*

Filing dates for special elections will be established and published by the Federal Election Commission. The Commission will notify the principal campaign committees of all candidates on the ballot in such elections. 104.5(h).

Last-Minute Contributions

Any contribution of $1,000 or more received by an authorized committee between 2 and 20 days before an election must be reported in writing by the recipient committee within 48 hours after it is received. 104.5(f).

5. Reporting Waivers

Quarterly Report

Quarterly reports may be waived only if a pre-election report is due during the period beginning on the 5th day and ending on the 15th day after the close of the calendar quarter. 104.5(a)(1)(iii).

Regularly Scheduled Report—Special Election

If a regularly scheduled report is due from a committee within 10 days of the date the special election report is due, the regular report is waived. 104.5(h)(2).

6. Forms

Reports required of authorized candidate committees must be filed on appropriate FEC forms, which are available from the FEC's Office of Public Communications.

Form 1: Statement of Organization

Form 1 is a registration form used by all political committees, including principal campaign committees and other authorized committees. 102.1(a).

Form 2: Statement of Candidacy

Form 2 is a registration form used by all Federal candidates to designate the principal campaign committee and other authorized committees. 101.1.

Form 3: Report of Receipts and Disbursements by Authorized Committees[1]

Form 3 is a reporting form used each reporting period by authorized committees to report all campaign receipts and disbursements. Committees may also use this form as a Termination Report by checking the appropriate box on the front page. 104.2(e)(2).

Form 3Z: Consolidation Report for Principal Campaign Committees

Form 3Z is a reporting form used to consolidate receipts and disbursements reported by the principal campaign committee, the candidate and other committees authorized by the candidate. This form must be submitted by the principal campaign committee, together with its own reports and those of all other authorized committees. Form 3Z is not used, however, if the principal campaign committee is the candidate's only authorized committee. 104.3(f).

Schedules

Authorized committees may be required to file the following schedules as attachments to Form 3.

- Schedule A — Itemized Receipts
- Schedule B — Itemized Disbursements
- Schedule C — Loans
- Schedule D — Debts and Obligations (Excluding Loans)

For reporting itemized receipts and disbursements, a committee may use computer-produced Schedules A and B reduced to the size of FEC forms provided that the committee submits a sample of the proposed format to the Commission and receives prior Commission approval. 104.2(d). (See also FEC Directive 37, October 6, 1980, available from the Public Records Office.)

* *See Definitions in Appendix A.*

[1] *Presidential candidates report on Form 3P, and all other political committees report on Form 3X.*

Filling Out Form 3

All receipts and disbursements are reported on Form 3. Information must be reported under one of several different categories (e.g., contributions from political committees or loans from individuals). If a committee has receipts and disbursements that must be itemized, it must fill out a separate schedule for each category and then enter the total of itemized plus unitemized receipts or disbursements on the corresponding line of the Form 3 Detailed Summary Page. Special reporting instructions for each category are outlined below. For more detailed instructions, consult the line-by-line instructions on the back of each form. Part Two contains samples of completed FEC forms.

1. Cash on Hand

Cash on Hand—First Report

Cash on hand is any money which the committee has in its possession at the time of its registration. It is subject to all the contribution limits, prohibitions and disclosure requirements of the Act. The

original donors of cash on hand must be reported on the first report filed. If, however, the cash on hand is a transfer or a carry-over of excess funds from a committee authorized by the same candidate for a previous campaign for Federal office (occurring in 1972 or later), the original donors of those funds need not be identified. 104.3(a) and 104.12.

Cash on Hand—Subsequent Reports

The amount of cash on hand at the beginning of each reporting period is disclosed on each report. Cash on hand includes all funds deposited in banks and depositories, traveler's checks, petty cash, certificates of deposit, treasury bills and any other committee investments valued at cost. 104.3 (a)(1).

2. Receipts

Itemized information on receipts (i.e., the date and amount of the contribution, as well as the donor's name, address, occupation and employer) must be reported on Schedule A. For reporting purposes only, receipts are divided into several categories. A separate schedule should be used for each category, as noted below.

Contributions from Individuals —Unitemized

Contributions aggregating less than $200 per year from individuals are reported as a memo entry and are included in the total figure for contributions on Form 3, Detailed Summary Page.

Contributions from Individuals —Itemized

Contributions of more than $200 from individuals must be itemized on Schedule A. **Itemized information must include the date and amount of the contribution,** as well as the donor's name, address, occupation and employer. When several contributions from the same person aggregate more than $200 a year, each contribution (regardless of amount) received thereafter in the same year from the same person must be itemized as described above. All itemized contributions from the same person during a calendar year must be listed under the same name. In addition, next to each itemized entry, the report must indicate total aggregate year-to-date contributions made by the same donor. 104.3(a)(3)(i), 104.3(a)(4)(i) and 104.8.

For example, suppose an individual contributes $100 to Candidate Jones in each quarter of an election year. In this situation, the candidate's reporting obligation would be as follows:

First Quarter
Because the amount contributed to Jones ($100) is less than $200, the contribution would be included as a memo entry under total unitemized contributions on Form 3, Detailed Summary Page.

Second Quarter
The donor contributes another $100 but the total amount contributed to Candidate Jones ($200) is not in excess of $200, so again the contribution would be included under total unitemized contributions.

Third Quarter
Again, the donor contributes $100. The total amount contributed ($300) now aggregates in excess of $200. Schedule A must now be used to itemize the $100 contribution and to report the donor's aggregate year-to-date contributions ($300 total).

Fourth Quarter
Because the donor's total contributions to Jones have now exceeded $200, all subsequent contributions from the same donor in the same year must be itemized, regardless of amount.

Contributions from Partnerships

Partnership contributions are included in the total figure reported for contributions from individuals. A partnership is under the same contribution limit as an individual ($1,000 per candidate, per election). 110.1(e)(3). In addition, a contribution from a partnership counts proportionately against each contributing partner's $1,000 contribution limit for that election. The partnership contribution may be attributed to each partner in direct proportion to his/her respective share of partnership profits, or according to some other formula that conforms to Commission Regulations at 110.1(e)(2).

If a partnership contribution exceeds or aggregates in excess of $200, the committee must itemize the contribution on the Schedule A used for contributions from individuals. Additionally, if a partner's share of the contribution exceeds $200 when combined with all other contributions from that partner, the committee must disclose as a *memo entry** itemized information on the partner (name and home address, employer, occupation, date of the contribution, the partner's share of the contribution and the aggregate year-to-date total of contributions made by the partner).

Contributions from Political Committees

All contributions from political committees, regardless of amount, must be itemized on Schedule A. 104.3(a)(3)(iii) and (iv) and 104.3(a)(4)(ii).

Contributions from the Candidate

All contributions from the candidate which aggregate more than $200 during a calendar year must be itemized on Schedule A. 104.3(a)(3)(ii).

In-Kind Contributions

*In-kind contributions** are reported as both contributions and expenditures. Rules concerning itemized contributions (above) apply equally to all in-kind contributions. If an in-kind contribution, when added to all other contributions from the same source, exceeds $200, it must be itemized on both Schedules A and B. In-kind contributions from political committees must be itemized regardless of amount. Contributions of goods are valued at the usual market price; services are valued at the piecework or hourly rate. 100.7(a)(1)(iii)(B) and 104.13. For special reporting requirements governing the donation of goods which are later sold for profit by the committee, consult section 104.13(b) of the Regulations.

Earmarked Contributions*

When a person gives funds to a political committee or other person with instructions earmarking the contribution for a specific candidate, the recipient committee must identify each conduit through which the earmarked contribution passed. Additionally, the recipient committee must fully itemize any earmarked contribution that, when combined with other contributions from the same donor, exceeds $200 per year. 110.6(c)(3).

Transfers

*Transfers** of funds between committees authorized by the same candidate are unlimited. 102.6(a). All such transfers, however, must be itemized on Schedule A, regardless of amount, and must include the date and amount of each transfer. 104.3(a)(3)(vi) and 104.3(a)(4)(iii)(A).

** See Definitions in Appendix A.*

Loans Received

General Reporting Procedures

- All loans received, regardless of amount, must be itemized. Itemized information must include the name, address, occupation and employer of the lender and any endorser or guarantor, the date the loan was made and the amount and terms of the loan. 104.3(a)(3)(vii) and 104.3(a)(4)(iv).
- At the end of the reporting period in which the loan was received, the committee must itemize the loan on Schedule A and Schedule C. 104.3(d).
- At the end of each subsequent reporting period, and until the balance of the loan is fully repaid, the committee must continue to itemize the outstanding balance of the loan on Schedule C. 104.3(d).

Bank Loans

A loan made by a *bank** does not count as a contribution if it is made according to applicable banking laws and in the ordinary course of business, i.e., if it:

- Bears the bank's usual and customary interest rate for the category of loan involved;
- Is made on a basis which assures repayment;
- Is evidenced by a written instrument; and
- Is subject to a due date or amortization schedule. 100.7(b)(11).

Although they are not contributions, all such loans must be reported according to the general procedures described above.

Endorsements and Guarantees of Loans

Endorsements and guarantees of loans, including those made by the candidate's family to his/her campaign, do count as contributions to the extent of the outstanding balance of the loan. Information on each endorser or guarantor must be itemized on Schedule C. If a loan is endorsed or guaranteed by the candidate, itemized information on the candidate must be included on Schedule A as well as Schedule C. 100.7(a)(1)(i)(C), 104.3(a)(3)(vii)(B) and 104.3(a)(4)(iv).

Private Loans

Loans made by individuals, groups and committees count as contributions until they are retired and are itemized on Schedules A and C according to the general reporting procedures described above.

Refunds, Rebates and Returns

Refunds, rebates and returns of deposits (such as the return of a telephone deposit) are reported as offsets to operating expenditures on Form 3, and those aggregating over $200 from the same source must be itemized on Schedule A. 104.3(a)(3)(ix) and 104.3(a)(4)(v).

Other Receipts

"Other Receipts," which include interest, dividends and the sale of committee assets such as office equipment, are reported on Form 3. Other receipts aggregating over $200 per year from the same source must be itemized on Schedule A. 104.3(a)(3)(x) and 104.3(a)(4)(vi).

3. Disbursements

Certain disbursements must be itemized on Schedule B, according to the rules listed below. Itemized information includes the name and address of the individual or organization to whom the disbursement was made, as well as the date, amount and "purpose" of the disbursement. "Purpose" means a brief description of why the disbursement was made (e.g., dinner expenses, salary, phone banks, etc.).[1]

For reporting purposes, disbursements are divided into several categories. A separate Schedule B should be used for each category. Each of the following categories of disbursements has some additional reporting requirements.

Operating Expenditures

Operating expenditures that exceed $200 or aggregate over $200 per year to the payee must be itemized on Schedule B. In addition, in-kind contributions itemized on Schedule A are again itemized as expenditures on Schedule B. 104.3(b)(2)(i) and 104.3(b)(4)(i).

Transfers to Authorized Committees

Each transfer made by the principal campaign committee to another authorized committee must be itemized on Schedule B, regardless of amount. 104.3(b)(2)(ii) and 104.3(b)(4)(ii).

Loan Repayments and Loans Made by Committee

Each reporting period, all loans and loan repayments made by the authorized committee during that period are itemized on Schedules B and C regardless of amount. For each subsequent reporting period that a loan remains outstanding, it must be itemized on Schedule C. In addition, any loan repayment made directly by the candidate as an agent of the committee must be itemized. 104.3(b)(2)(iii) and 104.3(b)(4)(iii) and (iv).

Contribution Refunds

Total contribution refunds to persons or political committees must be reported on Form 3. Each refund to an individual of more than $200, and all refunds, regardless of amount, to political committees must be itemized as disbursements on Schedule B. 104.3(b)(2)(v) and 104.3(b)(4)(v).

Other Disbursements

Other disbursements, when they aggregate over $200 to the same payee, must be itemized on Schedule B. Contributions to other candidates are included in this category. 104.3(b)(2)(vi) and 104.3(b)(4)(vi).

** See Definitions in Appendix A.*

[1] The "purpose" must be specific enough to meet reporting requirements. For additional information on how to specify the purpose of a disbursement, consult the instructions on the back of Schedule B.

4. Debts and Obligations

Certain debts and obligations (excluding loans) owed by the committee are itemized each reporting period on Schedule D until retired. 104.3(d). Unpaid bills and written contracts or agreements to make expenditures (including media contracts) are considered debts. 100.8(a)(2) and 104.11.

The following debts and obligations must be itemized on Schedule D:

- **Debts of $500** or less must be itemized on the first report filed after the debt has been outstanding 60 days.
- **Debts over $500** must be itemized on the first report filed after incurring the debt. 104.11(b).

5. Reporting Liability

Each treasurer of an authorized committee and any other individual required to file reports or statements is personally responsible for the timely, complete and accurate filing of reports and statements. 104.14(d). They will be considered in compliance with the recordkeeping and reporting requirements of the Act when they have made their best efforts to obtain and report required information. The treasurer will be considered to have made "best efforts" to obtain, maintain and submit the records if he/she has made at least one written effort to obtain the required documentation for each transaction. 102.9(d) and 104.7.

Winding Down the Campaign

1. Retiring Debts

Receiving Contributions After the Primary

Contributions Designated for Primary Election Debt

After the primary, but before the general election, candidates may receive contributions to retire a primary debt provided that:

- The contributions do not exceed the net outstanding debts of the primary; and
- Each such contribution is specifically designated by the donor to retire the primary debt. As such, it counts against the contribution limits for the primary. 110.1(a)(2)(i).

Undesignated Contributions

Received by General Election Candidates

Undesignated contributions received after the primary, but before the general election, are presumed to be for the general election and count against that limit. 110.1(a)(2)(ii).

Received by Defeated Primary Election Candidates

Defeated primary election candidates (not entered in a subsequent general election) with outstanding debts from the primary may receive undesignated contributions to retire those debts. Such contributions are regarded as contributions for the primary and must accordingly be within the donor's primary election contribution limit when added to any other primary election contributions from the same donor.

Receiving Contributions After the General Election

Contributions Designated for Debts

Candidates may receive contributions after the general election to retire either primary or general election debts, provided the donor designates the contribution for the specific debt being retired (primary or general). Such contributions count against the contribution limits applicable to the designated election and the year in which the election was held. 110.1(a)(2).

Undesignated Contributions

Undesignated contributions received after the general election are presumed to be for a future primary election and count against the limits applicable to the future election. 110.1(a)(2).

2. Debt Settlement

If a candidate or committee fails to pay a campaign debt in a timely fashion consistent with normal business or trade practice, the debt in effect becomes a contribution made by the creditor to the candidate or committee, unless the creditor has made a commercially reasonable attempt to collect the debt. 100.7(a)(4). Contributions made under such circumstances may violate the Act. For example, if a committee indebted to a corporation fails to pay the debt, the debt may result in a prohibited contribution from the corporation. Or, as another example, continued nonpayment of a debt owed to a person who may lawfully make contributions may cause the creditor to exceed the Act's $1,000 per election contributor limit.

Debt Settlement Statement

If a debt owed to a creditor, either corporate or noncorporate, is settled for less than the amount owed, the debtor (committee) must file a debt settlement statement with the FEC. This statement is subject to Commission review and must include:

- The steps taken by the committee to pay the debt;
- The steps taken by the creditor to obtain payment of the debt;
- The terms of settlement; and
- An indication that the creditor is in agreement with the terms of the settlement.

After the Commission approves the debt settlement, the committee may stop reporting the debt once it has disclosed the final payment made to the creditor.

Note that a debt settlement statement is not necessary when a creditor and committee have agreed on the amount of a disputed debt, provided the committee pays the agreed-upon amount. Nor is a statement necessary if the amount originally reported as owed to a creditor is later reduced because the original amount was an estimate that exceeded the actual cost of the goods or services. Under these two circumstances, the committee is not required to submit a statement but must report any change in debt status on Schedule D as an amendment to its report. FEC Directive 3, July 22, 1982.

Rules for Corporate Creditors

A corporate creditor may not forgive debts "for less than the amount owed" unless the creditor and debtor have treated the debt in a commercially reasonable manner. This means that:

- Credit was extended "in the ordinary course of business" with terms substantially similar to those granted to nonpolitical debtors of similar credit risk; and
- The debtor has made all reasonable efforts to retire the debt; and
- The creditor has pursued remedies in a manner similar to those used to seek payment from nonpolitical debtors. 100.7(a)(4) and 114.10.

3. Excess Campaign Funds

Contributions received which, in the candidate's view, exceed the amount of funds needed to defray campaign expenditures may be used for the following purposes:

- Future election. 110.3(a)(2)(iii) and (iv).
- Defrayal of Federal officeholder expenses.
- Donations to charity.
- Unlimited contributions to national, State or local party political committees.
- Repayment of loans made by candidate to his/her committee.
- Any lawful purpose, except personal use.[1] 113.2.

Committee assets, such as office equipment, may be treated as excess campaign funds. AOs 1977-1 and 1980-14.

4. Termination by Candidate Committee

Who Is Eligible to Terminate

- An authorized committee may terminate its registration (and reporting obligation) only when all its debts and obligations have been extinguished and after it no longer intends to receive any contributions or make any expenditures.
- A principal campaign committee may terminate only when it has satisfied these same requirements and when all the debts of other authorized committees have been extinguished. 102.3.

How to Terminate

Authorized committees, including the principal campaign committee, may terminate their reporting status at any time by filing a Termination Report. It may be filed on FEC Form 3 or by a written statement containing the same information. 102.3(a). The Termination Report must disclose:

- All receipts and disbursements not previously reported, including an accounting of the retirement of all debts; and
- The disposition of all residual funds.

5. Termination by FEC

The Commission, upon its own initiative or upon the request of a political committee, may administratively terminate a committee's reporting obligations if the committee's financial activity has been minimal during the previous year. For details on administrative termination, consult 102.4.

[1] *The ban on using excess funds for personal use does not apply to candidates who were Members of Congress on January 8, 1980.*

TWO

SAMPLES OF COMPLETED FEC FORMS

Part Two presents samples of completed FEC forms to show how authorized candidate committees fulfill their registration and reporting obligations. The line-by-line instructions that are normally printed on the back of FEC forms appear on the facing page of the completed forms in this Part. Certain lines of the instructions are sometimes shaded to draw attention to a specific type of entry on the form. The marginal notes refer to pages of the Guide where a term or procedure is explained or where a transaction is disclosed a second time on another schedule in the report.

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INSTRUCTIONS FOR PREPARING FEC FORM 2

GENERAL

WHO MUST FILE FEC FORM 2

Each individual who is a candidate for Federal office must file FEC FORM 2 or a letter containing the same information within 15 days of becoming a candidate. An individual becomes a candidate for Federal office whenever any of the following events occur:

1) The individual has received contributions aggregating in excess of $5,000 or made expenditures aggregating in excess of $5,000;
2) The individual has given his or her consent to another person to receive contributions or make expenditures on behalf of that individual and such person has received contributions aggregating in excess of $5,000 or made expenditures aggregating in excess of $5,000;
3) The aggregate of contributions received in 1 and 2 above combined exceeds $5,000 or the aggregate of expenditures made in 1 and 2 above combined exceeds $5,000.

The definition of "contribution" and "expenditure" does not include funds received and payments made solely for the purpose of determining whether an individual should become a candidate. Activities permissible under this exemption include, but are not limited to, expenses incurred for: conducting a poll, telephone calls, and travel, to determine whether an individual should become a candidate. The individual must keep records of all funds received and payments made. If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions and requirements of the Act. These contributions and expenditures must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the funds were received or payments made. This exemption does not include funds received or payments made for general public political advertising; nor does this exemption include funds received or payments made for activities designed to amass campaign funds that would be spent after the individual becomes a candidate.

WHEN TO FILE

FEC FORM 2 must be filed within 15 days after an individual becomes a candidate (i.e., exceeds the $5,000 threshold as stated in 1, 2 and 3 above).

WHERE TO FILE (See also instructions for Line 7 below.)

- Candidates seeking nomination or election as a Representative in or Delegate or Resident Commissioner to the Congress of the United States file with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, D.C. 20515;

- Candidates seeking nomination or election to the United States Senate file with the Secretary of the Senate, 119 D Street, N.E., Washington, D.C. 20510;

- Candidates seeking nomination or election to the offices of the President or Vice President file with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463;

- All candidates must also file a copy of this Statement with the Secretary of State (or appropriate State officer) in any State where the candidate seeks election or, in the case of Presidential candidates, where the candidate's committee makes expenditures.

CANDIDATE DUTIES AND RESPONSIBILITIES

The candidate is personally responsible for the timely and complete filing of this Statement and for the accuracy of any information contained in it.

Any candidate who receives a contribution, obtains a loan or makes a disbursement in connection with his or her campaign is considered to have received the contribution, obtained the loan or made the disbursement as an agent of his or her authorized committee(s).

When an individual becomes a candidate, all funds received, loans obtained or disbursements made prior to becoming a candidate in connection with his or her campaign are considered to have been received, obtained, or made as an agent of his or her authorized committee(s) and must be reported in the first report filed by the candidate's principal campaign committee.

LINE BY LINE INSTRUCTIONS

LINE 1 Print or type complete name and mailing address of the candidate.

LINE 2 Candidates who have never run before, who are running in a different district, or who are seeking a different Federal office should leave this blank. When their Statement has been received, they will be assigned an identification number. Candidates who are seeking reelection, and candidates who have terminated a previous candidacy but are now running again for the same seat, should use their original identification number.

LINES 3-5 Provide the requested information.

LINE 6 Each candidate for Federal office (other than a nominee for the office of Vice President) must designate in writing a political committee to serve as his or her principal campaign committee. The name of the principal campaign committee must include the name of the candidate. The principal campaign committee must file a Statement of Organization (FEC FORM 1) within 10 days of designation by the candidate and must file reports of receipts and disbursements. See instructions for FEC FORM 1 for further details. On Line 6, the candidate must indicate the year of the election and the full name and mailing address of the candidate's principal campaign committee. If the candidate is running in a Special Election, the candidate must note that the designation is for a Special Election under the "Year of Election." If the candidate also runs in the "Regular" November General Election or in the primary for the November General Election, the candidate must file an additional FEC FORM 2 and indicate the year of the election on the appropriate line. Any such candidate may designate the same principal campaign committee for the Special Election and Regular Primary and General Elections.

LINE 7 A candidate may designate additional political committees to serve as authorized committees to accept contributions or make expenditures on behalf of the candidate. The name of any committee authorized by a candidate must include the name of the candidate. For Line 7, the candidate must fill in the name and mailing address of any authorized committee(s). If necessary, additional sheets or FEC FORM 2s may be attached. The FEC FORM 2 for the authorized committee must be filed with the principal campaign committee. All authorized committees must file a Statement of Organization (FEC FORM 1) within 10 days of designation by the candidate. This Statement must be filed with the candidate's principal campaign committee. See instructions for FEC FORM 1 for further details. The principal campaign committee must file a copy of the Statement of Candidacy and the Statement of Organization for the authorized committee with the appropriate office listed above, under "Where to File."

The Candidate must sign the Statement of Candidacy.

Statement of Candidacy, p. 7

Candidate, p. 6

Principal Campaign Committee, p. 7

Other Authorized Committees, p. 7

STATEMENT OF CANDIDACY

(see reverse side for instructions)

1. (a) Name of Candidate (In Full)
Sam Jones

(b) Address (Number and Street)
213 Oakgrove Street

(c) City, State and ZIP Code
City, State 00000

2. Identification No.
To be assigned

3. Party Affiliation
Independent

4. Office Sought
U.S. House of Representatives

5. District & State of Candidate
State/First District

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

6. I hereby designate the following named political committee as my Principal Campaign Committee for the 1982 (Year of Election) election(s).

NOTE: This designation must be filed with the appropriate office listed below.

(a) Name of Committee (in Full)
Sam Jones for Congress

(b) Address (Number and Street)
P.O. Box 1982

(c) City, State and ZIP Code
City, State 00000

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

7. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in Full)

(b) Address (Number and Street)

(c) City, State and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Sam Jones (Signature of Candidate) — February 2, 1981 (Date)

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

CANDIDATES FOR –

President mail to:
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

U.S. Senate mail to:
Secretary of the Senate
119 D Street, N.E.
Washington, D.C. 20510

U.S. House of Representatives mail to:
Clerk of the House
1036 Longworth Office Bldg.
Washington, D.C. 20515

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

FEC FORM 2 (3/80)

INSTRUCTIONS FOR PREPARING FEC FORM 1

LINE 1 Print or type full name and mailing address of the committee. The name of a principal campaign committee or other authorized committee must include the name of the candidate who authorized the committee. A political committee which is not an authorized committee can not include the name of any candidate in its name, except that a delegate committee must include the word "delegate(s)" in its name and may also include the name of the presidential candidate which it supports. A political committee established solely to draft an individual or to encourage an individual to become a candidate may include the name of the individual in the name of the committee, provided the committee's name clearly indicates that it is a draft committee. The name of a separate segregated fund must include the full name of its connected organization. Any abbreviation or acronym used by the fund must also be reported.

LINE 2 State the date the group or organization became a political committee. If this filing is an amendment, note the date of the change in information.

LINE 3 Only committees which have previously filed a Statement of Organization should fill in this block with the number which was originally assigned to the committee. All new committees will be assigned identification numbers when the completed statement has been received.

LINE 4 All political committees registering for the first time check "NO". Committees which have previously filed FEC FORM 1 and are now submitting changes or corrections check "YES". If "YES" is checked, complete Lines 1 through 4. With respect to Lines 5-9 include only the change(s) in information previously submitted.

LINE 5 Check and fill out ONE of the six sections as follows:

(a) All principal campaign committees check (a) and fill in the corresponding information for the candidate under (b).

(b) All other authorized committees check (b) and fill in the corresponding information for the candidate.

(c) A committee supporting/opposing a single Federal candidate which is not authorized by a candidate checks (c), and includes the candidate's name on the line provided. Delegate and draft committees must check (c), and provide the name of the candidate supported.

(d) All national, State and subordinate committees of a political party check (d) and fill in the corresponding information.

(e) All separate segregated funds check (e). A separate segregated fund is a political committee established, financed, maintained, or controlled by a corporation, labor organization, membership organization, cooperative or trade association.

(f) A committee supporting/opposing more than one Federal candidate and which is not a separate segregated fund nor a political party committee checks box (f).

LINE 6 Political committees must list all affiliated committees and connected organizations (defined below) as follows:

- Principal campaign committees list all other committees authorized by the same candidate.
  Under "Relationship," write "affiliated."
- Political committees authorized by the same candidate (other than the principal campaign committee) list the principal campaign committee authorized by the same candidate.
  Under "Relationship," write "affiliated."
- Political committees which have been established, financed, maintained, or controlled by the highest level parent organization (i.e., the corporation, labor organization, membership organization, cooperative or trade association) list:
  (a) The name of the parent organization.
  Under "Relationship," write "connected."
  AND
  (b) The name of any other political committee(s) established, financed, maintained, or controlled by the same parent organization or by a subsidiary, branch, or State, local, or other subordinate unit of the same parent organization.
  Under "Relationship," write "affiliated."
- Political committees which have been established, financed, maintained, or controlled by a subsidiary, branch, or State, local, or other subordinate unit of an organization list:
  (a) The name of the subsidiary, branch, or State, local or other subordinate unit and the name of the parent organization of which it is a part.
  Under "Relationship," write "connected."
  AND
  (b) The name of the highest level political committee sponsored by the parent organization.
  Under "Relationship," write "affiliated."
- State party committees list any subordinate committees (i.e., any county, district or local committee) under the control or direction of the State committee.
  Under "Relationship," write "affiliated."
- Subordinate State party committees list the State party committee.
  Under "Relationship," write "affiliated."

Separate segregated funds must check the most appropriate box for the type of "connected organization."

NOTE: The term "connected organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee. A connected organization may be a corporation (including a corporation without capital stock), a labor organization, a membership organization, a cooperative, or a trade association. The definition of "affiliated committee" is contained at 11 CFR 100.5 (g) of the Commission's regulations.

LINE 7 The name, address, and committee position or title of the custodian of the committee's books and records must be entered on Line 7. The telephone number is optional, but is helpful in expeditiously resolving potential filing problems. If the treasurer is the custodian of records, the term "treasurer" is sufficient for Line 7.

LINE 8 The name and address of the committee's treasurer must be entered on Line 8. The name and address of any designated agent (e.g., assistant treasurer) must also be included on Line 8. Every political committee must have a treasurer and may designate an assistant treasurer who shall assume the duties and responsibilities of the treasurer, in the event the treasurer is unavailable. The Commission recommends that each political committee designate an assistant treasurer because no contribution or expenditure may be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of the treasurer. No expenditure may be made for or on behalf of a political committee without the authorization of its treasurer or another agent authorized orally or in writing by the treasurer.

LINE 9 The committee must provide the name and mailing address of any bank, repository, or depository where the committee holds funds. Each political committee must have a checking account or transaction account at one of its depositories. All receipts of a political committee must be deposited into a designated campaign depository. All disbursements must be made by check or similar drafts drawn on an account at a designated campaign depository, except for expenditures of $100 or less made from a petty cash fund.

TREASURER'S RESPONSIBILITIES

The treasurer of the political committee must preserve a copy of the Statement of Organization and each amendment for a period of not less than 3 years after the date of filing. The treasurer of the political committee is personally responsible for the timely and complete filing of this Statement and for the accuracy of any information contained in it.

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section when information is continued on separate page(s).

WHERE TO FILE

The original Statement of Organization (FEC FORM 1) and all amendments must be filed with the appropriate office as follows:

— The principal campaign committee of a candidate for the House of Representatives and political committees which support or oppose only candidates for the House file with the Clerk of the House, 1036 Longworth House Office Building, Washington, D.C. 20515.

— The principal campaign committee of a candidate for the Senate and political committees which support or oppose only candidates for the Senate file with the Secretary of the Senate, 119 D Street, N.E., Washington, D.C. 20510.

— An authorized committee which is not the principal campaign committee of a candidate files with the principal campaign committee which must forward a copy to the appropriate office listed herein.

— All other committees, including the principal campaign committee of a candidate for the office of President or Vice President, file with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Authorized committees of candidates for the House of Representatives and for the Senate must also file a copy of this Statement with the Secretary of State (or the appropriate State officer) of the State in which nomination or election is sought. Authorized committees of candidates for the office of President or Vice President must also file a copy of this Statement in each State in which the committee makes expenditures. Political committees other than authorized committees must also file a copy of this Statement in the State in which the committee has its headquarters.

The Treasurer must sign the Statement of Organization.

Statement of Organization, p. 7

Name of Committee, p. 7

Identification Number, p. 7

Affiliated Committee, p. 44

Treasurer, p. 7

Bank or Depository, p. 7

STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed.
Sam Jones for Congress

2. Date
February 8, 1981

(b) Address (Number and Street)
P.O. Box 1982

3. FEC Identification Number
To be assigned

(c) City, State and ZIP Code
City, State 00000

4. Is this an amended Statement? ☐ YES ☒ NO

5. TYPE OF COMMITTEE (check one):

☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Sam Jones	Independent	U.S. House of Rep.	State/01
Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number – optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
Josephine Adams	7234 Whipple Street, City, State 00000	Bookkeeper

8. Treasurer: List the name and address (phone number – optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Joseph Madison	1484 McClure Street, City, State 00000	Treasurer
Carl Linder	5329 Schoyer Avenue, City, State 00000	Assistant Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Third State Bank	2500 Smithfield Street City, State 00000

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Joseph Madison
Type or Print Name of Treasurer

Joseph Madison
SIGNATURE OF TREASURER

February 8, 1981
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

FEC FORM 1 (3/80)

INSTRUCTIONS FOR PREPARING FEC FORM 3

WHO MUST FILE

A political committee designated in writing by a candidate for the House of Representatives or Senate to serve as his or her principal campaign committee is required to file periodic Reports of Receipts and Disbursements on FEC FORM 3.

Any other political committee authorized in writing by a candidate for the House of Representatives or Senate to receive contributions or make expenditures on the candidate's behalf is required to file FEC FORM 3 with the principal campaign committee. The principal campaign committee must compile and consolidate the reports required to be filed with it. These consolidated reports must include: the candidate's activity, reports submitted to the principal campaign committee by any other authorized committees, and the principal campaign committee's own activity. This consolidation must be made on FEC FORM 3Z.

ALL POLITICAL COMMITTEES AUTHORIZED IN WRITING BY A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE PRESIDENT MUST FILE ON FEC FORM 3P.

ALL POLITICAL COMMITTEES OTHER THAN THOSE AUTHORIZED BY A CANDIDATE MUST FILE ON FEC FORM 3X.

WHEN TO FILE

In any calendar year in which there is a "Regular" November General Election for which the candidate is seeking nomination for election or election, the candidate's principal campaign committee must file the following reports on FEC FORM 3:

— Quarterly reports must be filed no later than April 15, July 15, October 15 and January 31 of the following calendar year. Each such report must disclose all transactions from the last report filed through the last day of the calendar quarter. A quarterly report is not required to be filed if a Pre-election Report is required to be filed during the period beginning on the 5th day and ending on the 15th day after the close of the calendar quarter.

— A 12 Day Pre-election Report must be filed no later than the 12th day before any primary or general election in which the candidate seeks election and must include all transactions from the closing date of the last report filed through the 20th day before the election. A 12 Day Pre-election Report sent by certified or registered mail must be mailed no later than the 15th day before the election.

— A 30 Day Post-general Election Report must be filed no later than 30 days after the general election and include transactions from the closing date of the last report filed through the 20th day after the general election.

In any other calendar year, the following reports are required:

— A Mid Year Report must be filed no later than July 31 and include transactions beginning January 1 and ending June 30.

— A Year End Report must be filed no later than January 31 of the following calendar year and include transactions beginning July 1 and ending December 31.

A document is timely filed upon delivery to the appropriate office (see "Where To File") by the close of the prescribed filing date or upon deposit as registered or certified mail in an established U.S. Post Office and postmarked no later than midnight of the day the report is due, except that a Pre-election Report so mailed must be postmarked no later than midnight of the 15th day before the date of the election. Reports and statements sent by first class mail must be received by the appropriate office by the close of business of the prescribed filing date to be timely filed.

WHERE TO FILE

An original report and any amendments to an original report must be filed as follows:

— The principal campaign committee of a candidate for the House of Representatives must file with the Clerk of the House, 1036 Longworth House Office Building, Washington, D.C. 20515. Other authorized committees of the candidate must file with the principal campaign committee.

— The principal campaign committee of a candidate for the Senate must file with the Secretary of the Senate, 119 D Street, N.E., Washington, D.C. 20510. Other authorized committees of the candidate must file with the principal campaign committee.

A copy of each report filed by the principal campaign committee must be filed with the Secretary of State (or appropriate State officer) of the State in which nomination or election is sought.

OVERVIEW OF THE RECORDKEEPING AND REPORTING REQUIREMENTS

A political committee may use any recordkeeping or accounting system which will enable it to comply with the Act. The Commission recommends that the recordkeeping or accounting system of a political committee keep a separate accounting for each of the various categories of receipts and disbursements on the Detailed Summary Page. This separate accounting will assist the political committee in filling out the reporting forms, since separate reporting schedules are required for each category. The reporting schedules should be filled out first so that the totals can be derived for each category. The total figures should be carried forward to the Detailed Summary Page and then (where appropriate) from the Detailed Summary Page to the Summary Page.

TREASURER'S RESPONSIBILITIES

A copy of this Report must be preserved by the treasurer of the political committee for a period of not less than three years from the date of filing. The treasurer of the political committee is personally responsible for the timely and complete filing of the report and for the accuracy of any information contained in it.

LINE BY LINE INSTRUCTIONS

It is recommended that committees complete the Detailed Summary Page before completing the Summary Page.

LINE 1 Print or type the complete name and mailing address of the political committee.

LINE 2 Enter the FEC Identification Number assigned to the committee.

LINE 3 If this is an original report, check the "NO" box. If this is an amendment to a previous report, check the "YES" box.

LINE 4 Check the appropriate boxes. If the report is a 12 Day Pre-election or 30 Day Post-general Election Report, supply the type of election (primary, general, convention, special or run-off), the date of the election, and the State in which the election is held. In addition, check the appropriate box(es) which indicate which election this report contains activity for. For example, if a political committee is raising funds to pay off primary debts and simultaneously raising funds for the general election, check both the "Primary Election" box and the "General Election" box. If a political committee is raising funds for a primary election which is part of a special election, check the "Primary Election" box and the "Special Election" box.

LINE 5 Enter the coverage dates for this report. All activity from the ending coverage date of the last report filed must be included.

LINE 6(a) Transfer the amounts from Column A and Column B of Line 11(e) of the Detailed Summary Page to the corresponding columns on Line 6(a).

LINE 6(b) Transfer the amounts from Column A and Column B of Line 20(d) of the Detailed Summary Page to the corresponding columns on Line 6(b).

LINE 6(c) For both Column A and Column B subtract Line 6(b) from 6(a) to derive the figures for 6(c).

LINE 7(a) Transfer the amounts from Column A and Column B of Line 17 of the Detailed Summary Page to the corresponding columns on Line 7(a).

LINE 7(b) Transfer the amounts from Column A and Column B of Line 14 of the Detailed Summary Page to the corresponding columns on Line 7(b).

LINE 7(c) For both Column A and Column B subtract Line 7(b) from 7(a) to derive the figures for Line 7(c).

LINE 8 Transfer the total amount of cash on hand at the close of the reporting period from Line 27 of the Detailed Summary Page to Line 8.

LINE 9 Transfer the total amount of debts and obligations owed TO the committee from Schedule C or D.

LINE 10 Transfer the total amount of debts and obligations owed BY the committee from Schedule C or D.

Type of Report, p. 13

Termination Report, p. 18

Cash on Hand, p. 14

Debts and Obligations, p. 17

REPORTS OF RECEIPTS AND DISBURSEMENTS
For Authorized Committee

(Summary Page)

ALIGN AREA | ALIGN AREA

1. Name of Committee (In Full): Sam Jones for Congress

2. FEC Identification Number: C00015551

Address (Number and Street): P.O. Box 1982

3. Is this Report an Amendment? ☐ YES ☒ NO

City, State and Zip Code: City, State 00000

☐ Check if address is different than previously reported.

4. TYPE OF REPORT

- ☒ April 15 Quarterly Report
- ☐ July 15 Quarterly Report
- ☐ October 15 Quarterly Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid Year Report (Non-election Year Only)
- ☐ Twelfth day report preceding ____ (Type of Election) election on _____ in the State of _____
- ☐ Thirtieth day report following the General Election on _____ in the State of _____
- ☐ Termination Report

This report contains activity for – ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period 1/1/82 through 3/31/82		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (From Line 11 (e))	$29,608.00	$29,608.00
(b) Total Contribution Refunds (from Line 20 (d))	$ 250.00	$ 250.00
(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	$29,358.00	$29,358.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	$ 3,950.25	$ 3,950.25
(b) Total Offsets to Operating Expenditures (from Line 14)	$ 587.59	$ 587.59
(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))	$ 3,362.66	$ 3,362.66
8. Cash on Hand at Close of Reporting Period (from Line 27)	$62,725.36	
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	----0----	
10. Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)	$21,931.58	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

For further information, contact:
Federal Election Commission
Toll Free 800 424-9530
Local 202-523-4068

Carl Linder, Assistant Treasurer
Type or Print Name of Treasurer

Carl Linder
SIGNATURE OF TREASURER

4/13/82
Date

NOTE: Submission of false erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3 (3/80)
MPCF

INSTRUCTIONS FOR DETAILED SUMMARY PAGE – FEC FORM 3

An authorized committee must report the total amount of receipts and disbursements during the reporting period and during the calendar year for each category of receipts and disbursements on FEC FORM 3. The committee's full name and the coverage dates for the report must be entered in the appropriate blocks. If there are no receipts or disbursements for a particular category for a reporting period or calendar year, enter "0".

To derive the "Calendar Year-to-Date" figure for each category, the political committee should add the "Calendar Year-to-Date" total from the previous report to the "Total This Period" from Column A for the current report. For the first report filed for a calendar year, the "Calendar Year-to-Date" figure is equal to the "Total This Period" figure.

LINE 11(a) Enter the total amount of **contributions (other than loans) from individuals,** partnerships, and other persons who are not political committees on Line 11(a). For each such person who has made one or more contributions during the calendar year aggregating in excess of $200, the committee must provide on Schedule A the identification (full name, mailing address, occupation and name of employer of the person), date and amount of each contribution aggregating in excess of $200, the aggregate year-to-date total and whether the contribution is for a primary, general, or other election. Each additional contribution from any such person must be separately itemized. If a contribution is received from a business entity or is drawn on what is or appears to be a business account, the committee must determine that the contribution is not from a corporation, government contractor, or other prohibited source. A contribution from a partnership may not exceed $1,000 per election and must be attributed to each partner in accordance with 11 CFR 110.1(e) of the Commission regulations. The total amount of all contributions from individuals/persons other than political committees not itemized during the reporting period on Schedule A must be entered on the Memo Entry Line.

LINE 11(b) Enter the total amount of **contributions (other than loans) from political party committees** on Line 11(b). These contributions must be itemized on Schedule A, regardless of the amount. For each contribution, provide the identification (full name and address of the committee), date and amount of the contribution, the aggregate year-to-date total and whether the contribution is for a primary, general or other election.

LINE 11(c) Enter the total amount of **contributions (other than loans) from other political committees** on Line 11(c). These contributions must be itemized on Schedule A, regardless of the amount. For each contribution, provide the identification (full name and address of the committee), date and amount of the contribution, the aggregate year-to-date total, and whether the contribution is for a primary, general or other election.

LINE 11(d) Enter the total amount of **contributions (other than loans) from the candidate** on Line 11(d). If the candidate makes one or more contributions during the calendar year aggregating in excess of $200, the committee must provide on Schedule A the identification (full name, mailing address, occupation and name of employer), date and amount of each contribution aggregating in excess of $200, and the aggregate year-to-date totals.

LINE 11(e) For both Column A and Column B add Lines 11(a), 11(b), 11(c) and 11(d) to derive the figures for Line 11(e).

LINE 12 Enter the total amount of **transfers from other authorized committees** of the same candidate on Line 12. Loans and loan repayments received from other authorized committees of the same candidate must be included on this line and not on Line 13(b). These transfers must be itemized on Schedule A, regardless of the amount. For each transfer, provide the identification (full name and mailing address of the committee), date and amount of the transfer and the aggregate year-to-date total.

LINE 13(a) Enter the total amount of **loans made or guaranteed by the candidate** on Line 13(a). This category includes personal loans from the candidate and loans from lending institutions which are secured, endorsed or guaranteed by the candidate and used in connection with the candidate's campaign for Federal office. All loans made, guaranteed or endorsed by the candidate must be itemized on Schedule A, regardless of the amount. For each loan, provide the identification (full name, mailing address, occupation and name of employer), date and amount of the loan and the aggregate year-to-date total (see also instructions for Schedule C). NOTE: A loan guaranteed by the candidate and any other person(s) must be apportioned between the candidate on Line 13(a) and the other person(s) on Line 13(b).

LINE 13(b) Enter the total amount of all other loans received on Line 13(b). This category includes all other types of loans. These loans must be itemized on Schedule A, regardless of the amount. For each loan provide the identification (full name, mailing address, and, where applicable, occupation and name of employer) of the person making the loan, date and amount of the loan, the aggregate year-to-date total and whether the loan is for a primary, general or other election. The committee must also provide on Schedule C the identification of any endorser or guarantor and the amount of the endorsement or guarantee (see also instructions for Schedule C).

LINE 13(c) For both Column A and Column B add Lines 13(a) and 13(b) to derive the figures for Line 13(c).

LINE 14 Enter the total amount of **offsets to operating expenditures** (including refunds, rebates, and returns of deposits) on Line 14. For each person who provides rebates, refunds and other offsets to operating expenditures aggregating in excess of $200 for the calendar year, the committee must provide on Schedule A the identification of the person, date and amount of each receipt aggregating in excess of $200 and the aggregate year-to-date total.

LINE 15 Enter the total amount of **other receipts** (including dividends and interest) on Line 15. For each person who provides any dividends, interest or other receipts aggregating in excess of $200 for the calendar year, the committee must provide on Schedule A the identification of the person, the date and amount of each receipt aggregating in excess of $200 and the aggregate year-to-date total.

LINE 16 For both Column A and Column B add Lines 11(e), 12, 13(c), 14 and 15 to derive the figures for Line 16.

LINE 17 Enter the total amount of **operating expenditures** on Line 17. Examples of operating expenditures are: media advertising, newspaper advertising, salaries, travel, rent and telephones. For each person who receives payments for operating expenditures aggregating in excess of $200 for the calendar year, the committee must provide on Schedule B the full name and mailing address, date and amount of each operating expenditure aggregating in excess of $200 and the purpose of the expenditure (see also instructions for Schedule B).

LINE 18 Enter the total amount of **transfers to other authorized committees** of the same candidate on Line 18. These transfers must be itemized on Schedule B, regardless of the amount. For each transfer, provide the full name and mailing address of the recipient committee, date and amount and state that the purpose of the disbursement is a "transfer".

LINE 19(a) Enter the total amount of **loan repayments of loans made or guaranteed by the candidate** on Line 19(a). All loan repayments must be itemized on Schedule B, regardless of the amount. For each person who receives a loan repayment, provide the full name, mailing address, date, amount and state that the purpose of the disbursement is a "loan repayment" (see also instructions for Schedule C).

LINE 19(b) Enter the total amount of **loan repayments of all other loans** on Line 19(b) (see instruction for Line 19(a) for other reporting requirements).

LINE 19(c) For both Column A and Column B add Lines 19(a) and 19(b) to derive the figures for Line 19(c).

LINE 20(a) Enter the total amount of **contribution refunds to individuals/persons other than political committees** on Line 20(a). For each person who receives a refund of a contribution which was previously itemized on Schedule A, the committee must provide on Schedule B the full name, mailing address, date, amount and state that the purpose of the disbursement is a "contribution refund".

LINE 20(b) Enter the total amount of **contribution refunds to political party committees** on Line 20(b). All such refunds must be itemized on Schedule B, regardless of the amount. For each contribution refund, provide the full name, mailing address, date, amount, and state that the purpose of the disbursement is a "contribution refund".

LINE 20(c) Enter the total amount of **contribution refunds to other political committees** on Line 20(c) (see instructions for Line 20(b) for other reporting requirements).

LINE 20(d) For both Column A and Column B add Lines 20(a), 20(b) and 20(c) to derive the figures for Line 20(d).

LINE 21 Enter the total amount of other disbursements on Line 21. For each such person who receives any disbursement(s) not otherwise disclosed where the aggregate amount or value is in excess of $200, the committee must provide the full name and address of each such person, together with the date, amount and purpose of any such disbursement.

LINE 22 For both Column A and Column B add the totals on Lines 17, 18, 19(c), 20(d) and 21 to derive the figures for Line 22.

LINE 23 Enter the total amount of cash on hand at the beginning of the reporting period. This amount includes: currency; balance on deposit in banks, savings and loans institutions, and other depository institutions; traveler's checks owned by the committee; certificates of deposit, treasury bills and other committee investments valued at cost.

LINE 24 Transfer the amount from Column A of Line 16 to Line 24.

LINE 25 Add Lines 23 and 24 to derive the figure for Line 25.

LINE 26 Transfer the amount from Column A of Line 22 to Line 26.

LINE 27 Subtract Line 26 from Line 25 to derive cash on hand at the close of the reporting period for Line 27.

Receipts, p. 15

Disbursements, p. 16

Cash on Hand, p. 14

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (In Full)	Report Covering the Period From:	To:
Sam Jones for Congress C00015551	1/1/82	3/31/82

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees (Memo Entry Unitemized $ 3,328.00)	$ 5,048.00	$ 5,048.00	11 (a)
(b) Political Party Committees	$ 3,060.00	$ 3,060.00	11 (b)
(c) Other Political Committees	$ 6,500.00	$ 6,500.00	11 (c)
(d) The Candidate	$15,000.00	$15,000.00	11 (d)
(e) TOTAL CONTRIBUTIONS (other than loans (add 11(a), 11(b), 11(c) and 11(d).	$29,608.00	$29,608.00	11 (e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	----0----	----0----	12
13. LOANS:			
(a) Made or Guaranteed by the Candidate	$20,000.00	$20,000.00	13 (a)
(b) All Other Loans	$ 3,000.00	$ 3,000.00	13 (b)
(c) TOTAL LOANS (add 13 (a) and 13 (b))	$23,000.00	$23,000.00	13 (c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	$ 587.59	$ 587.59	14
15. OTHER RECEIPTS (Dividends, Interest, etc.)	$ 503.10	$ 503.10	15
16. TOTAL RECEIPTS (add 11 (e), 12, 13 (c), 14 and 15)	$53,698.69	$53,698.69	16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	$ 3,950.25	$ 3,950.25	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	----0----	----0----	18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	$ 500.00	$ 500.00	19 (a)
(b) Of All Other Loans	$ 1,200.00	$ 1,200.00	19 (b)
(c) TOTAL LOAN REPAYMENTS (add 19 (a) and 19 (b))	$ 1,700.00	$ 1,700.00	19 (c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	$ 250.00	$ 250.00	20 (a)
(b) Political Party Committees	----0----	----0----	20 (b)
(c) Other Political Committees	----0----	----0----	20 (c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20 (a), 20 (b), and 20 (c))	$ 250.00	$ 250.00	20 (d)
21. OTHER DISBURSEMENTS	$ 800.00	$ 800.00	21
22. TOTAL DISBURSEMENTS (add 17, 18, 19 (c), 20 (d) and 21)	$ 6,700.25	$ 6,700.25	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	$ 15,726.92	23
24. TOTAL RECEIPTS THIS PERIOD (From Line 16)	$ 53,698.69	24
25. SUBTOTAL (Add Line 23 and Line 24)	$ 69,425.61	25
26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)	$ 6,700.25	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25)	$ 62,725.36	27

INSTRUCTIONS FOR PREPARING SCHEDULE A

The Detailed Summary Page is broken down into various categories of receipts. Use Schedule A to list each receipt required to be itemized. DO NOT combine more than one category of receipts on the same Schedule A. Instead, use a separate Schedule A for each category of receipts. The line number of the Detailed Summary Page to which each Schedule A pertains should be identified in the upper right corner of each Schedule. In addition, the committee's full name must be entered in the appropriate block. For each receipt required to be itemized during the reporting period, the political committee must provide the identification, date and amount of the receipt, and the aggregate year-to-date total.

The term "identification" means, in the case of an individual, his or her full name, including: first name, middle name or initial, if available, and last name; mailing address; occupation; and the name of his or her employer; and, in the case of any other person, the person's full name and address.

The occupation and name of employer is only required to be provided for receipts from individuals. "Occupation" means the principal job title or position of an individual and whether or not self-employed. "Employer" means the organization or person by whom an individual is employed, and not the name of his or her supervisor.

Authorized committees must indicate the election for which the receipt was given. In the event the receipt was given for an election other than the current primary or general election, the "Other" block must be checked and the type of election specified (i.e., "General 1976", "Primary 1978"). The "receipt for" block does not apply to political committees which are not authorized committees. The "aggregate year-to-date" total must be given for each receipt and must equal the total amount that the person has given to the committee for that particular category of receipts for the calendar year. If a receipt is the only receipt from a person during the calendar year, the aggregate year-to-date total must still be entered.

The "Total This Period" amount (the last line on Schedule A) must be added to all other receipts for that category which are not itemized and carried forward to Column A of the corresponding line of the Detailed Summary Page.

If a contribution is received from a business entity or is drawn on what is or appears to be a business account, the political committee must determine that the contribution is not from a corporation, government contractor, or other prohibited source. If the contribution is from a prohibited source, it must be immediately refunded.

Absent evidence to the contrary, any contribution made by check, money order, or other written instruments must be reported as a contribution by the last person signing the instrument prior to delivery to the committee.

A contribution which represents contributions by more than one person must indicate on the written instrument, or on an accompanying written instrument signed by all contributors, the amount to be attributed to each contributor.

MISCELLANEOUS

Contributions In-Kind. Contributions in-kind (i.e., goods and services provided to a political committee) are treated as any other contribution and must be reported and itemized under the appropriate category of receipts. For example, a contribution in-kind from an individual must be itemized on Schedule A and reported under the category for "Contributions From Individuals/Persons Other Than Political Committees". The value of each contribution in-kind must be entered in the "Amount of Each Receipt This Period" column. The amount or value of the contribution in-kind is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the political committee. The "aggregate year-to-date" total must include the total amount of all contributions which the person has contributed to the committee during the calendar year. The item must be labeled "contribution in-kind" and include the nature of the contribution (e.g., consulting, polling, etc.). Each contribution in-kind must also be reported in the same manner as an operating expense on Schedule B and included in the total for "Operating Expenditures" (NOTE: A political committee which makes a contribution in-kind only reports it as a disbursement and itemizes the transaction on Schedule B with a notation "contribution in-kind". The purpose of the expenditure (e.g., consulting, polling, etc.) and the aggregate year-to-date amount must also be provided. The committee receiving the contribution in-kind must report it as both a receipt and an expenditure.)

Contributions of stocks, bonds, art objects, and other similar items to be liquidated must be reported as follows:

(1) If the item has not been liquidated at the close of the reporting period, the committee must record as a memo entry (not as cash) on Schedule A the item's fair market value on the date received, including the name and mailing address (and when in excess of $200, the occupation and name of the employer) of the contributor. The total amount of items to be liquidated must be entered under "Total This Period" on the last line of Schedule A. This amount must NOT be carried forward to the Detailed Summary Page.

(2) When the item is sold, the committee must report the proceeds and include them in the appropriate categories on the Detailed Summary Page. It must also report the (i) name and mailing address (and, where in excess of $200, the occupation and name of employer) of the purchaser on Schedule A, if purchased directly from the committee (the purchaser is considered to have made a contribution to the committee); and (ii) the identification of the original contributor on Schedule A.

Exempt Legal or Accounting Services. Legal or accounting services rendered to or on behalf of an authorized committee of a candidate or any other political committee are not contributions or expenditures and are not, therefore, subject to the contribution limitations and prohibitions, if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely to ensure compliance with the Act.

Legal or accounting services rendered to or on behalf of any political committee of a political party are not contributions or expenditures and are not, therefore, subject to the contribution limitations and prohibitions, if the person paying for the services is the regular employer of the individual rendering the services and the services are not attributable to activities which directly further the election of any designated candidate for Federal office.

The political committee must itemize as a memo entry on a separate Schedule A each person who provides legal or accounting services to the political committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date of receipt and amount or value of the exempt legal or accounting services, and state that the receipt is for "exempt legal or accounting service". The total amount of exempt legal or accounting services must be entered on the line for "Total This Period" on the bottom of Schedule A, but the total amount may not be carried forward to any category or line number on the Detailed Summary Page.

Earmarked Contributions. For each earmarked contribution received (regardless of the amount), the political committee must report on Schedule A the name and address of the original contributor, the date of receipt and the amount of the contribution and, if the original contributor makes contributions aggregating in excess of $200 to the political committee during the calendar year, the occupation and name of employer. If the contribution passes through the political committee's account and is forwarded to another political committee or Federal candidate, the conduit committee must disclose each contribution, regardless of the amount, on both Schedule A and Schedule B and include the amount under the appropriate category of receipts and disbursements. If the contribution was passed on in the form of the contributor's check, the conduit must disclose each contribution on a separate Schedule A attached to the conduit's (intermediary) next report and the amounts of such contributions are not required to be included in the totals for the appropriate categories of receipts and disbursements. If a political committee is not a conduit, but is the intended recipient, the political committee must report each conduit through which the earmarked contribution passed, including the name and address of the conduit, and whether the contribution was passed on in cash, by the contributor's check, or by the conduit's check. If the conduit exercises direction and control over the contribution, the earmarked contribution must also be attributed to the contribution limitations of the conduit.

Checks Returned Due to Insufficient Funds. If a contributor's check is returned to the political committee due to insufficient funds and the receipt of the check was previously reported, the political committee must report the return under the appropriate category of receipts as a negative entry and net out the amount of the check from the total for that category. If the original receipt of the check was itemized on Schedule A, the return of the check must also be itemized as a negative entry on Schedule A. If the receipt of the check was never reported, the return of the check should not be reported.

Check Refunded to the Committee. A contribution may be refunded to the committee in one of two ways:

(1) The original check is returned uncashed. If the contribution was reported, the refund should be reported as a negative entry on Schedule B, and the amount of the contribution refund subtracted from the disbursement totals on the line of the Detailed Summary Page that it was reported on.

(2) The original check is not returned and the refund is made by a check from the recipient of the contribution. Such a transaction should be reported as a receipt on Schedule A for the appropriate line of the Detailed Summary Page. This procedure is applicable regardless of whether the amount refunded is the full or only a partial refund of the contribution or whether the contribution was previously reported.

Best Efforts. When the treasurer of a political committee shows that best efforts have been used to obtain, maintain and submit the information required, the committee shall be considered in compliance with the Act.

With regard to reporting the identification of each person whose contribution(s) to the committee and its affiliated committees aggregate in excess of $200 in a calendar year, the treasurer will not be deemed to have exercised best efforts to obtain the required information unless he or she has made at least one effort per solicitation either by written request or by an oral request documented in writing to obtain the information from the contributor. The effort shall consist of a clear request for the information (i.e., name, mailing address, occupation, name of employer) which informs the contributor that the reporting of the information is required by law.

Line Number 11a, p. 27

Contributions from Individuals/Persons Other Than Political Committees, p. 15

In-Kind Contribution, pp. 4, 15 and 35

Partnership Contribution, p. 15

Memo Entry, p. 44

$250 Contribution Later Refunded, p. 37

Earmarked Contribution, pp. 15 and 48

Page 1 of 1 for LINE NUMBER 11a
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A **ITEMIZED RECEIPTS**

(Contributions from Persons Other Than Political Committees)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code John Appleby 212 Chesterfield Road City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Name of Employer Appleby Paper Co. Occupation owner/manager Aggregate Year-to-Date–$ 250.00	Date (month, day, year) 1/25/82	Amount of Each Receipt this Period $ 250.00 (in-kind)
B. Full Name, Mailing Address and ZIP Code Porter & Son (partnership) 547 Market Square City, State 00000 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer Occupation attorneys Aggregate Year-to-Date–$ 1,000.00	Date (month, day, year) 2/4/82	Amount of Each Receipt This Period $1,000.00
C. Full Name, Mailing Address and ZIP Code James E. Porter 2540 Ellsworth Avenue City, State 00000 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer Porter & Son Occupation attorney Aggregate Year-to-Date–$ 500.00	Date (month, day, year) 2/4/82	Amount of Each Receipt This Period $ 500.00 (memo)
D. Full Name, Mailing Address and ZIP Code James E. Porter, Jr. 129 Bayard Street City, State 00000 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer Porter & Son Occupation attorney Aggregate Year-to-Date–$ 500.00	Date (month, day, year) 2/4/82	Amount of Each Receipt This Period $ 500.00 (memo)
E. Full Name, Mailing Address and ZIP Code Mary Summers 4923 Murray Avenue City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Name of Employer self-employed Occupation physician Aggregate Year-to-Date–$250.00	Date (month, day, year) 3/17/82	Amount of Each Receipt This Period $ 250.00
F. Full Name, Mailing Address and ZIP Code Martha King 637 Wightman Street City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Name of Employer Acme Consolidated Corp. Occupation accountant Aggregate Year-to-Date–$220.00	Date (month, day, year) 3/30/82	Amount of Each Receipt This Period $ 220.00
G. Full Name, Mailing Address and ZIP Code Earmarked through: Acme Consolidated Corp. PAC 1379 Allegheny Avenue City, State 00000 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date–$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			$1,720.00

Line Number 11b, p. 27

Contributions from Political Committees, p. 15

SCHEDULE A — **ITEMIZED RECEIPTS** (Contributions from Political Party Committees)

Page 1 of 1 for LINE NUMBER 11b (Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full): Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Independent Women's Club 1825 Grant Street City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$ 60.00	2/8/82	$ 60.00
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
State Independent Party 888 Liberty Avenue City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$ 3,000.00	3/23/82	$3,000.00

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	$3,060.00

Line Number 11c, p. 27

Contributions from Political Committees, p. 15

SCHEDULE A — **ITEMIZED RECEIPTS** (Contributions from Other Political Committees)

Page 1 of 1 for LINE NUMBER 11c (Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full): Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Major Corporation PAC 4550 Sixth Avenue City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$3,250.00	1/19/82	$3,250.00
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Workers Union Good Government Fund 837 Pier Street City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$ 3,250.00	2/10/82	$3,250.00

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	$6,500.00

Line Number 11d, p. 27

Contributions from the Candidate, pp. 4 and 15

SCHEDULE A — **ITEMIZED RECEIPTS** (Contributions from the Candidate)

Page 1 of 1 for LINE NUMBER 11d
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Sam Jones 213 Oakgrove Street City, State 00000	State University	1/5/82	$15,000.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation: Dean of Medicine Aggregate Year-to-Date—$15,000.00		

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	$15,000.00

Line Number 13a, p. 27

Loans, pp. 4, 16 and 39

Guarantees of Loans, pp. 4 and 16

Candidate's Personal Funds, p. 10

SCHEDULE A — **ITEMIZED RECEIPTS** (Loans Made or Guaranteed by the Candidate)

Page 1 of 1 for LINE NUMBER 13a
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Sam Jones 213 Oakgrove Street City, State 00000	State University	1/4/82	$10,000.00 (guarantor)
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation: Dean of Medicine Aggregate Year-to-Date—$25,000.00		
B. Full Name, Mailing Address and ZIP Code Original Source: National Trust Bank 9201 Seventh Street City, State 00000	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code Sam Jones 213 Oakgrove Street City, State 00000	Name of Employer: State University	Date (month, day, year): 2/15/82	Amount of Each Receipt This Period: $10,000.00 (personal funds)
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation: Dean of Medicine Aggregate Year-to-Date—$ 35,000.00		

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	$20,000.00

Line Number 13b, p. 27

Loans, pp. 4, 16 and 41

Bank Loans, pp. 5 and 16

Private Loans, p. 16

SCHEDULE A — **ITEMIZED RECEIPTS** (Other Loans)

Page 1 of ___ for LINE NUMBER 13b
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full): Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Third State Bank 2500 Smithfield Street City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$2,000.00	1/13/82	$2,000.00
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Stephen Jones 7430 Darlington Road City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	self-employed Occupation: dentist Aggregate Year-to-Date—$ 1,000.00	1/21/82	$1,000.00

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	$3,000.00

Line Number 14, p. 27

Refunds, Rebates and Returns, p. 16

SCHEDULE A — **ITEMIZED RECEIPTS** (Offsets to Operating Expenditures)

Page 1 of 1 for LINE NUMBER 14
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full): Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Telephone Company 830 Negley Avenue City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	refund of excessive phone bill Occupation Aggregate Year-to-Date—$ 261.41	2/22/82	$261.41
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Star Envelope Co. 4590 Penn Avenue City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	contract canceled, return of deposit Occupation Aggregate Year-to-Date—$ 275.00	3/8/82	$275.00

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	$536.41

Line Number 15, p. 27

Other Receipts, p. 16

SCHEDULE A — **ITEMIZED RECEIPTS** (Other Receipts)

Page 1 of 1 for LINE NUMBER 15
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (In Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Third State Bank 2500 Smithfield Street City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	(Interest on Certificate of deposit) Occupation Aggregate Year-to-Date—$ 242.12	2/24/82	$242.12
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
Liquid Assets Fund 1300 Fifth Avenue City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	(Interest on money market fund) Occupation Aggregate Year-to-Date—$ 260.98	3/11/82	$260.98

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	$503.10

Exempt Legal and Accounting Services, pp. 10 and 28

Memo Entry, p. 44

SCHEDULE A — **ITEMIZED RECEIPTS** (Exempt Legal Services)

Page 1 of 1 for LINE NUMBER NA
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (In Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Peter Wilson 942 Morewood Street City, State 00000 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Morgan, Wilson and Wilson Occupation attorney Aggregate Year-to-Date—$	3/16/82	$250.00 exempt legal services

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	

INSTRUCTIONS FOR PREPARING SCHEDULE B

The Detailed Summary Page is broken down into various categories of disbursements. Use Schedule B to list each disbursement required to be itemized. DO NOT combine more than one category of disbursements on the same Schedule B. Instead, use a separate Schedule B for each category of disbursements. The line number of the Detailed Summary Page to which each Schedule B pertains should be identified in the upper right corner of each Schedule. In addition, the committee's full name must be entered in the appropriate block.

For each disbursement required to be itemized during the reporting period, the political committee must provide the full name, mailing address, date, amount, and purpose of the disbursement.

The term "purpose" means a brief statement or description of why the disbursement was made. Examples of adequate descriptions include the following: dinner expenses, media, salary, polling, travel, party fees, phone banks, travel expenses, travel expense reimbursement, and catering costs. However, statements or descriptions such as "advance", "election day expenses", "other expenses", "expense reimbursement", "miscellaneous", "outside services", "get-out-the-vote", and "voter registration", would not meet the requirement for reporting the purpose of an expenditure. If the disbursement is a "loan repayment", "contribution refund", or other similar category of disbursement (other than an operating expenditure), the name of the category of disbursement (i.e., "loan repayment", etc.) is sufficient to meet the requirement for reporting the purpose of an expenditure.

For disbursements that are contributions to Federal candidates, or authorized committees, the committee must include under "Purpose of Disbursement" the name of the candidate and office sought (including State and congressional district, where applicable) and the aggregate year-to-date total of contributions made to that candidate or committee in the purpose of disbursement box.

For each contribution to a Federal candidate or authorized committee indicate in the election check-off box the election for which the contribution was made. In the event the contribution was made for an election prior to the current election cycle, the "Other" block must be checked and the type of election specified (e.g., "General 1976", "Primary 1978"). The election check-off boxes provided for each itemized entry on Schedule B should not be used when itemizing operating expenditures.

The "Total This Period" amount (the last line on Schedule B) must be added to all other disbursements for that category which are not itemized and carried forward to Column A of the corresponding line of the Detailed Summary Page.

CONTRIBUTION IN-KIND RECEIVED

Contributions in-kind received by the committee which are itemized on Schedule A must also be itemized as an operating expenditure on Schedule B. In addition, in the "Purpose of Disbursement" box include the notation "Contribution In-Kind", and the nature of the expenditure (e.g., consulting, polling, etc.).

Line Number 17, p. 27

Operating Expenditures, p. 16

In-Kind Contributions, pp. 15 and 29

$250/$600 Debt Repayments, p. 43

Memo Entry, p. 44

SCHEDULE B — **ITEMIZED DISBURSEMENTS** (Operating Expenditures)

Page 1 of 1 for LINE NUMBER 17
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
John Appleby 212 Chesterfield Road City, State 00000	paper stock	1/25/82	$ 250.00 (in-kind)
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Acme Business Supplies 3332 Bigelow Boulevard City, State 00000	office equipment	2/3/82	$ 250.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Davis Printing 9576 Commercial Road City, State 00000	printing	2/12/82	$ 600.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
MBI Corporation 9801 Ninth Avenue City, State 00000	reproduction equipment rental and supplies	2/10/82 3/12/82	$ 257.33 $ 225.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Parker Real Estate 1530 Cherry Way City, State 00000	rent	3/23/82	$ 650.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Master Card City Bank City, State 00000		3/25/82	$ 300.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
American Airlines 9700 Second Avenue City, State 00000	travel to Washington, D.C.	1/2/82	$ 300.00 (memo)
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Telephone Company 830 Negley Avenue City, State 00000	telephone service	2/11/82 3/29/82	$ 239.24 $ 157.60
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
National Trust Bank 9201 Seventh Street City, State 00000	interest on loan	3/31/82	$ 525.00
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			$3,454.17

Line Number 19a, p. 27

Loan Repayments, pp. 16 and 39

SCHEDULE B — **ITEMIZED DISBURSEMENTS**

Page 1 of 1 for LINE NUMBER 19a
(Use separate schedule(s) for each category of the Detailed Summary Page)

(Repayments of Loans Made or Guaranteed by the Candidate)

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Name of Committee (In Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Sam Jones 213 Oakgrove Street City, State 00000	Loan repayment Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/29/82	$500.00

SUBTOTAL of Disbursements This Page (optional)	
TOTAL This Period (last page this line number only)	$500.00

Line Number 19b, p. 27

Loan Repayments, pp. 16 and 41

SCHEDULE B — **ITEMIZED DISBURSEMENTS**

(Repayments of Other Loans)

Page 1 of 1 for LINE NUMBER 19b
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (In Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Third State Bank 2500 Smithfield Street City, State 00000	Loan repayment Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/1/82	$ 200.00
B. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Stephen Jones 7430 Darlington Road City, State 00000	Loan repayment Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/31/82	$1,000.00

SUBTOTAL of Disbursements This Page (optional)	
TOTAL This Period (last page this line number only)	$1,200.00

Line Number 20a, p. 27

Contribution Refunds, pp. 16 and 29

SCHEDULE B — **ITEMIZED DISBURSEMENTS** — Page 1 of 1 for LINE NUMBER 20a

(Use separate schedule(s) for each category of the Detailed Summary Page)

(Refunds of Contributions to Persons Other Than Political Committees)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)

Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Mary Summers 4923 Murray Avenue City, State 00000	contribution refund Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/21/82	$250.00

SUBTOTAL of Disbursements This Page (optional)	
TOTAL This Period (last page this line number only)	$250.00

Line Number 21, p. 27

Other Disbursements, p. 16

SCHEDULE B — **ITEMIZED DISBURSEMENTS** (Other Disbursements) — Page 1 of 1 for LINE NUMBER 21

(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)

Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Jack Fitzgerald for Governor 1036 Windermere Drive City, State 00000	support of state candidate Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/10/82	$800.00

SUBTOTAL of Disbursements This Page (optional)	
TOTAL This Period (last page this line number only)	$800.00

INSTRUCTIONS FOR PREPARING SCHEDULE C

A loan is a contribution at the time it is made and is a contribution to the extent it remains unpaid. A LOAN WHICH EXCEEDS THE CONTRIBUTION LIMITATIONS IS UNLAWFUL WHETHER OR NOT IT IS REPAID. The aggregate amount loaned to a candidate or committee by another individual or political committee, when added to other contributions from that individual or political committee to that candidate or committee, shall not exceed the contribution limitations. A loan, to the extent it is repaid, is no longer a contribution. All loans to a political committee (regardless of amount) must be disclosed on the first report filed with the Commission after the date the loan is made.

When filling out Schedule C, the committee must enter its full name in the box at the top of the page.

DO NOT combine loans owed TO the committee with those owed BY the committee on the same Schedule C. Instead, use a separate Schedule C.

LOANS OWED BY THE COMMITTEE

When a loan is received by the committee, it must be itemized on Schedule A and must also be disclosed on Schedule C (see also instructions for Schedule A for itemizing loans received by the committee). For each loan owed BY the reporting committee at the close of the reporting period, the committee must report certain basic information on Schedule C in the appropriate boxes: (1) full name, mailing address and zip code of the creditor; (2) if the committee is an authorized committee, the election to which the loan applies (i.e., primary, general or other); (3) the original amount of the loan; (4) the cumulative payment to date on the loan; and (5) the outstanding balance at the close of the reporting period (i.e., the remaining unpaid portion of the loan).

Certain additional information must be entered on Schedule C in the box entitled TERMS: (1) if an intermediary is reported as the source of the loan, the original source of the loan (which must be disclosed in the first box for endorsers and guarantors with a notation that the person identified is the original source); (2) the date the obligation was incurred; (3) the date the loan is due or the amortization schedule (if there is no due date or amortization schedule, enter "None" on the appropriate line); (4) the actual rate of interest charged on each loan (if the loan does not bear an interest rate, enter "None" on the appropriate line); and (5) check the box if the loan has been secured.

In instances where the loan has endorsers or guarantors, the following information must be supplied: (1) the identification of each endorser or guarantor, and (2) the amount of the endorsement or guarantee outstanding at the close of the reporting period. The term "identification" means (a) in the case of an individual, his or her full name, mailing address, occupation, and name of employer; and (b) in the case of any other person, the person's full name and address.

Loans owed BY the committee must continue to be reported on each subsequent report until repaid. When a payment is made to reduce or extinguish the amount of a loan owed BY the committee, the payment must be itemized on Schedule B, reported on the appropriate line of the Detailed Summary Page, and included in the "Cumulative Payment to Date" column on Schedule C. If any extension for repayment is granted, this should be reported on the first report after the extension is made.

If a loan is settled for less than the reported amount, the reporting committee must include a statement as to the circumstances and conditions under which the debt or obligation was extinguished and the amount paid. A loan owed BY a political committee which is forgiven or settled for less than the amount owed is a contribution. The total amount of loans owed BY the committee at the close of the reporting period must be entered on the line for "Total This Period" on the bottom of the last page and transferred to Line 3 of the last page of Schedule D. If no debts or obligations are reported on Schedule D, carry the outstanding balance forward to the Summary Page.

LOANS OWED TO THE COMMITTEE

When a loan is made by the committee, it must be itemized on Schedule B and must also be disclosed on Schedule C (see also instructions for Schedule B for itemizing loans made by the committee). For each loan owed TO the committee at the close of the reporting period, the committee must report certain basic information on Schedule C in the appropriate boxes: (1) the full name, mailing address and zip code of each debtor; (2) if the loan was made by a political committee other than an authorized committee and was made to a Federal candidate or authorized committee, the election to which the loan applies (i.e., primary, general or other); (3) the original amount of the loan; (4) the cumulative payment to date on the loan; and (5) the outstanding balance at the close of the reporting period (i.e., the remaining unpaid portion of the loan).

Certain additional information must be entered on Schedule C in the box entitled TERMS: (1) the date the obligation was incurred; (2) the date the loan is due or the amortization schedule (if there is no due date or amortization schedule, enter "None" on the appropriate line); (3) the actual rate of interest charged on the loan (if the loan does not bear an interest rate, enter "None" on the appropriate line); and (4) check the box if the loan has been secured. Loans owed TO the committee must continue to be reported on each subsequent report until repaid. When a payment is received to reduce or extinguish a loan owed TO the committee, the payment must be itemized on Schedule A, reported on the appropriate line of the Detailed Summary Page, and included in the "Cumulative Payment to Date" column on Schedule C. If any extension for repayment is granted or made, this should be reported on the first report after the extension is made.

The total amount of loans owed TO the committee at the close of the reporting period must be entered on the line for "Total This Period" on the bottom of the last page and transferred to Line 3 of the last page of Schedule D. If no debts or obligations are reported on Schedule D, carry the outstanding balance forward to the Summary Page.

MISCELLANEOUS

Loans by Financial Institutions. A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not a contribution by the lending institution if the loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis that insures repayment; is evidenced by a written instrument; and is subject to a due date or a amortization schedule.

Candidate Loans. If a candidate personally receives a loan from a financial institution or other person, which is loaned or given to the campaign or used in the campaign, the candidate's principal campaign committee must disclose all information with respect to that loan. The financial institution or other person must be listed as the original source of the loan and the candidate listed as an intermediary. Loans obtained by an individual prior to becoming a candidate for use in connection with that individual's campaign must be reported as an outstanding loan owed TO the lender by the candidate's principal campaign committee, if the loan is outstanding at the time the individual becomes a candidate

Loans by Political Committees. If a political committee makes a loan TO any person, the loan shall be subject to the contribution limitations. Repayment to the political committee of the principal amount of the loan is not a contribution by the debtor to the lender committee. The repayment must be made with funds which are permissible under the Act. The payment of interest to the committee by the debtor is a contribution only to the extent that the interest paid exceeds a commercially reasonable rate prevailing at the time the loan is made. All payments of interest must be made from funds which are permissible under the Act.

Endorsers and Guarantors. A loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

Loan Repayments. Each committee must disclose all loan payments received or made by the committee. When a loan repayment is received by a committee, the repayment must be itemized on Schedule A and included in the "Cumulative Payment to Date" column on Schedule C. When a loan repayment is made by a committee, the repayment must be itemized on Schedule B and included in the "Cumulative Payment to Date" column on Schedule C. For a political committee other than an authorized committee, the total amount of loan repayments received and the total amount of loan repayments made must be disclosed on the appropriate lines of the Detailed Summary Page. For authorized committees, the total amount of loan repayments of loans made or guaranteed by the candidate and the total amount of loan repayments of all other loans must be disclosed on the appropriate lines of the Detailed Summary Page.

Line Number 10, p. 25

Loans, pp. 4 and 16

$10,000 Loan Received, p. 31

Endorsements and Guarantees of Loans, pp. 4 and 16

$10,000 Loan Received, p. 31

$500 Repayment, p. 36

SCHEDULE C
(Revised 3/80)

LOANS
(Loans Owed by the Committee)

Page 1 of 2 for LINE NUMBER 10
(Use separate schedules for each numbered line)

Name of Committee (In Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
National Trust Bank 9201 Seventh Street City, State 00000 Election: ☒Primary ☐General ☐Other (specify):	$10,000.00	---0---	$10,000.00

Terms: Date Incurred 1/4/82 Date Due 12/31/82 Interest Rate 21 %(apr) ☐ Secured NO

List All Endorsers or Guarantors(if any) to Item A

1. Full Name, Mailing Address and ZIP Code Sam Jones 213 Oakgrove Street City, State 00000	Name of Employer: State University Occupation: Dean of Medicine Amount Guaranteed Outstanding: $10,000.00	
2. Full Name, Mailing Address and ZIP Code	Name of Employer: Occupation: Amount Guaranteed Outstanding: $	
3. Full Name, Mailing Address and ZIP Code	Name of Employer: Occupation: Amount Guaranteed Outstanding: $	

B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
Sam Jones 213 Oakgrove Street City, State 00000 Election: ☒Primary ☐General ☐Other (specify):	$10,000.00	$500.00	$ 9,500.00

Terms: Date Incurred 2/15/82 Date Due 12/31/82 Interest Rate 0 %(apr) ☐ Secured

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code	Name of Employer: Occupation: Amount Guaranteed Outstanding: $	
2. Full Name, Mailing Address and ZIP Code	Name of Employer: Occupation: Amount Guaranteed Outstanding: $	
3. Full Name, Mailing Address and ZIP Code	Name of Employer: Occupation: Amount Guaranteed Outstanding: $	

SUBTOTALS This Period This Page (optional)	$19,500.00
TOTALS This Period (last page in this line only)	

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

INSTRUCTIONS FOR PREPARING SCHEDULE C

A loan is a contribution at the time it is made and is a contribution to the extent it remains unpaid. A LOAN WHICH EXCEEDS THE CONTRIBUTION LIMITATIONS IS UNLAWFUL WHETHER OR NOT IT IS REPAID. The aggregate amount loaned to a candidate or committee by another individual or political committee, when added to other contributions from that individual or political committee to that candidate or committee, shall not exceed the contribution limitations. A loan, to the extent it is repaid, is no longer a contribution. All loans to a political committee (regardless of amount) must be disclosed on the first report filed with the Commission after the date the loan is made.

When filling out Schedule C, the committee must enter its full name in the box at the top of the page.

DO NOT combine loans owed TO the committee with those owed BY the committee on the same Schedule C. Instead, use a separate Schedule C.

LOANS OWED BY THE COMMITTEE

When a loan is received by the committee, it must be itemized on Schedule A and must also be disclosed on Schedule C (see also instructions for Schedule A for itemizing loans received by the committee). For each loan owed BY the reporting committee at the close of the reporting period, the committee must report certain basic information on Schedule C in the appropriate boxes: (1) full name, mailing address and zip code of the creditor; (2) if the committee is an authorized committee, the election to which the loan applies (i.e., primary, general or other); (3) the original amount of the loan; (4) the cumulative payment to date on the loan; and (5) the outstanding balance at the close of the reporting period (i.e., the remaining unpaid portion of the loan).

Certain additional information must be entered on Schedule C in the box entitled TERMS: (1) if an intermediary is reported as the source of the loan, the original source of the loan (which must be disclosed in the first box for endorsers and guarantors with a notation that the person identified is the original source); (2) the date the obligation was incurred; (3) the date the loan is due or the amortization schedule (if there is no due date or amortization schedule, enter "None" on the appropriate line); (4) the actual rate of interest charged on each loan (if the loan does not bear an interest rate, enter "None" on the appropriate line); and (5) check the box if the loan has been secured.

In instances where the loan has endorsers or guarantors, the following information must be supplied: (1) the identification of each endorser or guarantor, and (2) the amount of the endorsement or guarantee outstanding at the close of the reporting period. The term "identification" means (a) in the case of an individual, his or her full name, mailing address, occupation, and name of employer; and (b) in the case of any other person, the person's full name and address.

Loans owed BY the committee must continue to be reported on each subsequent report until repaid. When a payment is made to reduce or extinguish the amount of a loan owed BY the committee, the payment must be itemized on Schedule B, reported on the appropriate line of the Detailed Summary Page, and included in the "Cumulative Payment to Date" column on Schedule C. If any extension for repayment is granted, this should be reported on the first report after the extension is made.

If a loan is settled for less than the reported amount, the reporting committee must include a statement as to the circumstances and conditions under which the debt or obligation was extinguished and the amount paid. A loan owed BY a political committee which is forgiven or settled for less than the amount owed is a contribution. The total amount of loans owed BY the committee at the close of the reporting period must be entered on the line for "Total This Period" on the bottom of the last page and transferred to Line 3 of the last page of Schedule D. If no debts or obligations are reported on Schedule D, carry the outstanding balance forward to the Summary Page.

LOANS OWED TO THE COMMITTEE

When a loan is made by the committee, it must be itemized on Schedule B and must also be disclosed on Schedule C (see also instructions for Schedule B for itemizing loans made by the committee). For each loan owed TO the committee at the close of the reporting period, the committee must report certain basic information on Schedule C in the appropriate boxes: (1) the full name, mailing address and zip code of each debtor; (2) if the loan was made by a political committee other than an authorized committee and was made to a Federal candidate or authorized committee, the election to which the loan applies (i.e., primary, general or other); (3) the original amount of the loan; (4) the cumulative payment to date on the loan; and (5) the outstanding balance at the close of the reporting period (i.e., the remaining unpaid portion of the loan).

Certain additional information must be entered on Schedule C in the box entitled TERMS: (1) the date the obligation was incurred; (2) the date the loan is due or the amortization schedule (if there is no due date or amortization schedule, enter "None" on the appropriate line); (3) the actual rate of interest charged on the loan (if the loan does not bear an interest rate, enter "None" on the appropriate line); and (4) check the box if the loan has been secured. Loans owed TO the committee must continue to be reported on each subsequent report until repaid. When a payment is received to reduce or extinguish a loan owed TO the committee, the payment must be itemized on Schedule A, reported on the appropriate line of the Detailed Summary Page, and included in the "Cumulative Payment to Date" column on Schedule C. If any extension for repayment is granted or made, this should be reported on the first report after the extension is made.

The total amount of loans owed TO the committee at the close of the reporting period must be entered on the line for "Total This Period" on the bottom of the last page and transferred to Line 3 of the last page of Schedule D. If no debts or obligations are reported on Schedule D, carry the outstanding balance forward to the Summary Page.

MISCELLANEOUS

Loans by Financial Institutions. A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not a contribution by the lending institution if the loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis that insures repayment; is evidenced by a written instrument; and is subject to a due date or a amortization schedule.

Candidate Loans. If a candidate personally receives a loan from a financial institution or other person, which is loaned or given to the campaign or used in the campaign, the candidate's principal campaign committee must disclose all information with respect to that loan. The financial institution or other person must be listed as the original source of the loan and the candidate listed as an intermediary. Loans obtained by an individual prior to becoming a candidate for use in connection with that individual's campaign must be reported as an outstanding loan owed TO the lender by the candidate's principal campaign committee, if the loan is outstanding at the time the individual becomes a candidate.

Loans by Political Committees. If a political committee makes a loan TO any person, the loan shall be subject to the contribution limitations. Repayment to the political committee of the principal amount of the loan is not a contribution by the debtor to the lender committee. The repayment must be made with funds which are permissible under the Act. The payment of interest to the committee by the debtor is a contribution only to the extent that the interest paid exceeds a commercially reasonable rate prevailing at the time the loan is made. All payments of interest must be made from funds which are permissible under the Act.

Endorsers and Guarantors. A loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

Loan Repayments. Each committee must disclose all loan payments received or made by the committee. When a loan repayment is received by a committee, the repayment must be itemized on Schedule A and included in the "Cumulative Payment to Date" column on Schedule C. When a loan repayment is made by a committee, the repayment must be itemized on Schedule B and included in the "Cumulative Payment to Date" column on Schedule C. For a political committee other than an authorized committee, the total amount of loan repayments received and the total amount of loan repayments made must be disclosed on the appropriate lines of the Detailed Summary Page. For authorized committees, the total amount of loan repayments of loans made or guaranteed by the candidate and the total amount of loan repayments of all other loans must be disclosed on the appropriate lines of the Detailed Summary Page.

Line Number 10, p. 25

Loans, pp. 4 and 16

Bank Loans, pp. 5 and 16

$2,000 Loan Received, p. 32

$200 Repayment, p. 36

Private Loans, pp. 4 and 16

$1,000 Loan Received, p. 32

$1,000 Repayment, p. 36

SCHEDULE C
(Revised 3/80)

LOANS
(Loans Owed by the Committee)

Page 2 of 2 for LINE NUMBER 10
(Use separate schedules for each numbered line)

Name of Committee (in Full)
Sam Jones for Congress C00015551

A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
Third State Bank 2500 Smithfield Street City, State 00000 Election: X Primary ☐ General ☐ Other (specify):	$2,000.00	$200.00	$1,800.00

Terms: Date Incurred 1/13/82 Date Due 6/30/82 Interest Rate 21 %(apr) ☐ Secured NO

List All Endorsers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Amount Guaranteed Outstanding: $
Andrew Adams 7921 Murray Avenue City, State 00000	Andy's Fish Store co-owner $ 900.00
2. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Amount Guaranteed Outstanding: $
Carl Edwards 6498 Braddock Avenue City, State 00000	Corner Drug Store pharmacist $ 900.00
3. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Amount Guaranteed Outstanding: $

B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
Stephen Jones 7430 Darlington Road City, State 00000 Election: X Primary ☐ General ☐ Other (specify):	$1,000.00	$1,000.00	---0---

Terms: Date Incurred 1/21/82 Date Due 3/31/82 Interest Rate 0 %(apr) ☐ Secured

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Amount Guaranteed Outstanding: $
2. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Amount Guaranteed Outstanding: $
3. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Amount Guaranteed Outstanding: $

SUBTOTALS This Period This Page (optional)	$ 1,800.00
TOTALS This Period (last page in this line only)	$21,300.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no S... carry forward to appropriate line of Summary.

INSTRUCTIONS FOR PREPARING SCHEDULE D

When filling out Schedule D, the committee must enter its full name in the box at the top of the page.

DO NOT combine debts and obligations owed to the committee with those owed by the committee on the same Schedule D. Instead, use a separate Schedule D.

DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Other Than Loans)

For debts and obligations owed BY the reporting committee at the close of the reporting period and which are required to be disclosed, the committee must report the full name and mailing address of each creditor, the amount of the debt outstanding at the beginning of the period, the amount of the debt or obligation incurred this period (including any finance charges), the payment(s) this period to retire the debt or obligation, the outstanding balance at the close of the reporting period and the nature or purpose of the debt and obligation. The terms "nature" or "purpose" mean a brief statement or description of why the debt or obligation was incurred (e.g., media, salary, polling, supplies, mailing).

A written contract (including a media contract), promise, or agreement to make an expenditure which has not been paid for by the committee is an expenditure as of the date the contract, promise or obligation is made and is subject to the reporting requirements. Accounts payable and written contracts, promises, or agreements to make expenditures, in amounts of $500 or less, need not be disclosed until outstanding for sixty days or more.

Debts and obligations owed BY the committee must continue to be reported on each subsequent report until extinguished or settled in a manner permitted by Federal Election Commission regulations (see 11 CFR 114.10 for settlement of corporate debts). When a payment is made to reduce or extinguish an obligation owed BY the committee, the payment must be itemized on Schedule B, reported on the appropriate line of the Detailed Summary Page, and included in the "Payment This Period" column on Schedule D. If a debt or obligation is settled for less than the reported amount or value, the reporting committee must include a statement as to the circumstances and conditions under which the debt or obligation was extinguished and the amount paid. A debt owed BY a political committee which is forgiven or settled for less than the amount owed is a contribution unless the debt is forgiven or settled in accordance with 11 CFR 114.10. The extension of credit by any person for a length of time beyond normal business or trade practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt. The total amount of debts and obligations owed BY the committee during the reporting period must be entered at the bottom of the last page under "Total This Period" and added to the total loans owed BY the committee from Schedule C. The total amount of debts and obligations owed BY the committee (including loans) must be carried forward to the Summary Page.

DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Other Than Loans)

For each debt and obligation owed TO the committee at the close of the reporting period, the committee must report: the full name and mailing address of each creditor, the amount of the debt outstanding at the beginning of the period, the amount of the debt or obligation incurred this period, the payment(s) this period to retire the debt or obligation, the outstanding balance at the close of the reporting period and the nature or purpose of the debt or obligation. The terms "nature" or "purpose" mean a brief statement or description of why the debt or obligation was incurred (e.g., media, salary, polling, supplies, mailing).

Debts and obligations owed TO the committee must continue to be reported on each subsequent report until extinguished or settled in a manner permitted by Federal Election Commission regulations (11 CFR 114.10 for settlement of corporate debts). When a payment is received to reduce or extinguish a debt or obligation owed TO the committee, the payment must be itemized on Schedule A, reported on the appropriate line of the Detailed Summary Page, and included in the "Payment This Period" column on Schedule D. Written contracts or agreements (such as signed pledge cards), or oral promises to make contributions are not required to be reported. The total amount of debts and obligations owed TO the committee during the reporting period must be entered at the bottom of the last page under "Total This Period" and added to the total loans owed TO the committee from Schedule C. The total amount of debts and obligations owed TO the committee (including loans) must be carried forward to the Summary Page.

Line Number 10, p. 25

Debts and Obligations, p. 17

$250/$600 Debt Repayments, p. 35

SCHEDULE D
(Revised 3/80)

DEBTS AND OBLIGATIONS
Excluding Loans
(Debts Owed by the Committee)

Page 1 of 1 for LINE NUMBER 10
(Use separate schedules for each numbered line)

Name of Committee (In Full) *Sam Jones for Congress C00015551*	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
A. Full Name, Mailing Address and Zip Code of Debtor or Creditor *Acme Business Supplies* *3332 Bigelow Boulevard* *City, State 00000*	$525.88	$136.53	$250.00	$412.41
Nature of Debt (Purpose): *office equipment*				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor *Davis Printing* *9576 Commercial Road* *City, State 00000*	$819.17	---0---	$600.00	$219.17
Nature of Debt (Purpose): *printing*				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional)				
2) TOTAL This Period (last page this line only)				$ 631.58
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only)				$21,300.00
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only)				$21,931.58

APPENDICES

A. Definitions

The following terms used in this Guide have specific meanings:

Act — The Federal Election Campaign Act of 1971, as amended in 1974, 1976, 1977 and 1979. 100.18.

Advisory Opinions (AOs) — Commission responses to questions it has received relating to specific situations.

Affiliated Committees — All authorized committees of the same candidate (or all committees established, financed, maintained or controlled by the same corporation, labor organization, person or group). 100.5(g).

Authorized Agent — Any person, including the candidate, who has been authorized to raise contributions or make expenditures on the candidate's behalf. 101.2 and 109.1(b)(5).

Authorized Committee — Any political committee, including a principal campaign committee, authorized in writing by the candidate to receive contributions and make expenditures on his/her behalf. 100.5(f)(1). No political committee which supports or has supported more than one candidate may be designated as an authorized committee except committees designated for joint fundraising purposes. 102.13(c)(1).

Bank — A State bank, a Federally chartered depository institution (including a national bank) or a depository institution insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation or the National Credit Union Administration. 100.7(b)(11), 100.8(b)(12) and 103.2.

Candidate — An individual who seeks nomination for election or election to Federal office. Candidate status is triggered only after the individual, or another agent acting on the individual's behalf, has raised contributions or made expenditures either of which aggregate in excess of $5,000. 100.3.

Clearly Identified Candidate — A candidate whose name, photograph or drawing appears in communications or whose identity is apparent by unambiguous reference. 100.17, 106.1(d) and 109.1(b)(3).

Contribution — Anything of value given to (or provided on behalf of) a candidate or political committee to influence a Federal election. 100.7(a)(1).

Disbursement — Any purchase or payment made by a political committee.

Earmarked Contribution — A contribution that the contributor directs (either orally or in writing) to a candidate or authorized committee through an intermediary or conduit. 110.6. See also Appendix D.

Election — Any one of several processes by which an individual seeks nomination for election, or election, to Federal office. They include: a primary election, a runoff election, a party caucus or convention that has authority to select the nominee, a general election and a special election held to fill a vacant seat. 100.2.

Expenditure — A purchase or payment made to influence a Federal election. 100.8(a)(1).

Federal Election — An election (defined above) for Federal office.

Federal Office — The office of President or Vice President of the United States, Senator or Representative in, or Delegate or Resident Commissioner to, the United States Congress. 100.4.

Independent Expenditure — An expenditure for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, any candidate or his/her authorized committees or agents. 100.16 and 109.1(a). See also Appendix C.

In-Kind Contribution — Services, goods or property offered free or at less than the usual charge to a political committee. 100.7(a)(1)(iii).

Memo Entry — Supplemental data on a reporting schedule for which the dollar amount is not incorporated into the total figures for the cash balance, receipts or disbursements.

Multicandidate Committee — A political committee with more than 50 contributors that has been registered for at least 6 months and, with the exception of State party committees, has made contributions to 5 or more candidates for Federal office. 100.5(e)(3).

National Committee — An organization responsible for the day-to-day operation of a political party at the national level by virtue of the party's bylaws. 9008.2(e).

Nonelection Year — A year in which there is no regularly scheduled Federal election.

Non-Federal Election — An election for a State or local office.

Party — A political party, or other association, committee or organization which nominates a candidate to Federal office. 100.15.

Party Committee — A political committee which represents a political party and is part of the official party structure at the national, State or local level. 100.5(e)(4).

Person — An individual, partnership or any group of persons (such as a political committee, corporation or labor organization), not including the Federal government. 100.10.

Personal Funds — Any assets to which a candidate has legal or rightful title at the time he/she becomes a candidate. Personal funds include: personal salary, dividends, income from trusts established before candidacy, personal gifts which had been customarily received before candidacy, etc. Personal funds include funds from immediate family members only if

the candidate had legal right of access to or control over the family funds at the time he/she became a candidate. 110.10(b).

Political Committee — A group that meets one of the following conditions:

1. Any authorized committee, regardless of how much it receives or expends, once the individual who authorized the committee becomes a candidate.
2. Any State party committee or non-party committee, club, association, or other group of persons that receives contributions or makes expenditures aggregating in excess of $1,000 during a calendar year.
3. Any local unit of a political party (excluding a State committee) if it:
   - Receives contributions aggregating over $5,000 during a calendar year;
   - Makes contributions or expenditures aggregating over $1,000 during a calendar year; or
   - Makes payments, aggregating over $5,000 during a calendar year, for activities exempted from the definition of contribution (under 11 CFR 100.7(b)(9), (15) and (17)) and expenditure (under 11 CFR 100.8(b)(10), (16) and (18)).
4. Any separate segregated fund, regardless of how much it receives or expends. 100.5.

Principal Campaign Committee — An authorized committee designated by a Federal candidate as the principal committee to raise contributions and make expenditures for his/her campaign. 100.5(e)(1).

Receipt — Anything of value (money, goods, services or property) received by a political committee.

Special Election — An election held to fill a vacancy in the House of Representatives or the Senate. A special election may be a primary, general or runoff election. 100.2(f).

Transfer — The movement of funds between authorized committees of the same candidate (or among affiliated committees or among committees within the same party). Although such transfers are unlimited, they are reportable and may count toward the threshold for determining whether a committee is a political committee. 102.6(a).

Separate Segregated Fund — A political committee established by a corporation, labor organization or incorporated membership organization. A separate segregated fund accepts voluntary contributions that are used to make contributions to or expenditures on behalf of Federal candidates and other political committees. 114.1(a)(2)(iii).

B. Chart on Contribution Limits

Contributions from	To Candidate or His/Her Authorized Committee	To National Party Committee[1] Per Calendar Year[2]	To Any Other Committee Per Calendar Year	Total Contributions Per Calendar Year
individual	$1,000 Per Election[3]	$20,000	$5,000	$25,000
Multicandidate Committee[4]	$5,000 Per Election	$15,000	$5,000	No Limit
Party Committee	$1,000 or $5,000[5] Per Election	No Limit	$5,000	No Limit
Republican or Democratic Senatorial Campaign Committee,[6] or the National Party Committee, or a Combination of Both	$17,500 to Senate candidate per calendar year in which candidate seeks election	Not Applicable	Not Applicable	Not Applicable
Any Other Committee or Group[7]	$1,000 Per Election	$20,000	$5,000	No Limit

[1] *For purposes of this limit, each of the following is considered a national party committee: a party's national committee, the Senate Campaign committees and the National Congressional committees, provided they are not authorized by any candidate.*

[2] *Calendar year extends from January 1 through December 31. Individual contributions made or earmarked to influence a specific election of a clearly identified candidate are counted as if made during the year in which the election is held.*

[3] *Each of the following elections is considered a separate election: primary election, general election, run-off election, special election, and party caucus or convention which has authority to select the nominee.*

[4] *A multicandidate committee is any committee with more than 50 contributors which has been registered for at least 6 months and, with the exception of State party committees, has made contributions to 5 or more Federal candidates. A candidate committee should check with the FEC to determine whether a contributing committee has qualified as a multicandidate committee.*

[5] *Limit depends on whether or not party committee is a multicandidate committee.*

[6] *Republican and Democratic Senatorial Campaign committees are subject to all other limits applicable to a multicandidate committee.*

[7] *Group includes an organization, partnership or group of persons.*

C. Independent Expenditures

Note that this appendix may be reproduced and distributed by the candidate or his/her committee to anyone who requests FEC guidelines on independent expenditures.

1. Definition

What Is an Independent Expenditure?

An independent expenditure is an expenditure for communications expressly advocating the election or defeat of a clearly identified candidate[1] which is NOT made with the cooperation or consent of, or in consultation with, or at the request or suggestion of, any candidate or any of his/her agents[2] or authorized committees. 100.16. Independent expenditures may be made without limit since they do not count against the contribution limits established by the Federal Election Campaign Act. (However, contributions made to an independent expenditure committee are subject to monetary limits, as explained below.)

What Is NOT an Independent Expenditure?

Contact with Candidate or Authorized Committees

Any expenditure made in cooperation, consultation, or in concert with the candidate or as a result of his/her request or suggestion is considered an in-kind contribution (not an independent expenditure) by the person making the expenditure and counts against his/her contribution limit. 100.16 and 109.1 (b)(4).

Note that when an individual merely requests and receives from a candidate FEC guidelines on independent expenditures (such as this section of the Guide), he/she is not considered to have coordinated, cooperated or consulted with the candidate. 109.1(b)(4)(ii).

Candidate-Prepared Materials

Any expenditure to finance the dissemination or re-publication of a broadcast or other campaign materials prepared by a candidate (or his/her agent or authorized committee) is considered an in-kind contribution by the person making the contribution. 109.1(d).

Expenditure by Committee Employee

An expenditure made on behalf of a candidate by a current or former officer or employee of that candidate's committee or by a person who has received compensation or reimbursement from the campaign is presumed not to be independent. 109.1(b)(4)(i)(B).

Examples

An individual not previously involved in the campaign of candidate Smith purchases a newspaper advertisement supporting Smith without ever contacting the candidate or any of his campaign staff. The purchase is considered an independent expenditure. If, however, before purchasing the ad, the individual asks candidate Smith or his campaign staff how he may help the campaign or when Smith wants a newspaper ad to appear, the individual makes an in-kind contribution. Or, if the individual buys a campaign advertisement using text actually prepared by Smith's campaign staff, the individual makes an in-kind contribution to the candidate. (An in-kind contribution, when combined with all other contributions from the same individual, is limited to $1,000 per election.)

2. Public Notice Required

Any independent expenditure must include a clear and conspicuous public notice in the printed material or during the broadcast. The notice must:

- State that the communication is not authorized by the candidate or his/her authorized committee; and
- Identify the name of the person or committee that financed the expenditure. 109.3; 2 U.S.C. §441d(a).

3. Reporting Requirements

Political Committee

A reporting political committee must itemize each independent expenditure it makes exceeding $200 (Schedule E of the appropriate reporting form) at the end of any reporting period in which the expenditure is made. In addition, the total of all independent expenditures of $200 or less must be reported but not itemized. 104.3(b)(3)(vii).

Any Other Person

Any other person (individual, partnership or group of individuals) must file a report with the FEC (on FEC Form 5) at the end of the first reporting period in which independent expenditures aggregate more than $250 and in any succeeding period during the same year in which additional independent expenditures of any amount are made. 109.2(a).

Last-Minute Independent Expenditures

An independent expenditure of $1,000 or more made between 2 and 20 days before an election must be reported within 24 hours after it is made to the FEC, the Secretary of the Senate or the Clerk of the House, as appropriate. 104.5(g). A political committee must disclose a last-minute independent expenditure a second time on a Schedule E filed with its next scheduled report. The committee may, if it wishes, note on Schedule E that the expenditure was previously reported.

4. Contents of Report

Itemized reports on independent expenditures must include the information described below:

Certification

The report must include a certification, under penalty of perjury, that the expenditure meets the above standard of independence. 104.3(b)(3)(vii)(B) and 109.2(a)(1).

Information About Expenditure

The report must include the date, amount and purpose of the expenditure (i.e., a brief description of why the disbursement was made) and must indicate whether the expenditure is in support of or in opposition to the candidate(s). 104.3(b)(3)(vii) and 109.2(a). When an

[1] *A "clearly identified candidate" is one whose name, photograph or drawing appears or whose identity is apparent by unambiguous reference. 100.17.*

[2] *"Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures. 109.1 (b)(5).*

independent expenditure is made on behalf of more than one clearly identified candidate, the expenditure must be allocated among the candidates in proportion to the benefit they are expected to receive. 106.1(a).

Information About Candidate

The report must include the name and address of the candidate(s) and the office sought. 104.3(b)(3)(vii) and 109.2(a)(1).

Information About Person Making Expenditure

When a person other than a political committee makes the expenditure, the report must include the person's name, address, occupation and employer, if any. 109.2(a)(1).

Information About Payee

The report must include the name and address of the person to whom the expenditure was made. 104.3(b)(3)(vii) and 109.2(a)(1).

Information About Other Contributors

The report must include the name, mailing address, occupation and name of employer of each person who contributes more than $200 to the person who makes the expenditure. 104.3(a)(4)(i) and 109.2(a)(1).

5. Contributions to Persons Making Independent Expenditures

All the limitations and prohibitions on contributions to candidates also apply to contributions made to persons making independent expenditures. In addition, when a person contributes to a political committee that makes independent expenditures exclusively in support of, or in opposition to, a single candidate, that contribution is subject to the per candidate, per election, limit. For example, Citizen Smith contributes $500 to an independent committee established to make independent expenditures exclusively on behalf of Candidate Jones. Smith may then contribute only $500 more to Candidate Jones since Smith's total contributions benefiting Jones would then reach the $1,000 per candidate, per election, limit. 110.1(h).

D. Earmarked Contributions

1. Definition

An earmarked contribution is one which the contributor directs (either orally or in writing) to a candidate (or his/her authorized committee) through an intermediary or conduit. The intermediary may be a nonregistered entity, such as an individual or a group, or a registered political committee with regular reporting obligations. 110.6(b).

2. Earmarking and Contribution Limits

An earmarked contribution is considered to have been made by the original contributor, thus counting against his/her contribution limit for that candidate. The contribution limitation of the conduit or intermediary is not affected unless the conduit exercises direction or control over the choice of the intended recipient of the contribution. In that case, the contribution is considered to have been made by both the original contributor and the intermediary or conduit and counts against both of their contribution limits. 110.6(d).

3. Forwarding Earmarked Contributions

The intermediary or conduit must forward an earmarked contribution to the recipient committee within 10 days. The report to the recipient (described below) must be forwarded along with the contribution. 102.8(a), (c) and 110.6(c)(2).

4. Reporting Earmarked Contributions

The reporting of earmarked contributions is required[1] by all intermediaries, including registered political committees and nonregistered entities (such as individuals, partnerships and groups of people), and by the recipients. 110.6(c).

Reports by Political Committee Serving as Intermediary

A political committee which is an intermediary or conduit of an earmarked contribution must disclose the earmarked contribution, regardless of amount, on two separate reports: the next regularly scheduled report, and a special report to the recipient. 110.6(c).

Next Regular Report

The conduit's next regularly scheduled report must indicate whether the earmarked contribution was:

- Passed through the conduit's account, in which case each contribution must be reported on the regular reporting schedules of itemized receipts and disbursements (Schedules A and B of the appropriate reporting form); or
- Passed on in the form of the original contributor's check, in which case each earmarked contribution must be reported on a separate Schedule A, filed as a *memo entry*.* 110.6(c)(1)(i) and (ii).

Report to Recipient

A report to the intended recipient must also be made at the time the conduit or intermediary passes the contribution on to the recipient. 110.6(c)(2).

Contents of Reports on Earmarked Contributions

The above reports by the intermediary or conduit must contain all of the following information:

- The name and mailing address of the original contributor and, if the contribution is from an individual and exceeds $200 per year when combined with other contributions from the same donor, the contributor's occupation and the name of his/her employer;
- The amount of the earmarked contribution;
- The date the contribution was received by the conduit;

* *See Definitions in Appendix A.*

[1] *However, the reporting rules for earmarked contributions do not apply when a person merely physically transfers to a candidate checks (or other written instruments) which, in the aggregate, do not exceed $1,000 in a calendar year. 110.6(c)(5). Also, the rules do not apply to authorized agents of a committee.*

- The intended recipient as designated by the contributor;
- The date the contribution was passed on to the intended recipient; and
- Whether the contribution was passed on in cash, by the contributor's check or by the conduit's check. 110.6(c)(4).

Report by Intermediary That Is Not a Registered Committee

If the intermediary or conduit is not a registered committee (that is, the intermediary is an individual, a partnership or a group of individuals), the above reports must be filed by letter with the Federal Election Commission (not the Clerk of the House or the Secretary of the Senate) and with the intended recipient. 110.6(c)(1).

Report by Recipient

The recipient of an earmarked contribution also has a reporting obligation. The authorized committee must identify each conduit through which an earmarked contribution has passed. Additionally, the recipient committee must fully itemize any earmarked contribution that, when combined with other contributions from the same donor, exceeds $200 per year. 110.6(c)(3).

E. Assistance from the FEC

1. Additional Materials Available

- The Federal Election Campaign Act
- FEC Regulations
- Registration Forms
- Reporting Forms
- Calendar of Reporting Dates
- *Annual Report* (available through the Government Printing Office)
- *Record*, a monthly newsletter
- *Campaign Guide for Party Committees*
- *Campaign Guide for Corporations and Labor Organizations*
- *House and Senate Bookkeeping Manual*
- *The FEC and the Federal Campaign Finance Law*, an informational brochure for the general public

2. Clarification of the Law

General Assistance

General information is available from the FEC's Office of Public Communications. Call the Commission in Washington, D.C. at 523-4068 or call toll free 800/424-9530. Phone calls from Alaska or Hawaii may be made collect to the Commission (202/523-4068).

Advisory Opinions

For more complicated questions relating to the application of the law to a specific, factual situation, any person affected by the Act may request an advisory opinion in writing. Requests for opinions and the opinions themselves are made public. A requesting person who in good faith acts in accordance with the advisory opinion will not be subject to any penalties with regard to the activity in question. 112.2 and 112.5.

3. Public Records

The Public Records Office makes documents available for public inspection and copying. They include microfilm and paper copies of reports and statements filed by Federal candidates and committees (1972-present).[1]

Other documents available for public inspection in the Public Records Office include: advisory opinions, completed (closed) compliance cases, FEC press releases, audit reports, statistical summaries of campaign finance reports and computer indexes and cross indexes to locate documents. A list of prices charged for reproducing Commission information is available upon request. For information on ordering documents, phone Public Records (523-4181 or toll free 800/424-9530).

4. Index of Multicandidate Committees

Because political committees may not accept contributions exceeding the donor's contribution limit, a candidate committee should verify that a committee contributing in excess of $1,000 per election has qualified as a multicandidate committee and thus is permitted to contribute up to $5,000 per election. A candidate committee may check a contributing committee's status by consulting the Index of Multicandidate Political Committees, maintained and updated monthly by the Public Records Office. For information on ordering the Index, phone Public Records at the numbers listed above.

[1] *Anyone using such documents is reminded, however, of the Act's requirement that any information copied from reports and statements "may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes," except that political committees may be solicited. 2 U.S.C. §438(a)(4).*

FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA

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

Proposed Amendments to Draft CSSB 87, An Act Relating to Campaign Financing

(1) Insert at the end of AS 15.13.040(d)(2) the following:

"any independent expenditure in the amount of $1,000 or more within 30 days of an election shall be reported to the commission within 72 hours of the expenditure."

(2) Amend AS 15.13.110 by adding a new subsection as follows:

"(f) The campaign treasurer of each candidate, and group receiving a contribution or a loan in the amount of $750 or more shall report the contribution or loan to the commission by date, amount, contributor or lending institution within 72 hours of receipt by the candidate or campaign treasurer."

(3) Delete the following from AS 15.13.110(c):

"upon request"

(4) Amend AS 15.13.070(a) as follows:

"An individual or group [NO PERSON OR GROUP, INCLUDING BUT NOT LIMITED TO ALL POLITICAL COMMITTEES, BUSINESSES, CORPORATIONS, AND LABOR UNIONS,] may not contribute [TO OR EXPEND] more than $1,000 a year to a single candidate [ON BEHALF OR IN OPPOSITION TO THE COMPETING CANDIDATES] for each elective office and may not contribute in the aggregate more than $10,000 a year to candidates, groups, or political parties generally. A political party and the subdivisions of a political party may not contribute in the aggregate more than $5,000 to each candidate for political office. Political parties and their subdivisions are [NOT SUBJECT TO THE LIMITATION PRESCRIBED IN THIS SUBSECTION, BUT THEY ARE] subject to the reporting requirements prescribed by AS 15.13.040(b) and 15.13.110. A group may not contribute more than $1,000 to a single candidate for political office and may not contribute more than $25,000 to influence elections generally. This [NOTHING IN THIS] chapter does not prohibit [PROHIBITS]

(1) a candidate from contributing more than $1,000 of personal funds [HIS OWN MONEY] to the [HIS OWN] campaign; or

(2) individuals or groups, including but not limited to all political committees, businesses, corporations, and labor unions, from contributing to or expending on behalf of a ballot proposition or question more than $1,000 a year and the [;HOWEVER, THESE] contributions and expenditures shall be reported under [IN ACCORDANCE WITH] AS 15.13.040 and 15.13.110.

MEMORANDUM
LEAGUE OF WOMEN VOTERS OF ALASKA

TO: Senator Abood and Senate State Affairs Committee Members

DATE: February 8, 1985

FROM: Paula Ziegler

SUBJECT: Campaign financing legislation

As you will see from the attached position statement, "Election Laws and Procedures," the League of Women Voters of Alaska has considerable interest in the campaign reform legislation currently before the Senate State Affairs committee:

We favor CSSB 87, particularly where it incorporates changes recommended by the Alaska Public Offices Commission; the League is strongly supportive of that commission's continued existence and funding.

The League supports SB 131 also, as its intent and one of our stated campaign finance system goals are the same--"to combat corruption and undue influence."

SB 132 is not specifically addressed in the League position. We have no quarrel with the bill's intent, but a question does arise as to whether the provisions of AS 15.13.050 (b) and (c) are not overly restrictive in a state with the small population Alaska has. Would public interest or citizen's groups such as the League be barred from joining coalitions because League members were active in one of the other groups? Where the politically active population is small, the potential for overlapping group memberships is high. This might be taken into consideration by the committee.

The provisions of SB 133 appear to have been dealt with already in CSSB 87.

The League supports the concept of a campaign finance fund as espoused in SB 134, though it should be pointed out that if APOC is to administer such a fund, additional funding for APOC may be needed. The idea of a permanent fund application form check-off for contributions is innovative. We heartily endorse the idea of limiting expenditures, and the dollar amount selected fit our criteria of "high enough to be enforceable and to allow for candidate visibility and issue discussion, and not so low as to inhibit challengers."

Thank you for taking our views into consideration.

enc.

cc - Theda Pittman
Executive Director
Alaska Public Offices Commission

Election Laws & Procedures

STATEMENT OF POSITION: The League of Women Voters of Alaska believes that a voter registration system should encourage maximum interest and participation in the electoral process, be simple and efficient to administer, and should aid in preventing fraudulent voting practices. To achieve these objectives, the League supports:

--Voter identification
--Mandatory training of election officials
--A state voter education program

The League believes that a statewide preregistration system should reflect the above objectives and should:

--provide for permanent registration
--make registration easily accessible
--allow registration by mail
--permit registration as close to election day as possible
--provide for routine purging of registration rolls

Established 1968

The League of Women Voters of Alaska favors public disclosure of campaign contributions of money, goods or service , and believes that contributions and expenditures should be limited. Political campaigns also should be limited in length. We encourage broad-based contributions from the general public and the use of tax credits and deductions. We support the disclosure of financial interests of public officials, both elected and appointed. All disclosure reports should be compiled and published by an independent commission, which should have final responsibility for monitoring and enforcement.

The goal of a campaign finance system should be:
--to ensure the public's right to know
--to combat corruption and undue influence
--to enable candidates to compete more equitably for public office

To achieve these goals, we favor:
--Disclosure of campaign contributions and expenditures of hard cash monies, goods and services
--Limitations on the length of campaigns
--Broadening the base of campaign funding sources
--Disclosure of financial interests of elected and appointed officials
--Enforcement and monitoring by an independent commission which shall compile and publish disclosure reports

AMPLIFICATION: On the premise that high moral and ethical standards among public officials in all branches of government are essential to the conduct of free government, the League of Women Voters of Alaska adopted Election Laws and Procedures as a program item at its convention in 1973. At the same time, the League was studying campaign practices, with emphasis on the federal level, as part of a nationwide program.

The League's position on campaign financing reflects our continuing concern for open and honest elections and for maximum citizen participation in the political process. We therefore support broad-based citizen involvement in campaigns, including volunteer efforts and limited financial contributions. Recognizing, however, that limited private contributions alone cannot provide adequate funding, the League favors the use of public funds, in addition, to finance political campaigns.

Goals: "To enable candidates to compete more equitably for public office" reflects two distinct concerns: first, that differences in candidates' personal wealth and other financial resources not be a necessary consideration in seeking public office, and second, that insofar as possible there be an equalization of opportunity for challengers and incumbents.

Disclosure: "Disclosure" means disclosure of contributions before elections and disclosure of expenditures and other financial transactions by a stated deadline.

Limitations: The League believes that limits on contributions and expenditures should be realistic and reasonable: high enough to be enforceable and to allow both for discussion of the issues and for visibility of the candidates. Limits should not be so low as to affect challengers adversely.

"Contributions" refers to contributions in goods and services, such as office space and personnel, telephone and mail, use of credit cards, etc., as well as money.

Enforcement: An "independent commission" refers to an election commission to centralize reporting and overseeing of campaign receipts and expenditures of each candidate and to enforce the campaign financing laws. Such a commission must be adequately funded and staffed, with powers to investigate, to subpoena and to initiate court action against violators. Strong penalties should be provided for violations.

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IN THE SENATE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled:

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

* Section 1. AS 15.13.040(a) is amended to read:

(a) Each candidate shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made by the candidate, the total amount of all contributions, including all funds contributed by the candidate [HIMSELF], and for all contributions in excess of $250 [$100] in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be certified as correct under AS 15.13.060(a) [BY THE CANDIDATE OR CAMPAIGN TREASURER].

* Sec. 2. AS 15.13.040(b) is repealed and reenacted to read:

(b) Each group shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made by the group, the total amount of all contributions, and for all contributions in excess of $250 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be certified as correct under AS 15.13.060(a).

* Sec. 3. AS 15.13.040(d) is amended to read:

(d) Every individual or [,] person and every [OR] group that is

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not required to register under AS 15.13.050 [MAKING A CONTRIBUTION OR EXPENDITURE] shall make a full report, upon a form prescribed by the commission, of the following contributions or expenditures:

(1) any contribution of cash, goods or services valued at more than $250 [$100] a year to any group or candidate; or

(2) any independent expenditure [WHATSOEVER] for advertising in newspapers, on radio or on television [;] or [,] for the publication, distribution or circulation of brochures, flyers, or other campaign material for or against any candidate, [OR] ballot proposition or question.

* Sec. 4. AS 15.13.040 is amended by adding a new subsection to read:

(g) As used in this section, an "independent expenditure" is a disbursement of funds made to support or oppose the election of a candidate or the passage of a ballot proposition or question not made with the cooperation, consent, or at the request of a candidate, a campaign committee or controlled group of a candidate, or a group that is supporting or opposing the candidate or ballot proposition or question for which the funds are disbursed.

* Sec. 5. AS 15.13.060(a) is amended to read:

Sec. 15.13.060. CAMPAIGN OFFICERS [TREASURERS]. (a) Each candidate may and each group shall appoint a campaign chairman. Each candidate may and each group shall appoint a campaign treasurer. The candidate, the campaign chairman or the campaign treasurer of a candidate, and the campaign chairman or the campaign treasurer of a group may certify [WHO IS RESPONSIBLE FOR RECEIVING, HOLDING, AND DISBURSING ALL CONTRIBUTIONS AND EXPENDITURES, AND FOR FILING] all reports and statements required by law. The campaign chairman and the campaign treasurer may be the same individual. A candidate who does not appoint a campaign chairman is the campaign chairman. A candidate who

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does not appoint a campaign treasurer is the campaign treasurer. [A CANDIDATE MAY BE A CAMPAIGN TREASURER.]

* Sec. 6. AS 15.13.060(b) is amended to read:

(b) Each group shall file the name and the address of its campaign chairman and its campaign treasurer with the commission at the time it registers with the commission under AS 15.13.050.

* Sec. 7. AS 15.13.060(c) is repealed and reenacted to read:

(c) An individual may not act as either a campaign chairman or a campaign treasurer of a candidate for state or for municipal office until the candidate has filed the name and the address of the campaign chairman or the campaign treasurer with the commission.

* Sec. 8. AS 15.13.060(d) is amended to read:

(d) In the case of the death, resignation or removal of a campaign chairman or a campaign treasurer of a group, the group [CANDIDATE] shall appoint a successor as soon as practicable and file the [HIS] name and address with the commission within 48 hours of the appointment. [THE CANDIDATE IS DISQUALIFIED WHEN HE HAS BEEN FOUND TO HAVE BEEN IN WILFUL VIOLATION OF THIS SUBSECTION].

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

(e) A campaign treasurer may appoint as many deputy campaign treasurers as the campaign treasurer [HE] considers necessary. The campaign treasurer [CANDIDATE] shall file the names and addresses of the deputy campaign treasurers with the commission.

* Sec. 10. AS 15.13.060(f) is amended to read:

(f) A [THE] candidate is responsible for the performance of the campaign chairman and of the [HIS] campaign treasurer and a campaign treasurer of a candidate or of a group is responsible for the performance of the deputy campaign treasurers [, AND ANY DEFAULT OR VIOLATION BY THE TREASURER ALSO SHALL BE CONSIDERED A DEFAULT OR VIOLATION

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BY THE CANDIDATE IF HE KNEW OR HAD REASON TO KNOW OF THE DEFAULT OR VIOLATION].

* Sec. 11. AS 15.13.060 is amended by adding a new subsection to read:

(g) Contributions to a candidate may be received and expenditures of a candidate may be made only by the candidate, the campaign chairman, the campaign treasurer, or a deputy campaign treasurer of the candidate. Contributions to a group may be received and expenditures of a group may be made only by the campaign chairman, campaign treasurer, or a deputy campaign treasurer of the group.

* Sec. 12. AS 15.13.070(b) is amended to read:

(b) No contribution over $250 [$100] may be made in cash or by cash payment and it may not be accepted by or on behalf of a candidate.

* Sec. 13. AS 15.13.070(c) is amended to read:

(c) No expenditures over $250 [$100] may be made in cash or by cash payment unless a written receipt is obtained and filed with the commission.

* Sec. 14. AS 15.13.110(a) is amended to read:

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the due date of the report. The report shall be certified under AS 15.13.-060(a) and filed at the following times:

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

(2) one week before the election;

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(3) 10 [TEN] days after the election; and

(4) 15 days after the end [DECEMBER 31] of each year for expenditures and contributions received which were not reported that year.

* Sec. 15. AS 15.13.110(b) is amended to read:

(b) Each contribution [OR EXPENDITURE] which exceeds $500 [$250] and which is received [MADE] within nine days [ONE WEEK] of the election shall be reported to the commission by date, amount, and contributor [OR RECIPIENT] within 48 [24] hours of receipt [OR EXPENDITURE] by a campaign officer described in AS 15.13.060(a) [THE CANDIDATE OR CAMPAIGN TREASURER].

* Sec. 16. AS 15.13.110(c) is amended to read:

(c) The reports of a campaign officer described in AS 15.13.-060(a) [CANDIDATES] shall be filed with the commission's central office. All reports required by this chapter shall be kept open to public inspection. Within 30 days after each election, the commission shall prepare a summary of each report which shall be made available to the public at cost upon request. Each summary shall use uniform categories of reporting.

* Sec. 17. AS 15.13.040(c) and AS 15.13.070(f) and (g) are repealed.

Policy Questions For Senate State Affairs Hearing--Jan. 31, 1984

SB 87 by Ray and Draft copy (former HB 165)

Policy Question #1 AS 15.13.40

Should the threshold for disclosure of itemized information about contributors be increased from the current $100?

SB 87 raises it to $500 for contributions and to $250 for expenditures.
Draft copy (former HB 165) raises both to $250.

Maybe while we have Theda Pittman from APOC here she would be willing to explain the current law and why she feels the threshold should be increased.

****

FOR: Reduces paperwork of candidate and APOC. APOC currently prints a list at the end of each year of all individuals and groups that gave over $250 to any candidate or cause. Candidates and groups must submit to APOC the names of those contributors who gave over $100 in aggregate in any one year. Candidates and groups must still maintain records of all contributions, they just don't have to submit as many names to APOC.

AGAINST: Decreases public disclosure. Not as much reporting.

* The public's right to know needs to be balanced against the burden on candidates, groups, and APOC. Contributions below $250 are generally not thought of as "buying" as much influence as larger contributions, therefore it is not as critical that smaller contributions be itemized by contributor.

POLICY #2 AS 15.13.70(b&c)

Currently no cash contributions over $100 may be made or received. No expenditures over $100 in cash may be made unless a written receipt is obtained and filed with APOC. Should this be changed?

Ask Theda why she supports raising the cash threshold to $250.

Cash is very hard to trace and strict limits should probably be maintained to prevent misuse. Oregon has a law which requires receipts for any expenditures over $50.

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☑ 810 C STREET, SUITE 211
ANCHORAGE, ALASKA 99501-3598
(907) 276-4176

☐ JUNEAU BRANCH OFFICE
POUCH CO
JUNEAU, ALASKA 99811-0222
(907) 465-4864

January 31, 1985

Senate State Affairs: SB 87
Theda Pittman, Exec. Dir.
Public Offices Commission

Thank you for this opportunity to review SB 87 which proposes numerous amendments to Alaska's Campaign Disclosure Law.

First, I'd like you to be aware of the fact that the Commission has a strong concern about the fact that no substantive amendments to AS 15.13 have become law in the last few years. Since 1980 there have been several major pieces of legislation proposed which have fallen prey to damaging amendments. Nonetheless the Commission remains willing to work with those who have new proposals to offer in hopes of accomplishing simplified reporting requirements which preserve the public's right to meaningful information about campaign finances.

The bill before you differs from the Commission's recommendations in that it proposes a maximum contribution of $2,500 rather than $2,000 in a calendar year; requires itemized reporting for contributors of $500 or less rather than for those who have given more than $250; and establishes a threshold of $250 for itemizing expenditures on candidate and group reports.

This bill also offers some excellent language making group registration requirements more specific and enumerating in more complete detail the information required on group and candidate reports.

The following are comments, questions, and possible suggestions about the proposed amendments.

Page 1, lines 25-26: ...AS 15.13.110 and shall be certified as correct by the campaign treasurer or chair of the group. Candidates can either sign their own reports or appoint a treasurer to do so. Groups are dependent on one individual if they are to submit timely reports; allowing a group chair to certify a report would alleviate that problem.

page 2, line 15: Presently the law requires identification of both occupation and employer of a contributor. If only one or the other is to be required, employer would be preferable because it is more specific.

page 2, lines 18-21: In 1981 the Commission discussed a similar proposal (for itemizing only expenditures over $250) with several treasurers of large campaigns. At that point in time, the treasurers felt that a requirement to report small expenditures as a separate sub-total would create more work than the present system of listing all expenditures. On a group report, the proposed language would mean that the group could give $250 contributions to numerous candidates without listing them since the money a group gives to a candidate is an expenditure of the group.

Page 2, line 22 through page 3, line 3: No change in requirements; language is clearer.

Page 3, lines 4-7: Language is not clear; both cash on hand and outstanding indebtedness are necessary if that's what this item means.

Page 3, section 5: 7 days and 10 days are too long to allow contributions to be held before they are refused; the different time periods are confusing.

Page 4, lines 8-10: Since Senate seats and statewide office terms are four years, the retention period should be four years.

Page 4, line 26 should read:
"that constitutes or would constitute a criminal violation of this chapter or a"

Page 5, line 6: require group statements of organization annually.

Page 5, line 3: require groups to list both campaign treasurer and chair.

Page 5, line 23: refers to a non-existent § .126. Also P. 7, line 26.

Page 6, lines 12-19: conduits may be a concept from federal law. The section is not self-explanatory and it's difficult to understand without further research.

Page 6, lines 20-23: The requirement that a group statement of organization be filed 30 days before the election will work a hardship on some legitimate municipal groups.

Page 8, lines 22-23: "... may not contribute [TO OR EXPEND] more than...." Consistent with the removal of expenditure limitations.

Page 9, line 29: The reference to "independent expenditure" is incongruous.

Page 10, lines 22-26: Is there a need to require 24 hour expenditure reports?

Page 11, line 8-9: "making a campaign contribution [OR EXPENDITURE] which exceeds the limitations of AS 15.13.070 [15.30.070(f)];" Consistent with removal of expenditure limitations.

Page 11, line 23 through Page 12, line 3: The need for a new civil penalty for incomplete reporting ("three times the amount") is difficult to judge. In the past year the Commission has collected substantial fines for incomplete reporting using the $10/day or $50/day rates in AS 15.13.125. If the omission has gone on for some time, the daily rate may create a larger fine; if the omission is a large one and it is discovered soon after the report was due, then the new proposal may create a larger fine.

SB 87

/

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January 8, 1985

Senator Bill Ray
Chairman, Senate Judiciary Committee
Pouch V
Juneau, Alaska 99811

Re: Report on Political Contributions

Dear Senator Ray:

During the 1984 political year in the State of Alaska several controversial issues were raised in public which dealt with political contributions. Among these were an oil field service company's payroll deduction plan, birthday party fund-raisers for Governor Sheffield, and contributions made by out-of-state donors.

Enclosed is our report which addresses our current statutes regarding political contributions and provides recommendations for change. We have analyzed activities of political action committees, state employees and elected officials as requested. We have attempted to utilize the existing Title 15 of the Alaska Statutes and make modifications where appropriate, and have recommended additional statutes be enacted. Comments and notable changes are briefly summarized as follows:

1. A.S. 15.13.010 through 15.13.030 would remain unchanged.

2. A.S. 15.13.040 should be deleted, and in its place we propose a new A.S. 15.13.040. Our proposed statute would require reportings of all contributions involving more than $500; would require reporting of expenditures in excess of $250; would require a reporting of persons who assisted candidates in obtaining credit, loaning money, or guaranty-ing or assuming a loan on behalf of a candidate to be reported; and, would require a candidate to determine whether to accept a contribution or not before the end of the reporting period during which t'e contribution was received. Additional civil damages provisions are imposed for violations of reporting requirements. In addition, we feel that our recommended substitute is more complete with respect to reporting requirements and would assist in

tightening any vagueness which may exist in the current statute.

3. A. 15.13.045 would remain unchanged.

4. A. 15.13.050 would be deleted, and we recommend passage of a substitute provision. Our recommended A.S. 15.13.050 much more detailed than the current regulation, provides for more prompt reporting of the organization of a group, and identifies related or affiliated groups or persons; identifies what entity establishes, administers or controls the group; identifies the person who determines to whom the group makes contributions and for what purposes expenditures are made, and also makes provisions for identifying contributions made from groups located outside the State of Alaska (to address problems of out-of-state donors); and establishes the concept of a "conduit". A conduit is basically a person or entity which receives money from a source solely for the purpose of transferring it to a designated candidate or organization without exercising any discretion. In that situation, a conduit would not have to register the transfer with the commission, but the original transferors and the ultimate recipient of the contribution would have to make a report if the minimum amounts are involved. This conduit provision is suggested in response to the VECO situation.

5. A.S. 15.13.060 should be deleted. We recommend that our proposed A.S. 15.13.060 be adopted in its place. Our substitute legislation provides for a tighter control of campaign treasuries, including acceptance and expenditures by candidates. In addition, we recommend that it be made unlawful for a group to make a contribution or expenditure unless the group designates its treasurer at least 30 days prior to any election.

6. A.S. 15.13.070 should be modified. We recommend that the limitation on contributions be expanded to $2500 per year. Although we considered prohibiting contributions from labor unions and corporate entities, we concluded that to do so would stifle individual fund raising efforts by political candidates, would stifle election activity in general and would promote incumbents and wealthier candidates. Our recommendation also involves requiring the candidate or the campaign treasurer to make expenditures and accept contributions. Anonymous donations would be either donated to charity by the candidate or escheated to the state if the identity of the donor is unknown. Exemptions

are retained for limits expended by candidates and political parties.

7. A.S. 15.13.080 should be amended to require reporting of contributions in cash, or in goods or services to be reported which are in excess of $500, instead of the current $250 limitation.

8. A.S. 15.13.090 and A.S. 15.13.100 would remain unchanged. We suggest consideration of setting a window from May 1 until July 1 to file for any elected state office. This would act to shorten the political season and cause a focussing on issues rather than endurance and finances.

9. A.S. 15.13.110 should be modified to the extent that contributions or expenditures exceeding $500 made within one week of an election must be reported to APOC within twenty-four hours of that receipt or expenditure by the candidate or campaign treasurer.

10. A.S. 15.13.120 through A.S. 15.13.125 would remain unchanged.

11. We recommend that a new section, which we have delineated as A.S. 15.13.126, be adopted. These provisions provide for disposition of surplus funds by candidates. Basically, candidates may apply campaign funds to reimburse themselves for campaign debts which were reported previously to the commission. Funds which remain in campaign treasuries following repayment of campaign debts must either be donated to a charity of the candidate's choice, their political party, or to either the state or local government. We feel this would assist in assuring the public that funds expended for political contributions were used for only that purpose in that the donors would be assured that the candidate would not be utilizing their contributions directly for personal gain.

12. We recommend adoption of a new section, which we have identified as A.S. 15.13.127, which deals with the use of public office or agency facilities during campaigns. Basically, this section prohibits any elected official or employee of a governmental body from using any public office, facility or equipment, either directly or indirectly, for the purpose of promoting or assisting a campaign for election. This is included to address birthday party fund raisers. Naturally, there would be exceptions, including

actions taken at open public meetings, open press conferences or activities which are in the normal course of conduct of the office or agency.

13. We recommend that a new section, which we have designated as A.S. 15.13.128, be adopted which restricts contributions to office-holders during the regular session of the legislature. Contributions would be prohibited to legislative members during a period 30 days prior to the convening of the legislature and through the final adjournment. Again, we feel these restrictions will enhance public confidence in elected officials, as they will not be allowed to accept contributions which could be interpreted as bribes or payments for favors.

14. A.S. 15.13.130 would remain the same, except that we suggest the definition of "groups" be modified to specifically include political committees.

15. We recommend that A.S. 43.20.013, dealing with individual tax credits, be amended to a limited extent to provide that no contribution made to a political committee be entitled to a tax credit.

In submission of this report we recognize that these are volatile political matters. Our recommendations for change may well spark spirited discussion which, if properly channeled, could result in correction of existing statutory deficiencies.

Sincerely,

GROH, EGGERS & PRICE

Lance E. Gidcumb, and for
Clifford J. Groh and
Robert P. Owens

LEG:slh
Enclosure

Sec. 15.13.040 Contributions, Expenditures and Supplying of Services to be Reported.

(a) Each candidate, office-holder, group, or campaign treasurer representing the same, is hereby required to keep an accurate record of contributions received and of all expenditures made. Such records shall contain all information hereinafter required to be reported by such candidate, office-holder, or group.

(b) Each candidate whose name is printed on the ballot, each person who, after having become a candidate, has withdrawn as a candidate, each write-in candidate taking affirmative action in an election, each office-holder and group involved in an election concerning a candidate or measure shall file sworn statements as required herein.

(c) Each statement filed by a candidate, office-holder, group or the group's campaign treasurer must list all contributions received and all expenditures made during the period covered by the statement as described in AS 15.13.110. Each statement must include, for the period covered, the following information.

(1) The full name and complete address of each person from whom contributions in the aggregate amount of more than $500 were received, and the date and amount of the contributions;

(2) The full name and complete address of each person to whom any expenditures aggregating more than $250 were made, and the date, amount, and purpose of the expenditures;

(3) The full name and complete address of each person to whom a payment that is not an expenditure aggregating more than $250 was made, if the payment was made from a contribution, and the date, amount, and purpose of the payment.

(4) The full name and complete address of each person who assisted in obtaining credit or a loan of money for or on behalf of the candidate, office-holder, or group, or who guaranteed or otherwise agreed to assume any financial obligation for or on behalf of the candidate, office-holder, or group, if the benefit of the credit, the proceeds of the loan, or the guaranty or assumption of the obligation was to be involved, directly or indirectly, in an election, and the date and total value of the credit, loan, or guaranty or assumption;

(5) A total of all contributions of $500 and less received and a total of all expenditures of $250 and less made;

(6) A total of all contributions received and all expenditures made; and

(7) The total of unexpended contributions received for the outstanding indebtedness from expenditures made as of the end of the period covered by the previous statement required to be filed under this section.

(d) Each statement filed by a candidate or a group must include the campaign treasurer's name, business or residence street address, and telephone number.

(e) Each statement filed by a group or its campaign treasurer must include the principal occupation of each person from whom contributions in an aggregate amount of more than $500 were received in the period covered by the statement.

(f) Each statement filed by a group or its campaign treasurer must include the amount of each expenditure in the form of a contribution made to a candidate, office-holder, or another group that was returned to the group during the period covered by the statements, the name of the person to who the expenditure was originally made, and the date it was returned.

(g) A contribution received but not accepted is not required to be reported pursuant to this section. A determination of whether to accept a contribution that is received by a candidate, office-holder, campaign treasurer, or assistant campaign treasurer shall be made before the end of the reporting period during which the contribution was received. If the determination on accepting the contribution is not made before that time, it is considered accepted on the last day of the recording period for the purposes of reporting pursuant to this section. The candidate, office-holder, campaign treasurer, or assistant campaign treasurer who received a contribution that is not accepted shall return it to the contributor not later than the

30th day after the deadline for filing a statement for the reporting period during which the contribution was received.

(h) For purposes of the time and manner of reporting, an expenditure need not be considered to have been made until the amount is readily determinable or, if the character of the expenditure is such that normal business practice is not to disclose the amount until the next periodic bill is received, then the expenditure need not be considered to have been made until the date of receipt of the bill.

(i) Such statements shall be accompanied by the following affidavit verified by the person filing the statement:

"I do solemnly swear or affirm that the foregoing statement, filed herewith, is in all respects true and correct, and fully shows all information required to be reported by me pursuant to the Alaska State Election Campaigns Act, AS 15.13.010 - 15.13.130."

(j) If any candidate, office-holder, or campaign treasurer of a group fails to file a sworn statement containing all information required by this chapter, such person shall be guilty of a violation of AS 15.13.110.

(l) Any candidate, office-holder, campaign treasurer, assistant campaign treasure, or other person managing a group who swears falsely in a filed statement is subject to the provisions of AS 15.13.110.

(k) Any candidate or campaign treasurer or assistant campaign treasurer of a group who fails to report in whole or in part any contribution or expenditure as provided in the foregoing provisions of this Section shall be liable for double the amount or value of such unreported contribution or expenditure or unreported portion thereof, to each opposing candidate in the election in which same should have been reported. Each of such opposing candidates shall also recover reasonable attorney's fees for collecting the above liquidated damages.

(l) Any candidate, office-holder, or campaign treasurer or assistant campaign treasurer of a group who fails to report in whole or in part any contribution or expenditure as provided in this Section, shall be civilly liable to the State of Alaska for an amount equal to triple the amount or value of such unreported contribution or unreported expenditure.

(m) Statements filed under this Section shall be open to public inspection. They shall be preserved for a period of two years, after which they may be destroyed unless a court of competent jurisdiction has ordered their further preservation.

(n) An assitant campaign treasurer designated by a candidate, office-holder or group may perform any duties imposed on the designated campaign treasurer by this Section in the absence of the campaign treasurer.

Sec. 15.13.050 Groups.

(a) Each group, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission. The name of the group may not be the same as, or deceptively similar to the name of any other group whose statement of organization is filed with the commission. If there is a change in the information required to be included in the statement of organization, the group shall file an amended statement of organization with the commission not later than the 30th day after the change occurs. The statement of organization must include the group's campaign treasurer's name, business or residence street address, and telephone number, and the following information:

(1) The names and address of all related or affiliated groups or other persons, and the nature of the relationship or affiliation;

(2) The name of each corporation, labor organization, or other association or legal entity that directly establishes, administers, or controls the group if applicable;

(3) The name of each person that determines to whom the group makes contributions or for what purpose the group makes expenditures;

(4) Each group receiving contributions or making expenditures on behalf of a candidate, or office-holder, shall notify the candidate, or office-holder, as to the name and address of the group and its campaign treasurer. The candidate, or office-holder, shall include within each statement required by this code a list identifying the name and address of each such group and its campaign treasurer. "On behalf of" means the knowing acceptance of a contribution for a candidate(s), or office-holder(s), or the making of an expenditure for a candidate(s), or an office-holder's). Any campaign treasurer, candidate, office-holder or other person managing a group, who violates the provisions of this subdivision shall be guilty of a violation of AS 15.13.110.

(5) In reporting a contribution received from a group not in this state, the information for the contributing group that is required by Subdivision (a) of this section shall be included unless a copy of the committee's statement of organization filed with the Federal Election Commission is filed with the commission in accordance with Subdivision (a) above.

(6) What distribution of surplus funds will be made, in accordance with AS 15.13.126, if applicable, in the event of dissolution;

(7) The hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with the Alaska State Election Campaign's Act, AS 15.13.010 - 15.13.130, as now or hereafter amended; and

(8) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(b) This section does not require registration by any individual or organization which receives property or funds intended for political purposes and transfers such property or funds to another individual or organization while acting solely as a conduit, if the receiving individual or organization exercises no discretion as to the amount which is transferred or the individual or organization to whom the transfer is made. Whenever and individual or organization acting as a conduit is exempted from registration under this subsection, the original transferor is deemed the contributor and the ultimate transferee is deemed the recipient for reporting purposes.

Sec. 15.13.060 Campaign Treasurers.

(a) Contributions to a candidate or a group may received by, and expenditures of a candidate or group may be made by, only the candidate, campaign treasurer, or deputy campaign treasurer.

(b) Every candidate for nomination to or election to an office and every group in any such election shall designate a campaign treasurer by written appointment filed with the commission and may also designate two assistant campaign treasurers by written appointment to be filed with the commission.

(c) Any campaign treasurer or assistant campaign treasurer designated as provided in this Section may be removed by the candidate or group at any time by the written appointment of a successor filed in the manner provided for the original designations.

(d) Except as expressly permitted in this chapter, no contribution shall be accepted nor any expenditure, including the paying of any filing fee, made by an individual until he has filed the name of his campaign treasurer with the appropriate authority. No contribution shall be accepted nor any expenditure made by a group until it has filed the name of its campaign treasurer with the appropriate authority.

(1) It is unlawful for a group to make a contribution or an expenditure in support of or in opposition to a candidate in a primary or general election unless the group's designation of campaign treasurer has been filed before the 30th day preceding the appropriate election day.

(e) It shall be unlawful for any candidate, group, campaign treasurer, assistant campaign treasurer, or any other person to expend funds from any unlawful contributions.

(f) Nothing in this act shall be construed to prohibit a candidate from appointing himself or herself as the campaign treasurer.

(g) An individual intending to become a candidate for public office may file a designation of campaign treasurer before taking

any affirmative action for the purpose of seeking nomination or election.

(h) A designation of a campaign treasurer or an assistant campaign treasurer shall be deemed to be timely filed if it is placed in the United States Post Office properly addressed to the commission within the time limit applicable to such designation. The postmark will be prima facie evidence of the date that such statement was deposited with the Post Office. The person filing the designation may show by competent evidence that the actual date of posting was to the contrary. No charge shall be made for filing designations of campaign treasurer or assistant campaign treasurer with the commission.

Sec. 15.13.070 Contributions and Expenditures; Amount and Form of Payment.

(a) No person or group, including but not limited to all political committees, businesses, corporations, and labor unions, may contribute to or expend more than $2500 a year on behalf of or on in opposition to the competing candidates for each elective office. Political parties and their subdivisions are not subject to the limitation prescribed in this subsection, but they are subject to the reporting requirements prescribed by AS 15.13.040 and 15.13.110. Nothing in this chapter prohibits:

(1) A candidate from contributing more than $2500 of his own money to his own campaign; or

(2) Individuals or groups including but not limited to all political committees, businesses, corporations and labor unions, from contributing to or expending on behalf of a ballot proposition or question more than $2500 a year; however, these contributions and expenditures shall be reported in accordance with AS 15.13.040 and 15.13.110.

(b) No contribution of $100 may be made in cash or by cash payment and it may not be accepted by or in behalf of a candidate.

(c) No expenditure over $100 may be made in cash or by cash payment unless a written receipt is obtained and filed with the commission.

(d) No contribution may be made, and no expenditure may be made or incurred, directly or indirectly, anonymously, in a fictitious name, or by one person or group in the name of another, to influence the election of a candidate in an election. A contribution made by a person wishing to remain anonymous, and received by a candidate, campaign treasurer or deputy campaign treasurer, may not be used or expended, but shall be returned to donor, if his identity is known, and if no donor is found, the contribution escheats to the state if not donated by the candidate to the charity of his choice.

(e) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate himself or of his family, shall be directly or

indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in this state or on behalf of any group except through the candidate, the duly appointed campaign treasurer or the designated assistant campaign treasurers of the candidate or group.

Sec. 15.13.126 Disposition of Surplus Funds by Candidates

(a) Any candidate who withdraws his candidacy shall, pursuant to this section, and any group controlled by such candidate within 90 days of withdrawing his candidacy, dispose of the funds on deposit in his campaign account. Such candidate or group controlled by such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his candidacy.

(b) Each candidate and group controlled by such candidate shall, pursuant to this section, within 90 days after having been eliminated as a candidate or elected to office, dispose of the funds on deposit in his campaign account. Such candidate and group contolled by such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate after the candidate has been eliminated as a candidate or elected to office.

(c) All funds on deposit in the campaign account of any candidate and group controlled by such candidate, which funds

have not been used in a campaign in a public office within one year from the date of the campaign account was established, shall, within 90 days following the first anniversary of the date the campaign was established, be disposed of pursuant to this section. Such candidate and group controlled by such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the first anniversary of the date the campaign account was established.

(d) Any candidate required to dispose of funds pursuant to this Section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(e) The campaign treasurer of a candidate who withdraws his candidacy or who has been eliminated as a candidate or who has been elected to office and who as funds on deposit in a campaign savings account or certificate of deposit shall, within 7 days from the date of such withdrawal, elimination, or election, transfer such funds and accumulated interest earned thereon to the campaign account of the candidate for disposal in accordance with the provisions of this Section.

(f) Any candidate or group controlled by such candidate required to dispose of funds pursuant to this section shall, at their option, either:

(1) Return pro rata to each contributor the funds which have not been spent, or obligated to be spent, with respect to a campaign which has been conducted;

(2) Donate the funds which have not been spent or obligated to be spent, to a charitable organization or organizations which meet the qualifications of Section 501(c)(3) of the Internal Revenue Code, with respect to a campaign which has been conducted; or

(3) Give the funds which have not been spent, or which have not been obligated to be spent to the political party of which such candidate is a registered member; or

(4) Give the funds which have not been spent, or obligated to be spent, with respect to a campaign which has been conducted,

(a) in the case of a candidate for state office, to the state, to be deposited in the General Revenue Fund, or,

(b) in the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the General Fund thereof.

(g) Any candidate or group controlled by such candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the commission a form prescribed by the commission listing:

(1) The name and address of each person or unit of government to whom any of the funds were distributed and the amount thereof;

(2) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefore.

(3) Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to AS 15.13.040(i).

Sec. 15.13.127 Use of Public Office or Agency Facilities in Campaigns

(a) No elective official nor any employee of his office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any valid proposition. Facilities of public office or agency include, but are not limited to use of stationary, postage, machines, and equipment, use of employees at the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agencies; Provided, that the foregoing provisions of this section shall not apply to the following activities.

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or

ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to specific inquires;

(3) Activities which are part of the normal and regular conduct of the office or agency.

Sec. 15.13.128 Restriction on Contributions to Certain Office-Holders during Regular Session.

(a) It is unlawful for a person to make a contribution to a person who is a member of the legislature, or to a group that supports or assists a member of the legislature, during a period beginning the 30th day before the day a regular session of the legislature is convened and continuing through the day of final adjournment.

(b) It is unlawful for a member of the legislature, or a group that supports or assists a member or the legislature to accept a contribution during the period prescribed in Subsection (a) of this section.

(c) This section does not apply to a contribution what was made and accepted with the intent that it be used in an election held or called during the period prescribed in Subsection (a) of this section in which the person accepting the contribution is a candidate if the contribution was made after the person has designated a campaign treasurer for the office sought and before the person was sworn into that office.

(d) For purposes of this chapter, a member-elect of the legislature is considered an office-holder beginning on the day after the day of the general or special election in which the member-elect was elected.

(e) This section does not relieve the member-elect of any reporting responsibilities he may have as a candidate under AS 15.13.040.

Sec. 43.20.012. Limitation on application of chapter; credits. The tax imposed by this chapter does not apply to individuals or to fiduciaries. However, an individual may file a return under this chapter in order to receive a tax credit under AS 43.20.013. (§ 2 ch 1 SSSLA 1980; am § 2 ch 2 SSSLA 1980)

Cross references. — For legislative findings and purpose of the enacting legislation, see § 1, ch. 1, SSSLA 1980, and § 1, ch. 2, SSSLA 1980, in the 1980 Temporary and Special Acts and Resolves.

Effect of amendments. — The 1980 amendment made this section retroactive to January 1, 1979.

Sec. 43.20.013. Individual tax credits. (a) A resident individual is entitled to a tax credit not to exceed $100 for

(1) a contribution made in a calendar year to a person or organization for use exclusively

(A) for a political campaign for a candidate for

(i) President or Vice President of the United States, whether or not the candidate will be voted on in a primary election in Alaska;

(ii) United States senator from Alaska;

(iii) United States representative from Alaska;

(iv) governor or lieutenant governor of Alaska;

(v) the Alaska legislature;

(vi) delegate to an Alaska constitutional convention;

(vii) electoral confirmation as a judge or justice of a court in Alaska; or

(viii) municipal office in Alaska; or

(B) by a group seeking to influence the outcome of a ballot proposition or question in Alaska; and

(2) dues paid in a calendar year to a nonprofit organization organized primarily for the purpose of influencing elections in Alaska.

(b) A resident individual is entitled to a tax credit equal to 16 percent of the tax credit claimed by the individual on the federal income tax return of the individual for household and dependent care services necessary for gainful employment.

(c) The commissioner of revenue shall pay the amount of a tax credit allowed by this section to a resident individual who makes a return as provided in AS 43.20.012. A credit under this section shall be paid in the manner provided in AS 43.20.030(e) for the payment of refunds and payment may not be made without an appropriation for that purpose. (§ 2 ch 1 SSSLA 1980; am § 9 ch 1 SSSLA 1980; am § 2 ch 2 SSSLA 1980)

Cross references. — For legislative findings and purpose of the enacting legislation, see § 1, ch. 1, SSSLA 1980, and § 1, ch. 2, SSSLA 1980, in the Temporary and Special Acts.

Effect of amendments. — The first 1980 amendment substituted "$100" for "$50" in the introductory language of subsection (a).

The second 1980 amendment made this section retroactive to January 1, 1979.

FILE COPY

SECTION 1

Deletes the detailed reporting of contributions of excess of $100 for candidates and makes the reports for candidates a sworn report.

SECTION 2

Deletes the detailed reporting of contributions of excess of $100 for groups and makes the reports for groups a sworn report.

SECTION 3

List the detailed information that each candidate and groups shall include in their reports.

SECTION 4

Reports filed by a group shall include returned contributions.

SECTION 5

A contribution of $500 or less is accepted unless returned by the candidate or group within 10 days after the contribution was received. A contribution to a candidate with a value of more than $500 is accepted unless it is returned within 7 days of the date the contribution was made. A contribution that exceeds $500 that is made within 7 days of the election is accepted unless it is returned within 24 hours of it receipt.

SECTION 6

A candidate or a group is required to report an expenditure on the first report occurring after the expenditure is made.

SECTION 7

Each report required shall contain sworn statement language.

SECTION 8

Procedures for complaints to the Commission.

SECTION 9

Detailed language for regulating groups.

SECTION 10

Detailed language for regulating candidates.

SECTION 11

A candidate or group may appoint deputy campaign managers. Only candidates, campaign and deputy campaign treasurers may receive campaign contributions or make expenditures.

SECTION 12

Procedures for removal of campaign and deputy campaign treasurers.

SECTION 13

Increases the yearly maximum single donation allowed to a candidate from $1,000 to $2,500.

SECTION 14

A contribution over $100 may not be made in cash or cash payment.

SECTION 15

An expenditure over $100 may not be made in cash or cash payment.

SECTION 16

An contribution or expenditure may not be made to or by a fictitious person or group.

SECTION 17

Contributions may only be received by candidates, campaign treasurers, and deputy campaign treasurers. Expenditures may only be made by candidates, campaign treasurers and deputy campaign treasurers.

SECTION 18

Raises the limit for a Contributor Statement from $250 to $500.

SECTION 20

Sets up penalties for persons filing false reports or making campaign contributions or expenditures which exceeds the limitations.

SECTION 21

Sets up a penalties for candidates or campaign treasurers filing false reports.

SECTION 22

This section prohibits any elected official or state employee from using any public office, facility or equipment for the purpose of promoting or assisting a campaign for election.

SECTION 23

Definition of "group"

SECTION 24

Definition of "expenditure"

SECTION 25

Definition of "related or affiliated groups"

SB
889

REQUEST

Bill/~~Resolution No.~~: SB89

Title: Relating to the Alaska State Housing Authority

Sponsor: Rules/Governor

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.

Program Category Affected: Economic Development

BRU, Program or Subprogram(s) Affected: Alaska State Housing Authority

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

ASHA receives no direct operating or capital appropriations from the Legislature. There will be no fiscal impact on the budget from this proposed legislation.

Prepared By: for Paul Harris, Controller Phone: 465-2504

Division: Alaska State Housing Authority Date:

Approved by Commissioner: Loren H. Lounsbury Date: 1/9/85

Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

0954W10984

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 23, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that relates to the Alaska State Housing Authority (ASHA). (See AS 18.55.)

Section 1 of the bill provides that if the state leases a public building financed by ASHA, the state's rental obligation is subject to annual appropriation. This provision makes explicit the assurance that public leases do not impair the appropriation prerogatives of the legislature.

Current law provides that ASHA must sell interests in land through public auction or by sealed bids at a fair market price. Section 2 of the bill enables ASHA to sell land or a public building, in appropriate instances, to the state, a federal agency, or a political subdivision for less than the appraised value and without competitive bidding. A comparable provision governs the sale of state land or resources under AS 38. See AS 38.05.315.

This bill will promote the efficient operation of ASHA, and I urge your consideration of and support for the bill.

Sincerely,

Bill Sheffield
Governor

July 3, 1984

Ms. Vicki Elnick
Securities Service Division
Department 9528
Suite 2180
Bank Of America
P. O. Box 37000
San Francisco, CA 94137

Dear Ms. Elnick:

This is to advise you that the State of Alaska will direct wire-transfer $8,901,048.75 on July 10, 1984 through the Federal Reserve Bank to the Bank of America, N.T. and S.A., San Francisco Corporate Agency Service Center, attention Carmen Cruz. These funds are in payment of ASHA bonds:

Bond Sale III	February, 1969 Issue	$ 360,600.00
Bond Sale V	project-phase 1	621,075.00
Bond Sale V	1970 project-phase 2	915,300.00
Bond Sale V	1970 project-phase 3	1,919,525.00
Bond Sale VI	August 1971 Issue	359,502.50
Bond Sale VII	1972 project-phase 1	101,877.50
Bond Sale VII	1972 project-phase 2	740,707.50
Bond Sale VIII	September 1972 Issue	831,137.50
Bond Sale IX	1973 Project	632,396.25
Bond Sale X	1973 project-second Issue	1,350,190.00
Bond Sale XI	1974 project	1,068,737.50
	Total	$8,901,048.75

If you have any questions regarding this matter, please contact me in writing or via phone, whichever is more convenient for you. Our phone numbers are (907) 465-2264 or 465-2286.

Sincerely,

Faye A. Bain
Contracting Officer

FAB/mcl

STATE LEASE BUILDING PROGRAM

1) 1966 Series
Trustee: Bradford Trust

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co.

Project Detail

(A) Angoon three classroom addition
(B) Delta Junction five classroom
(C) Delta Junction public facilities
(D) Dillingham housing
(E) Dillingham public facilities
(F) Eureka shop facility
(G) Girdwood shop facility
(H) Glenallen public facilities
(I) Glenallen six classroom addition
(J) Kodiak combined office facility
(K) Nenana shop facility
(L) Paxson shop and power house
(M) Teller shop facility
(N) Tenakee classroom and quarters
(O) Tok Junction housing
(P) Tok Junction multi-purpose school facilities
(Q) Tok Junction public facilities

2) 1967 Series
Trustee: Bradford Trust

Bond Counsel	Underwriter
Wohlforth & Flint	Merril Lynch Phelps-Fenn Franklin Nat'l Bank

Project Detail

(A) Angoon housing
(B) Bernice Lake highway shop
(C) Bethel combined office facilities
(D) Central highway shop
(E) Glenallen school addition
(F) Healy highway shop
(G) Homer highway shop
(H) Juneau jail facilities
(I) Kodiak court space
(J) Kodiak Fish and Game warehouse
(K) Kodiak highway shop
(L) Ninilchick highway shop
(M) Soldotna highway shop
(N) Valdez housing

3) 1968-I Series
Trustee: Bradford Trust

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co.

Project Detail
(A) Cold Bay Fish and Game headquarters
(B) Cordova Fish and Game facility
(C) Fairbanks district highway complex
(D) Glenallen highway shop
(E) Ketchikan highway shop
(F) Livengood highway shop
(G) Petersville highway shop

4) 1968-II Series
Trustee: Bradford Trust

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co.

Project Detail
(A) Fairbanks district highway complex
(B) King Salmon Fish and Game

5) 1969 Series (Acquisition)
Trustee: Bank of America

Bond Counsel	Underwriter
Hawkins, Dela-field & Wood Wohlforth & Flint	Bank of America

Project Detail
(A) State court and office building, Anchorage
(B) State court and office building, Fairbanks

6) 1970-I Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co. Merrill Lynch Lehman Brothers Franklin Nat'l Bank

Project Detail
(A) Alcantra youth camp
(B) Anchorage district highway complex
(C) Cordova highway shop

1970-I Series (continued)

(D) Fort Yukon combined facilities
(E) Petersburg highway shop
(F) Sand Point Fish and Game headquarters
(G) Fort Yukon sewer and water

7) 1970-II Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co.
	Merrill Lynch
	Lehman Brothers
	Franklin
	Nat'l Bank

Project Detail
(A) Anchorage court building
(B) Ketchikan court and office building

8) 1970-III Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co.
	Merrill Lynch
	Lehman Brothers
	Franklin
	Nat'l Bank

Project Detail
(A) State office building - Juneau

9) 1971 Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co.

Project Detail
(A) Anchorage court building

10) 1972-1 Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co.

Project Detail
(A) Juneau court building
(B) Acquisition: Island Center building ✓

11) 1972-2 Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	Smith, Barney & Co. Halsey, Stuart & Co. First Boston Corp. White, Weld & Co.

Project Detail
(A) Anchorage airport office & aviation bldg.
(B) Fairbanks Pioneer Home addition
(C) Juneau records center
(D) Sitka public safety building

12) 1973-I Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	Bank of America

Project Detail
(A) Fairbanks regional office building
(B) Kodiak regional office building
(C) Palmer Pioneer Home addition

13) 1973-2 Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	John Nuveen Co.

Project Detail
(A) Anchorage communications building
(B) Anchorage parking structure
(C) Anchorage Pioneers Home
(D) Delta Junction school, vocational shop and multi-purpose room
(E) Kenai court office building
(F) Kotzebue Pioneers Home
(G) Valdez court and office building

14) 1974 Series
Trustee: Bank of America

Bond Counsel	Underwriter
Wohlforth & Flint	Smith Barney & Co. Halsey, Stuart & Co. Bache & Company White, Weld & Co.

Project Detail

(A) Fairbanks parking structure
(B) Juneau parking structure
(C) Sitka court and office building

COMMITTEE REPORT

SENATE

FURTHER: LABOR & COMMERCE

1/23/85

Date FEBRUARY 21, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 89

Alaska State Housing Authority; efd.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 89 (STA)
[ ] new title
[ ] same title and recommends

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

J. Fischer
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Annual Report
Fiscal Year 1984

A History of Service

The Alaska State Housing Authority (ASHA) was created 39 years ago as the Alaska Housing Authority by the then territorial government of Alaska. The authority was created to take advantage of growing federal housing programs administered by the Department of Housing and Urban Development (HUD). ASHA's organization as a public corporate authority has been consistent with the model adopted nationally by thousands of local public housing authorities created to administer the same HUD programs.

Since its creation, ASHA has successfully completed numerous housing and other projects to meet the needs of the citizens of Alaska. ASHA has the flexibility and capacity to meet many of the challenges that have arisen in Alaska's young history. As we move through the 1980s, a new era of growth and activity, ASHA will continue to administer its programs in an efficient manner and to implement new programs for the changing times.

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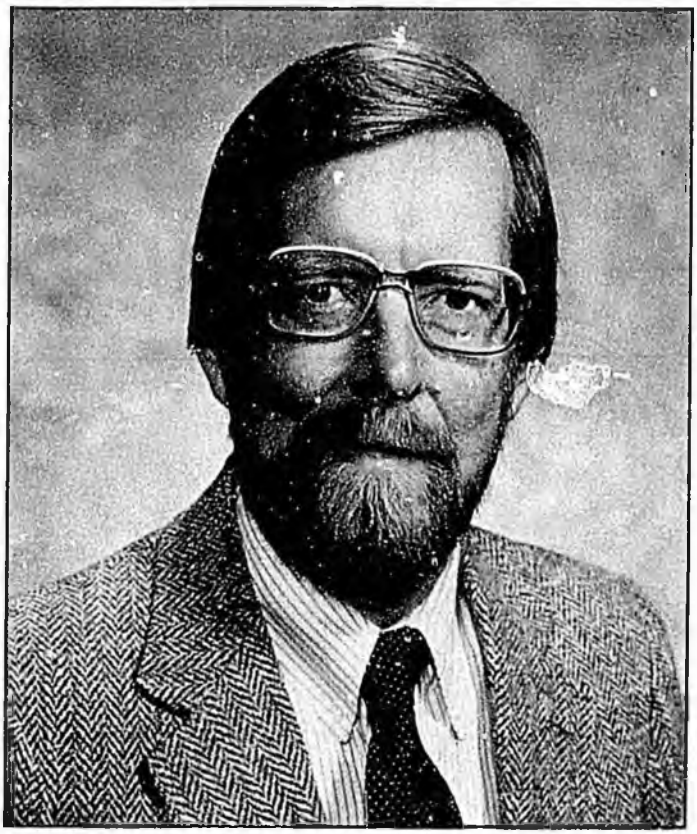
Bill Miles, Chairman of the Board.



August 20, 1984

The Honorable Bill Sheffield
Governor
State of Alaska
Capitol Building
Juneau, Alaska 99811

Dear Governor Sheffield:

I am pleased to submit the 1984 Annual Report for the **Alaska State Housing Authority.** ASHA's goal of providing decent, safe and sanitary housing for low and moderate income Alaskans has been met and expanded during the 1984 fiscal year. In addition, the Juneau Senior Citizens' Center was completed this year as was Phase I of the Wasilla Senior Complex. Work is well underway on other senior housing projects in Fairbanks and Sitka. Planning for additional senior housing has begun for the second phase of both the Wasilla complex and the Chugach View complex in Anchorage. Preliminary planning is underway for additional housing for seniors in Palmer.

The Section 8 Existing, New Construction and Conventional Low Income programs provided housing assistance to approximately 10,000 Alaskans during the last year. Special funding provided by the Department of Housing and Urban Development has assisted ASHA in maintaining and upgrading the quality of living in a portion of the 3,000+ units under ASHA management in 20 project offices throughout the State. ASHA also provided $31.5 million in tax exempt bond financing for 618 units of moderate rent housing in Anchorage and Juneau during the 1984 fiscal year.

ASHA has a dedicated and competent staff which will continue to strive for effective and efficient delivery and management of adequate rental housing for Alaskans.

Sincerely,

Bill Miles
Chairman of the Board

ALASKA STATE HOUSING AUTHORITY

Alaska Chapter
American Institute of Architects

HONOR AWARD

Commendation

1983

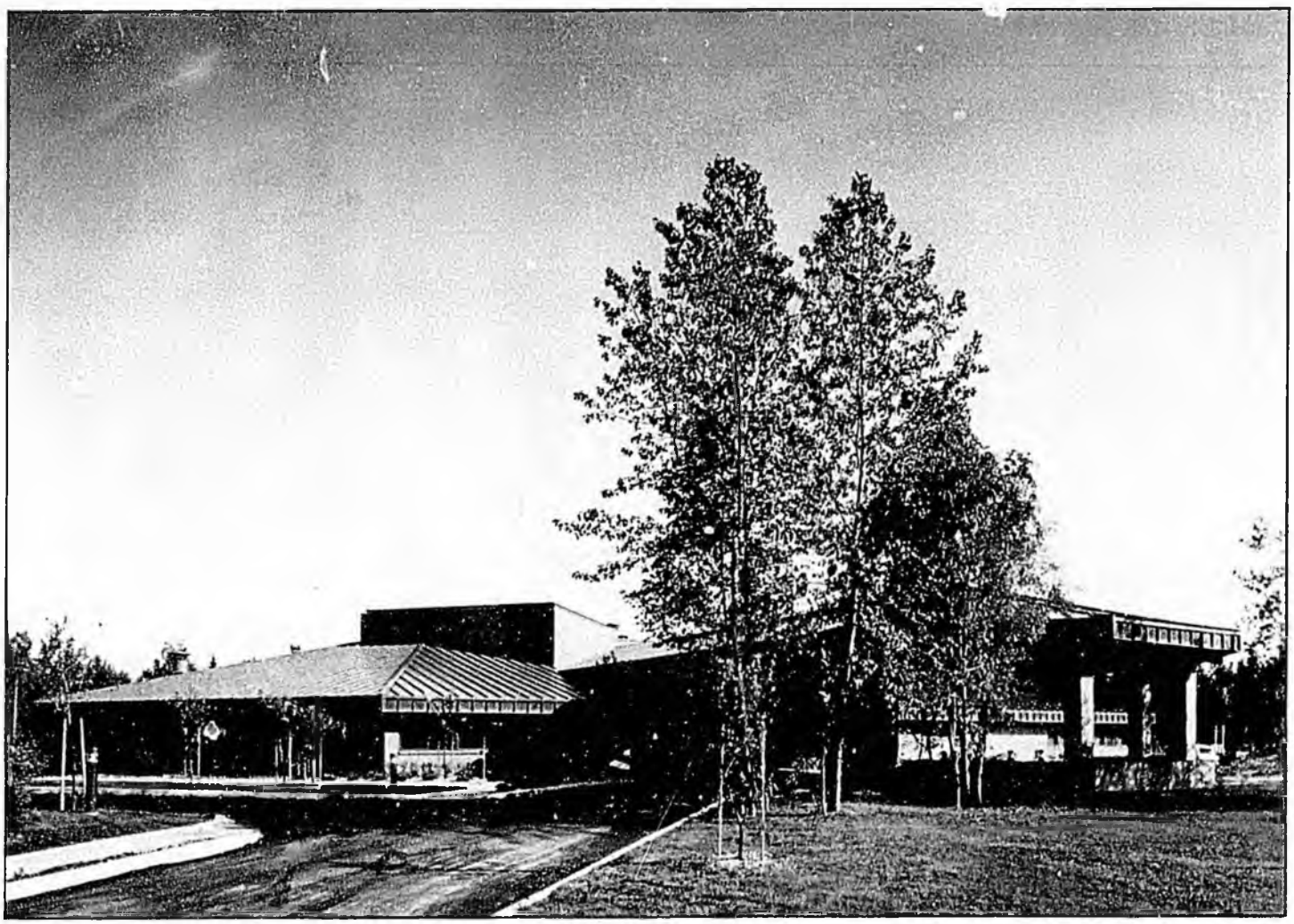
This award is presented for

EXCELLENCE IN ARCHITECTURE

for Anchorage Senior Center
Owner Alaska State Housing Authority
Architect Kumin Associates, Inc.
Contractor Wick Construction Company
Jurors Micheal McKinnell, AIA, Jeffrey Wilson, AIA
Alaska Chapter President

The design, the site, the accessibility and the finished product that resulted in the Anchorage Senior Center, teamed for a 1983 Honor Award presented by the Alaska Chapter, American Institute of Architects.

The $4.2 million project was completed in 1983 by Wick Construction Company. Designed by Kumin Associates, Anchorage, for the Alaska State Housing Authority, the 21,225-square-foot low-rise building features a brick masonry exterior, prefinished metal roof and extensive landscaping.



ALASKA STATE HOUSING AUTHORITY

Board of Directors

The five member board governs the Alaska State Housing Authority (ASHA) activities. These members are composed of the Commissioner of the Department of Commerce and Economic Development and four other members appointed by the Governor. The Board selects an Executive Director/Secretary-Treasurer who is the administrative head of the Authority. As of March 31, 1984 ASHA was staffed by 48 full time personnel in the Central Office in Anchorage and 83 employees in its 20 project offices located throughout the State of Alaska.

Mr. Bill Miles, *Chairman: Mr. Miles has been a resident of Alaska for 18 years. Mr. Miles is a former Alaska State Legislator and former Executive Director of the Alaska State Housing Authority. Mr. Miles is presently a principal in the consulting firm of Bill Miles & Associates, Inc. Mr. Miles has been on the Authority's Board of Directors since April 15, 1983. His term expires January 31, 1986.*

Cynthia E. Aiken, *First Vice Chairman: Ms. Aiken, an Alaska resident since 1960, now makes her home in Fairbanks, Alaska. Ms. Aiken is currently the Executive Director of a Substantative Abuse Center. Ms. Aiken was previously appointed to the Board of Directors on October 13, 1980, and reappointed on April 15, 1983. Her term expires January 31, 1986.*

Kenneth Jay Gain, *Second Vice Chairman: Mr. Gain has been a resident of Alaska for 32 years. He has long been active in Alaska's civic and business affairs. Mr. Gain, an investment counselor and real estate broker, has been active in the real estate business since 1973. Mr. Gain is a former Deputy Executive Director of the Alaska State Housing Authority and has been a member of the Authority's Board of Directors since April 15, 1983. Term expires: January 31, 1985.*

Richard A Lyon: *Commissioner Lyon was appointed the Commissioner of Commerce and Economic Development by Governor Sheffield on December 6, 1982. Commissioner Lyon has been an Alaska resident since 1960. Prior to his appointment as Commissioner, Mr. Lyon was an active businessman in Anchorage and on various committees throughout Alaska. Term expires: Indefinite.*

Dianne Anderson O'Connell: *Ms. O'Connell has been an Alaska resident since 1967. Ms. O'Connell has had extensive travel and experience in rural Alaska. Ms. O'Connell has been employed by National Education Association – Alaska, Inc., for the last 15 years and she has been on the Authority's Board of Directors since April 15, 1983. Term expires: January 31, 1987.*

Not pictured is **Terry Elder,** *Deputy Commissioner of Commerce and Economic Development. Mr. Elder is Commissioner Lyon's Designee to the Board of Directors.*

David A. Valdez, *Executive Director/Secretary-Treasurer: Mr. Valdez was appointed Executive Director/Secretary-Treasurer by the Board on April 6, 1983. Prior to his current appointment, Mr. Valdez was a business development specialist.*

624 West International
Alaska State Housing Authority
Municipality of Anchorage Records Management

ASHA Programs

The Alaska State Housing Authority's (ASHA) primary responsibility is providing low income housing to eligible residents throughout the State. ASHA operates subsidized housing programs sponsored by the Department of Housing and Urban Develpment (HUD) such as Conventional Low Rent, Section 8 New Construction, 221 (d)(3) Middle Income, Turnkey III Homeownership, Mutual Help, Remote Housing, and Section 8 Existing. The only project operated by ASHA without federal subsidy is the Marine View Apartments in Juneau. The total number of units under management is approximately 3,100 at this time.

The HUD programs are operated with the rents generated by the tenants and HUD-provided operating subsidies. In addition, certain projects are eligible for the Comprehensive Improvement Assistance Program (Modernization) to ensure that the facilities are maintained in a decent, safe and sanitary manner. The two largest programs under management are the Conventional Low Rent and the Section 8 Programs which account for approximately 2,800 of the 3,100 units under management.

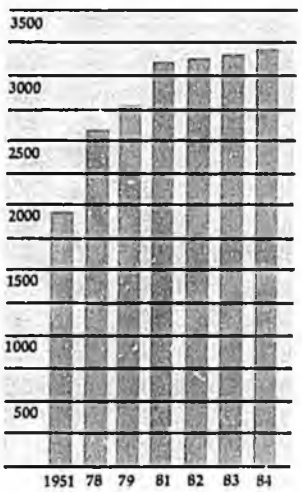
Conventional Low Rent

The conventional low rent program consists of 1,116 rental units at this time and forms the cornerstone of the Housing Management Department. The low rent dwellings are owned by ASHA, and the residents contribute a maximum of 30% of their family income as rent towards the operation of the program. Eligibility is determined by the family's income and composition. To be eligible, the applicant must qualify as a family unit or be 62 years of age or older, disabled, or handicapped. During fiscal year 1984 the average annual income of tenants residing within this program was $7,440.00 and the average rent paid by these tenants was $186.00 per month. An operating subsidy is paid monthly by the U.S. Department of Housing and Urban Development to maintain the facilities in a decent, safe and sanitary manner, and to provide management services.

The original construction costs of units within this program are generally provided by the Department of Housing and Urban Development although in recent years the State of Alaska has contributed in those cases where federal funds were insufficient.

Rent day at the Willow Park Project office.

Total Units Managed by ASHA



Section 8 New Construction

The Section 8 New Construction program operated a total of 285 units, primarily for elderly tenants, in four cities in Alaska during Fiscal Year 1984. Residents in this program pay up to 30% of their adjusted income as rent. The federal government, through the Department of Housing and Urban Development, pays a subsidy to ASHA equal to the difference in the rent of the resident and the fair market rent established by HUD. This is to ensure that the program has adequate funds to amortize construction costs, and maintain the projects in a decent, safe, sanitary manner.

At the present time the average rent paid by a tenant within this program is $189.00 per month and the average annual income is $7,560.00. The elibigility requirements are essentially the same as those under the conventional low income program previously described.

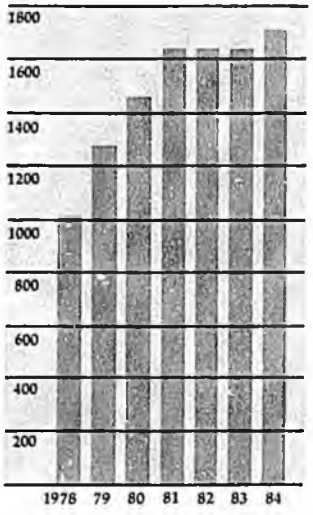
Section 8 Existing

Rental units within the Section 8 Existing Program are not owned by the Alaska State Housing Authority, although the regulations are the same as the Section 8 New Construction Program. Under this program ASHA pays directly to the landlord the difference between the tenant's portion of the rent, which is appoximately 30% of the tenant's income, and the contract rent. In 1983 the average annual income of residents in this program was $6,970.00 and the tenant's average monthly contribution to contract rent was $144.00.

Eligible applicants must locate their own apartments within a designated area. The apartments must meet the standards set by HUD which is verified by an inspection by ASHA. The maximum rents that Section 8 landlords can charge are determined periodically by HUD.

Approximately 85% of the 1,420 Certificates ASHA is authorized to issue were in use during Fiscal Year 1984.

Section 8 New Construction and Section 8 Existing Units



Chugach View Section 8 New Construction Project consists of 120 apartments for the elderly.

1984 In Review

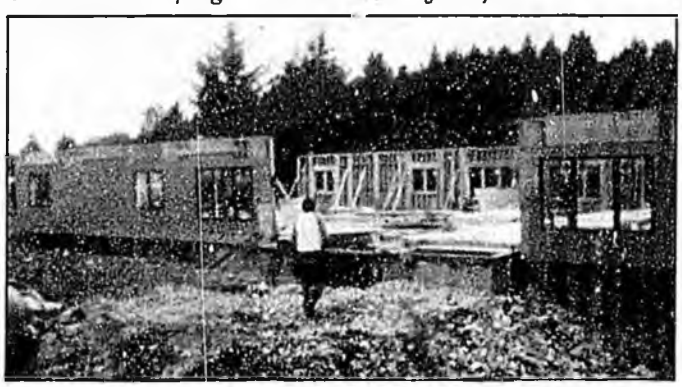
Housing Development and Construction

The Housing Development and Construction (HD/C) Department's primary functions are planning new facilites, and administering the subsequent construction of those new facilities.

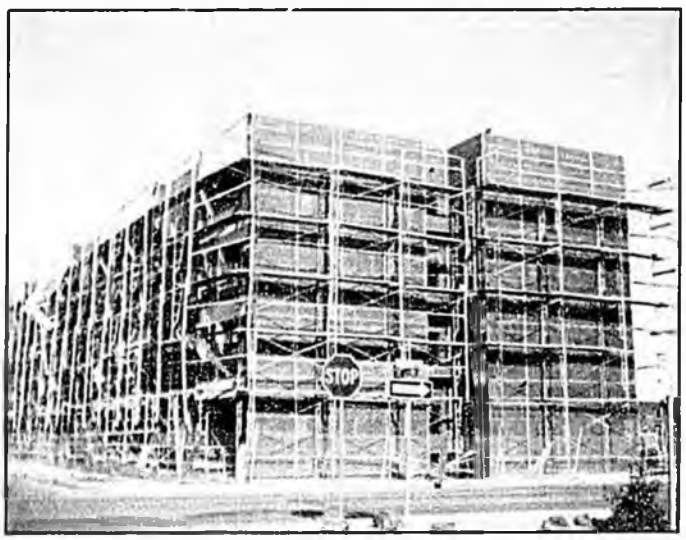
The planning function includes evaluating housing needs of Alaskan communities, identifying and obtaining funding, and obtaining necessary local, state and federal approvals for the desired development. Construction administration involves extensive coordination with various entities in order to produce exemplary additions to the perennially insufficient subsidized rental housing stock throughout the state.

The majority of funding for development and construction of ASHA's housing has, in past years, been provided by the Department of Housing and Urban Development (HUD). Increasingly during recent years, ASHA's Senior Citizen Housing has been made possible by grants from the State of Alaska through the Department of Community and Regional Affairs (DCRA). Whereas grants from the State of Alaska made up only 3.5% of ASHA's total development funds until 1982, subsequent senior citizen housing projects have been approximately 90% state funded. The remaining 10% of the development funding and the long-term operating subsidy was provided by HUD.

Construction in progress on Sitka Elderly Project.



Construction in progress on Fairbanks Elderly Project.



Both the Anchorage Senior Center and the Juneau Senior Citizen Housing with Ancillary Facilities, which have been occupied since 1983, are mustering for final warranty/close out inspections. Another project nearing that stage is the remodel work on ASHA's own office building.

Fiscal Year 1984 has been a rewarding year for the development of senior citizen housing. The 18 unit garden-style senior citizen housing project in Wasilla was well received by the community at the July Open House/Dedication Ceremony. Progress on the construction of the 40 unit senior citizen housing project in Fairbanks has passed the 50% completion stage and promises to be a welcome addition to the community when

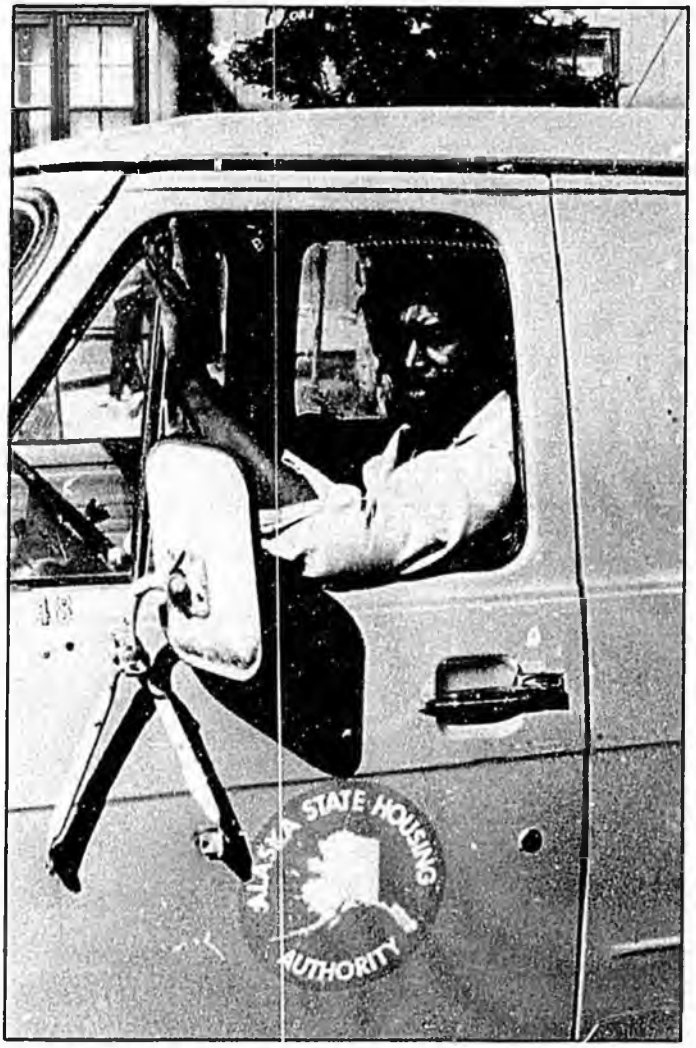
completed. The development of the twenty unit senior citizen housing project in Sitka is underway and the project is scheduled for completion in the spring of 1985.

There is still an ongoing need for additional units of senior citizen housing throughout the state. In attempting to meet that need, ASHA has begun the development process to provide approximately 120 units of additional senior citizen housing in Anchorage adjacent to the existing Chugach View Apartments. 14 additional units of senior citizen housing are planned for Wasilla, and 18 units for Palmer.

The first phase of the rehabilitation of the 40 unit Pacific Terrace family housing project in Kodiak has been completed. Successive phases to rehabilitate the balance of the 32 units have begun and are scheduled to continue through 1986.

Ann Cothron, *Project Office Manager.*

Herman Smith, *Maintenance Mechanic II.*



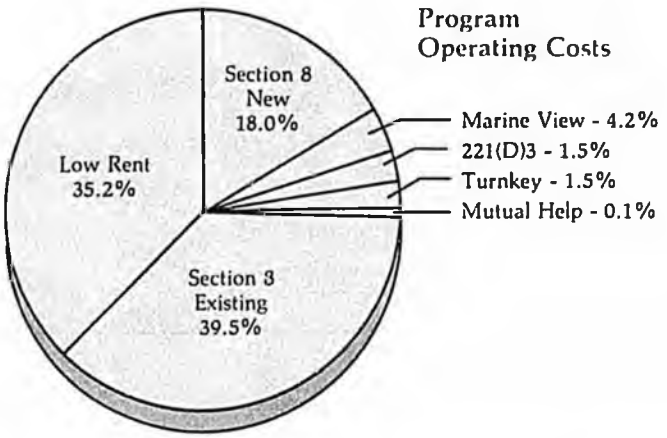
Housing Management Department

The responsibility for all maintenance and management activities for all units under the control of ASHA is with the Department of Housing Management. Funds to provide these services are in part provided by the Department of Housing and Urban Development through its annual operating subsidy. Other funding is provided by rents paid by residents of projects and programs, as well as earnings through investment of reserves. The Housing Authority does not obtain operating funds from the State of Alaska.

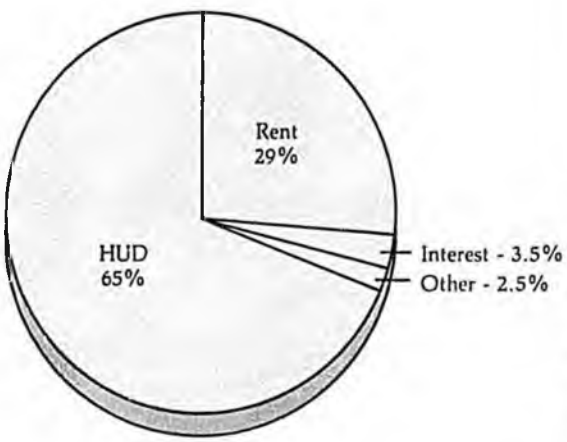
Management Operations Division

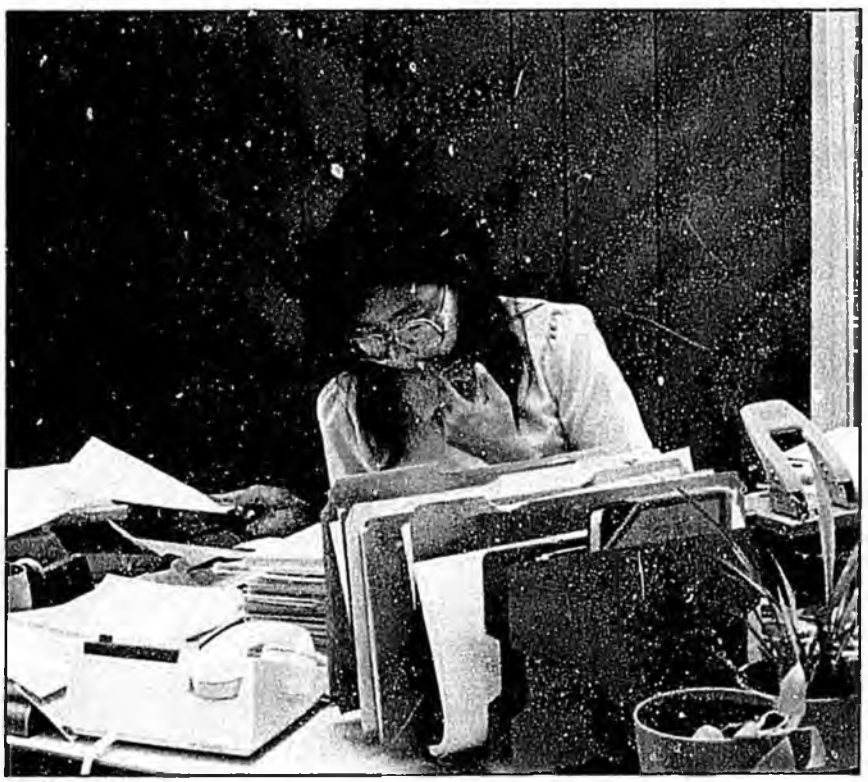
The Housing Management activities are divided into two divisions, management and maintenance. The Management Operations Division is responsible for activities such as move-in/move-out inspections, rent collection, and work order requests for maintenance services. In addition, the application and income verification process is handled by this division. Approximately 95 employees carry out these activities for the over 3,100 units of elderly and family housing within management. The management activities are approximately equally divided between the conventional low income renter occupied programs and approximately 1,480 Certificates of Family participation, commonly referred to as the Section 8 program. These activities are carried out through the 20 project offices located throughout the State.

Program Operating Costs



Sources of Income for Program Management



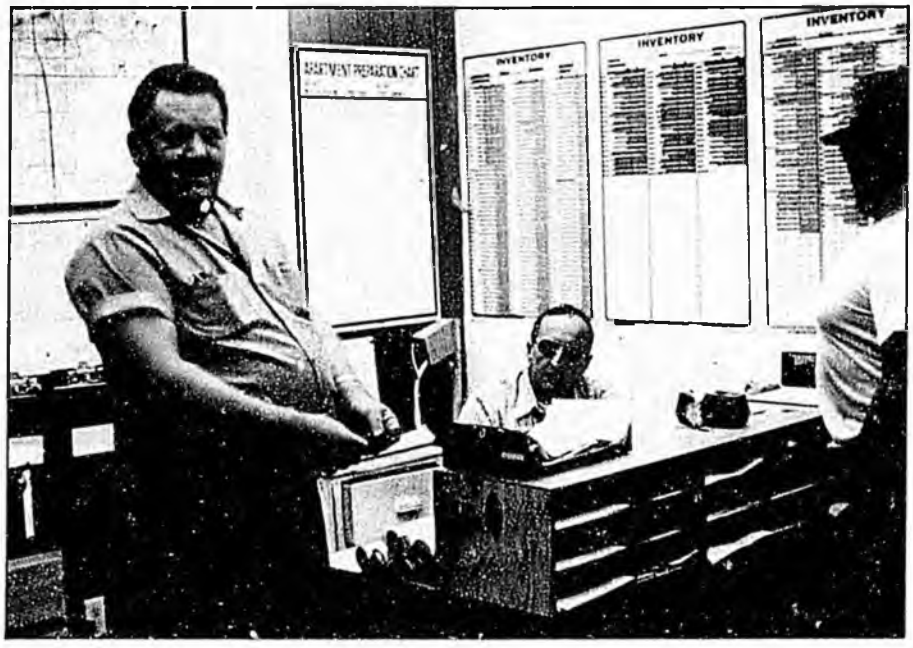


Susie Sockpick, *Project Office Manager.*

Maintenance Division

The Maintenance Division provides services to ensure that the rental units are maintained in a safe and sanitary condition. Forty-two employees are assigned full time to this task in 20 locations throughout the State. Extraordinary maintenance activities intensify during the summer to undertake activities and maintenance items that cannot be performed during the winter months. In addition, the Federal Government through its Comprehensive Improvement Assistance Program has provided special funding to upgrade several of ASHA's older conventional low income projects this year. Projects are underway in Fairbanks, Anchorage, Nome and Valdez. Though future funding is not assured under this program after next fiscal year, we are confident that the projects and programs will be maintained adequately given the level of past funding which brought the units up to an effective new 20 year life. The Division of Maintenance constanty prioritizes maintenance needs so that future funding can be utilized in the most critical areas.

Richard Dunmore, *Maintenance Mechanic I.*

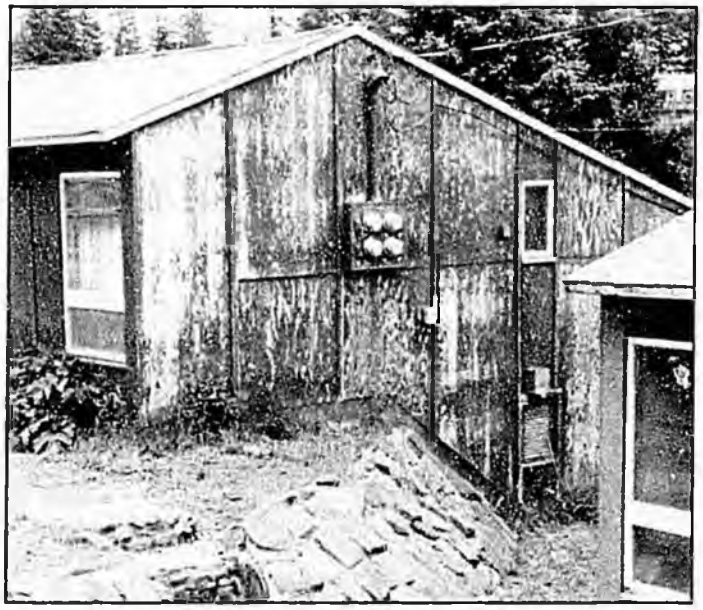


From left to right: Gene Childres, *Maintenance Mechanic II;* Ernie Befford, *Area Maintenance Supervisor;* George Madros, *Maintenance Mechanic I.*

Projects Completed During 1984

Wasilla senior housing grand opening ceremony, July 12, 1984. Pictured from left to right: Bill Miles, Dianne Anderson O'Connell, Rose Palmquist, Governor Sheffield, Wasilla Mayor Marilyn McGuire and David Valdez.

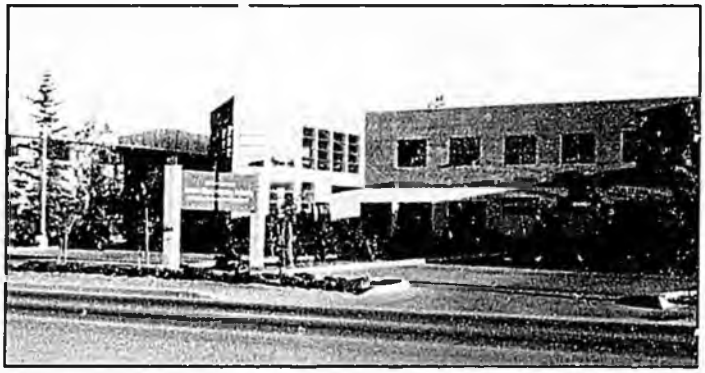
Wasilla senior citizen housing provides 18 units of new senior citizen housing for the Matanuska-Susitna valley.



Left: Pacific Terrace in Kodiak before completion of phase one of the renovation.

Above: Pacific Terrace after completion of phase one which resulted in the complete interior and exterior renovation of 8 low-rent family apartments.

This new addition to the Mountain View project in Juneau added 20 units of senior housing and ancillary facilities.



The ASHA central office remodel in Anchorage was completed in September, 1984 and consists of 22,000 square feet of office and warehouse space.

New Multi-Family Construction

During Fiscal Year 1984 construction commenced on five new lower and middle income multi-family apartment complexes financed through the sale of ASHA FHA Insured Revenue Bonds.

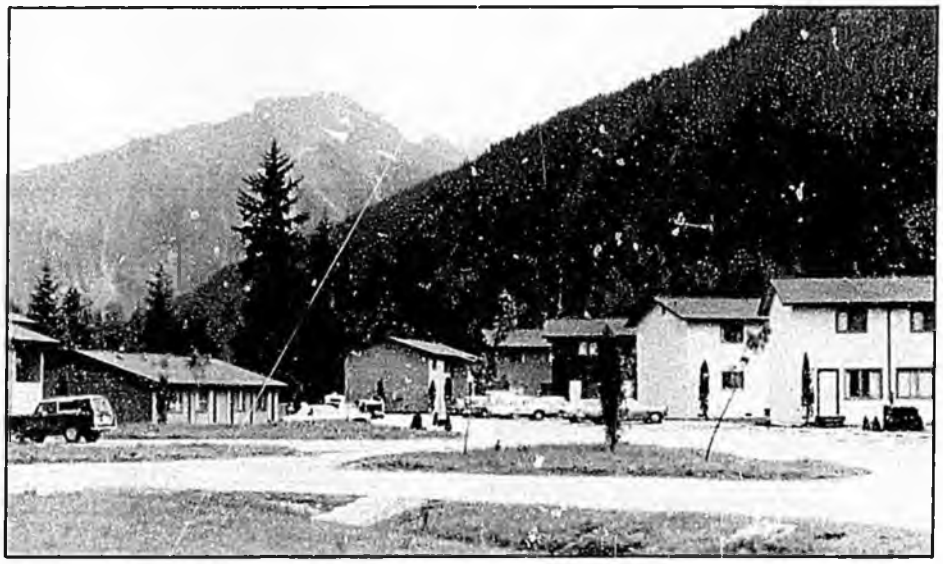
Under this program bond sale proceeds are made available to private sector developers for the construction of the apartments. The Developments are owned and managed by the developers who remit rents to an ASHA trustee where they are accumulated for payment of bondholder principle and interest.

Interest on the bonds is exempt from federal income tax and payment of principle and interest is guaranteed by the Federal Housing Administration pursuant to section 221(d)4 of the National Housing Act of 1934.

FHA and IRS require that at least 20% of the units be retained for occupancy by lower income tenants.

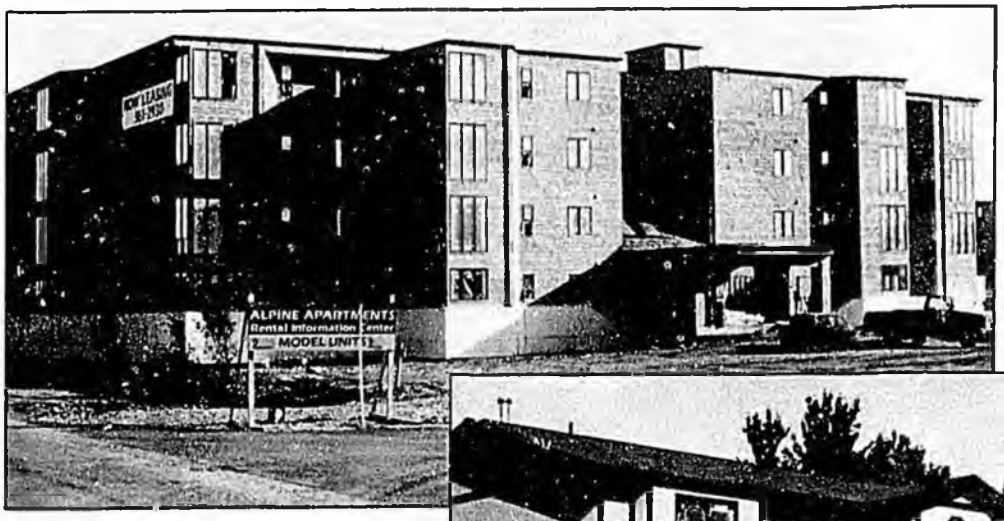
Pictured here are the five projects started during Fiscal Year 1984 as well as the COHO Park project in Juneau which was similarly financed in Fiscal Year 1983.

A total of 670 apartments will be available in Juneau and Anchorage under this program by December 31, 1984.

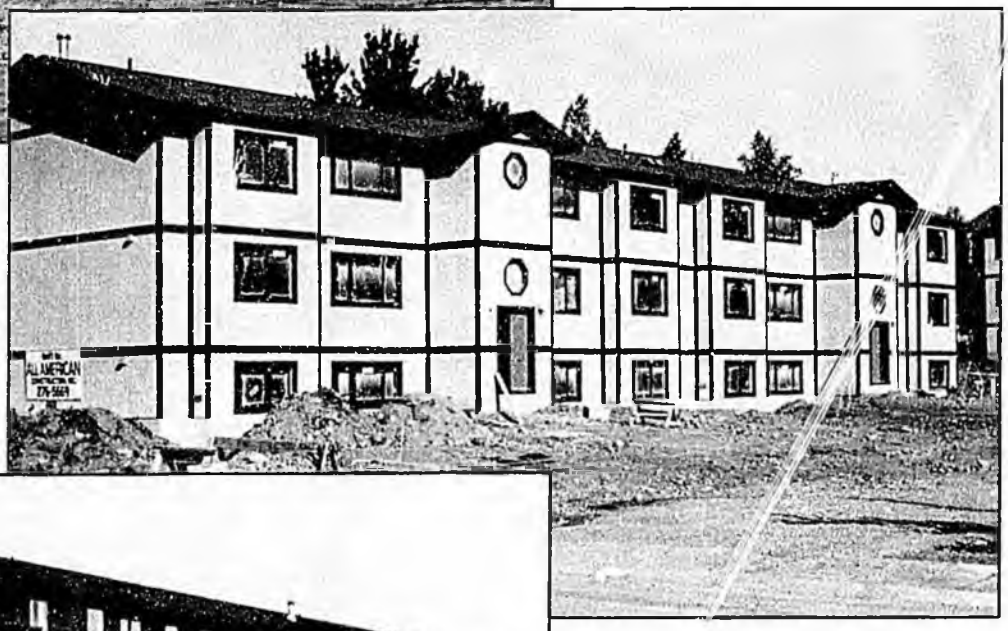


Coho Park Apartments: *52 one and two-bedroom apartments located in Juneau on a 6.5 acre site.*

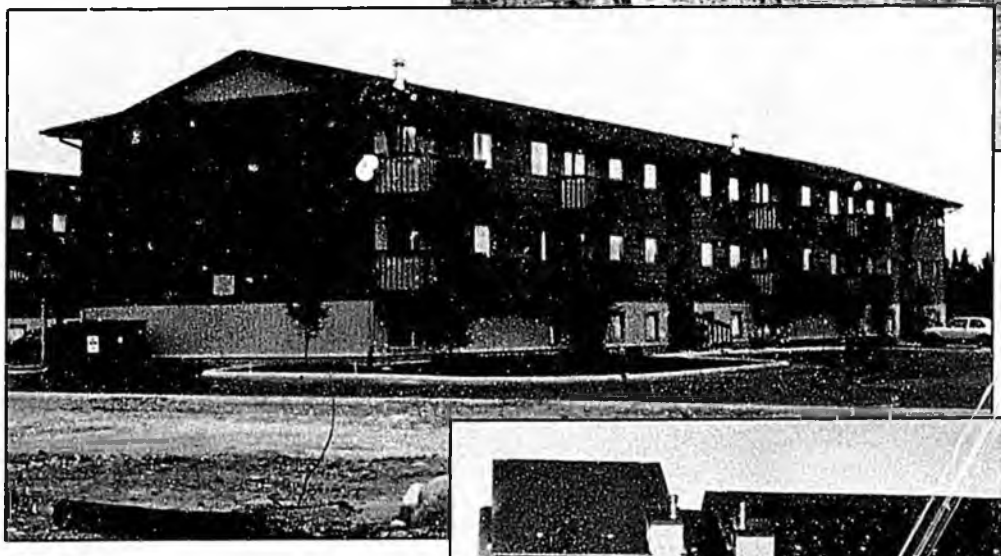
Chinook Apartments *64 one and two-bedroom apartments located in Juneau on a 2.7 acre site.*



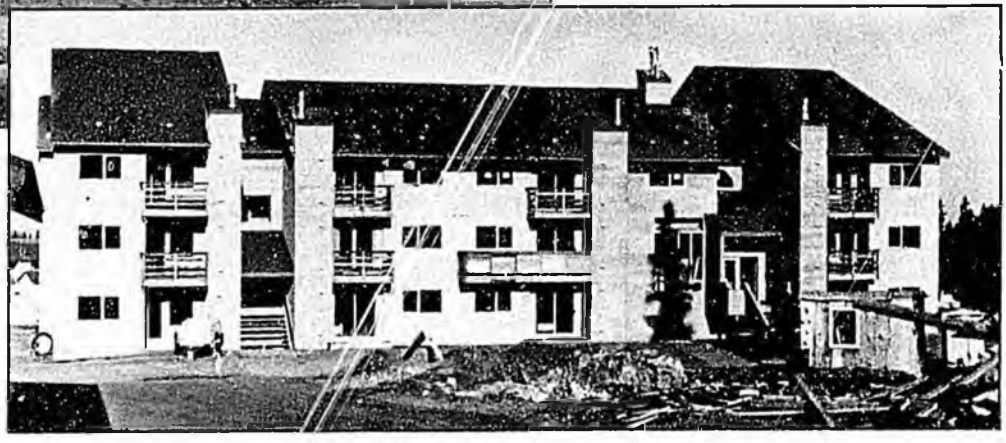
Alpine Meadows *348 one and two-bedroom apartments located in Anchorage in six three-story buildings on 16 acres.*



Alpine Terrace *48 two-bedroom apartments located in Anchorage in four two and one half story buildings on a 2.25 acre site.*



Boundary Manor *68 one and two-bedroom apartments located in Anchorage on a 1.8 acre site.*



Windemere Apartments *54 one and two-bedroom apartments located in Anchorage on a 1.9 acre site.*

Annual Contribution Contracts
Combining Balance Sheet

	Total	SF-210	S-5	SF-329	S-014E
Assets					
Cash	$ 305,888	300,108	880	3,011	1,889
Accounts receivable:					
HUD	286,875	–	–	–	286,875
Tenants	49,741	49,741	–	–	–
Participants	199,034	–	198,093	941	–
Other	6,055	5,800	–	–	255
Accrued receivables	50,377	38,891	2,914	8,572	–
Advances	3,407	3,407	–	–	–
Investments	6,312,616	5,135,625	211,392	965,599	–
Debt amortization funds	5,396,909	4,375,324	425,655	595,930	–
Deferred charges	202,293	201,681	–	598	14
Land, structures and equipment	64,918,179	52,695,734	4,367,547	7,794,493	60,405
Due from ASHA general fund	1,849	–	813	1,036	–
Total Assets	$77,733,223	62,806,311	5,207,294	9,370,180	349,438
Liabilities, Surplus and Capital Contributions					
Liabilities:					
Due to ASHA general fund	441,024	370,927	–	–	70,097
Accounts payable	507,975	455,991	–	51,504	480
Notes payable	31,679,016	23,490,018	2,223,006	5,965,992	–
Accrued liabilities	1,842,663	1,550,422	67,304	196,401	28,536
Trust and deposit liabilities	452,646	174,809	–	277,837	–
Deferred credits	81,418	79,943	–	1,475	–
Fixed liabilities	9,868,732	9,868,732	–	–	–
Total liabilities	44,873,474	35,990,842	2,290,310	6,493,209	99,113
Surplus and capital contributions:					
Surplus	7,116,311	26,815,469	1,866,566	2,876,971	(24,442,695)
Capital contributions	25,743,438	–	1,050,418	–	24,693,020
Total surplus and capital contributions	32,859,749	26,815,469	2,916,984	2,876,971	250,325
Total Liabilities, surplus and capital contributions	$77,733,223	62,806,311	5,207,294	9,370,180	349,438

Annual Contribution Contracts
Statement of Income and Expenses

	Years ended March 31, 1983 and 1984							
	SF-210		S-5		SF-329		S-014E	
	1983	1984	1983	1984	1983	1984	1983	1984
Operating income:								
Rental:								
Dwelling rent	$2,165,431	2,579,976	15,995	–	93,663	99,128	–	–
Non-dwelling rent	–	79,389	–	–	–	–	–	–
Excess utilities	75,897	59,789	–	–	2,398	1,644	–	–
Total rental	2,241,328	2,719,154	15,995	–	96,061	100,772	–	–
Interest on Investments	302,615	306,863	28,577	21,173	24,748	42,638	39,212	3,511
Other income	98,548	4,265	1,482	95	8,931	7,138	1,675	642
Interest on operating reserve	–	–	–	–	–	–	8,398	3,538
Total operating income	2,642,491	3,030,282	46,054	21,268	129,740	150,548	49,285	7,691
Operating expenses:								
Preliminary Administrative	–	–	–	–	–	–	4,661	7,340
Administration	841,782	908,644	30,879	15,288	126,132	136,281	436,272	545,356
Tenant services	1,647	4,190	–	–	10	60	–	–
Utilities	1,293,895	1,376,786	–	–	4,947	4,238	–	–
Ordinary maintenance and operations	1,435,290	1,658,159	–	–	10,441	4,589	5,205	5,231
Protective services	994	978	–	–	–	–	–	–
General expense	764,233	847,776	35,572	20,493	62,990	48,365	98,419	120,892
Non-routine maintenance	269,451	91,637	–	–	98,464	–	–	–
Housing assistance payments	–	–	–	–	–	–	3,974,527	4,745,721
Total operating expenses	4,607,292	4,888,170	66,451	35,781	302,984	193,533	4,519,084	5,424,540
Net operating Income (loss)	(1,964,801)	(1,857,888)	(20,397)	(14,513)	(173,244)	(42,985)	(4,469,799)	(5,416,849)
Other credits:								
Prior year adjustments not affecting residual receipts	–	–	–	–	85,054	–	–	–
Prior year adjustment affecting residual receipts	–	–	–	–	–	–	42,420	–
Total other credits	–	–	–	–	85,054	–	42,420	–
Income (loss) before other charges	(1,964,801)	(1,857,888)	(20,397)	(14,513)	(88,190)	(42,985)	(4,427,379)	(5,416,849)
Other charges:								
Interest on notes and bonds payable	1,658,003	1,664,065	163,163	118,016	387,116	346,267	–	–
Prior year adjustments affecting residual receipts	–	–	12,750	–	–	–	–	–
Prior year adjustments not affecting residual receipts	333,220	–	–	–	922	–	47,507	–
Loss (gain) on disposal of non-expendable equipment	23,108	23,795	–	–	15,978	5,585	–	–
Total other charges	2,014,331	1,687,860	175,913	118,016	404,016	351,852	47,507	–
Net loss	$3,979,132	3,545,748	196,310	132,529	492,206	394,837	4,474,886	5,416,849

Combined Balance Sheet - All Fund Types and Account Groups

March 31, 1984

	Governmental Fund Types			Proprietary Fund Type-	Account Groups Fiduciary Fund Type-	General Fixed	General Long-term	
	General	Special Revenue	Captial Project	Enterprise	Agency	Assets	Debt	Totals
Assets								
Cash	$ 79,100	5,386	10	188,537	619	–	–	273,652
Investments:								
Unrestricted	16,199,291	1,177,381	41,171	–	189,489	–	–	17,607,332
Restricted	–	–	–	18,463,742	–	–	–	18,463,742
Receivables:								
Mortgage loans	606,055	–	–	32,106,263	1,210,355	–	–	33,922,673
Interest	203,618	–	156	985,703	1,134	–	–	1,190,611
Other	–	17,150	–	870	–	–	–	18,020
Due from other funds, net	812,988	(153,011)	6,356	(38,185)	8,033	–	–	636,181
Prepaid expenses	202,332	150	–	–	–	–	–	202,482
Real estate held for sale	302,692	–	–	–	–	–	–	302,692
General fixed assets	–	–	–	–	–	21,898, 479	–	21,898,479
Amount to be provided for retirement of general obligation bonds	–	–	–	–	–	–	809,391	809,391
Unamortized bond issuance cost	–	–	–	1,117,292	–	–	–	1,117,292
Amount to be provided for retirement of notes payable	–	–	–	–	–	–	19,198,492	19,198,492
Total Assets	$18,406,076	1,047,056	47,693	52,824,222	1,409,630	21,898,479	20,007,883	115,641,039
Liabilities and Fund Equity								
Accounts payable, accrued expenses and other liabilities	$ 96,921	199,080	4,343	1,410,913	171,014	–	–	1,882,271
General obligation bonds payable	–	–	–	–	–	–	809,391	809,391
Notes payable	–	–	–	–	1,210,355	–	19,198,492	20,408,847
Revenue bonds payable	–	–	–	33,849,688	–	–	–	33,849,688
Reserves:								
Mortgage, debt service, and escrow reserves	–	–	–	805,350	28, 61	–	–	833,611
Payables to developers	–	–	–	16,601,301	–	–	–	16,601,301
Total liabilities	96,921	199,080	4,343	52,667,252	1,409,630	–	20,007,883	74,385,109
Fund equity:								
Investment in general fixed assets	–	–	–	–	–	21,898,479	–	21,898,479
Retained earnings	–	–	–	156,970	–	–	–	156,970
Fund balances:								
Reserved for State Lease Building charges	8,487,189	–	–	–	–	–	–	8,487,189
Unreserved - undesignated	9,821,966	847,976	43,350	–	–	–	–	10,713,292
Total fund equity	18,309,155	847,976	43,350	156,970	–	21,898,479	–	41,255,930
Total Liabilities and Fund Equity	$18,406,076	1,047,056	47,693	52,824,222	1,409,630	21,898,479	20,007,883	115,641,039

General Fund Balance Sheet

March 31, 1984

Assets:		
Cash		$ 79,100
Investments		16,199,291
Receivables:		
Mortgages	$ 606,055	
Interest	203,618	
Due from other funds	812,988	
Total Receivables		1,622,661
Prepaid expenses		202,332
Real Estate held for resale		302,692
Total Assets		$18,406,076
Liabilities and Fund Balance:		
Accounts payable, accrued expenses and other liabilities		$ 96,921
Fund Balance:		
Restricted	$8,487,189	
Unrestricted	9,821,966	
Total fund balance		18,309,155
Total Liabilities and Fund Balance		$18,406,076

General Fund Statement of Revenues Expenditures and Changes in Fund Balance

Year ended March 31, 1984

Revenues:	
Investment interest	$ 1,479,813
Net excess disbursements State Lease Building Program	541,954
Mortgage interest	71,103
Other	139,360
Total revenues	2,232,230
Expenditures:	
State Lease Building Program - administrative	93,163
Administrative	228,395
Fixed asset acquisition	12,982
Total expenditures	334,540
Excess of revenues over expenditures	1,897,690
Other financing uses - transfers out	26,305
Excess of revenues over expenditures and other financing uses	1,871,385
Fund balance at beginning of year	16,498,420
Prior period adjustment	(5,502)
Contribution to other fund	(55,148)
Fund balance at end of year	$18,309,155

Special Revenue Funds
Combining Balance Sheet
March 31, 1984

	Golden Towers - Fairbanks	Chugach View - Anchorage	Ptarmigan Park - Anchorage	Sunset View - Cordova	Glacier View - Seward	Marine View - Juneau	State Remote Housing Projects	Total
Assets								
Cash	$ 1,028	1,121	762	778	613	1,079	5	5,386
Investments	177,017	665,608	4,817	98,250	184,537	—	47,152	1,177,381
Accounts receivable	1,684	7,189	2,153	1,088	2,961	1,183	892	17,150
Due from other funds, net	43,966	28,628	3,694	9,277	33,017	(172,086)	(99,507)	(153,011)
Deferred Charges	—	—	58	92	—	—	—	150
Total Assets	$223,695	702,546	11,484	109,485	221,128	(169,824)	(51,458)	1,047,056
Liabilities and Fund Balances (Deficit) - Undesignated								
Liabilities:								
Security deposits	12,107	15,536	2,802	3,596	3,985	7,550	—	45,576
Accounts payable	14,857	3,845	1,033	4,772	8,795	31,139	12,500	76,941
Accrued expenses	20,272	21,382	3,143	5,369	6,970	19,386	41	76,563
Total liabilities	47,236	40,763	6,978	13,737	19,750	58,075	12,541	199,080
Funds balances (deficit) - undesignated	176,459	661,783	4,506	95,748	201,378	(227,899)	(63,999)	847,976
Total Liabilities and Fund Balances (Deficit) - Undesignated	$223,695	702,546	11,484	109,485	221,128	(169,824)	(51,458)	1,047,056

Special Revenue Funds
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances (Deficits)

Year ended March 31, 1984

	Golden Towers - Fairbanks	Chugach View - Anchorage	Ptarmigan Park - Anchorage	Sunset View - Cordova	Glacier View - Seward	Marine View - Juneau	State Remote Housing Projects	Total
Revenues:								
Rental	$ 924,782	904,257	168,406	245,866	325,518	696,568	–	3,265,397
Interest	12,866	56,081	814	8,792	17,294	978	6,904	103,729
Other	15,387	19,706	2,004	3,563	4,916	–	–	45,576
Total revenues	953,035	980,044	171,224	258,221	347,728	697,546	6,904	3,414,702
Expenditures:								
Rental	297,770	297,388	46,133	99,443	123,048	291,245	–	1,155,027
Administrative	61,241	61,859	14,045	19,794	21,144	94,023	3,901	276,007
Refund of fire insurance proceeds	–	–	–	–	–	–	94,018	94,018
Fixed asset acquisition	3,040	1,180	–	–	–	3,378	–	7,598
Total expenditures	362,051	360,427	60,178	119,237	144,192	388,646	97,919	1,532,650
Excess (deficiency) of revenues over expenditures	590,984	619,617	111,046	138,984	203,536	308,900	(91,015)	1,882,052
Other financing uses - transfers out	527,886	467,293	128,011	121,474	169,245	240,932	–	1,654,841
Excess (deficiency) of revenues over expenditures and other financing uses	63,098	152,324	(16,965)	17,510	34,291	67,968	(91,015)	227,211
Fund balances (deficit) at beginning of year	124,900	523,927	25,257	82,381	172,588	(288,294)	27,016	667,775
Prior period adjustment	(11,539)	(14,468)	(3,786)	(4,143)	(5,501)	(7,573)	–	(47,010)
Fund balances (deficit) at end of year	$176,459	661,783	4,506	95,748	201,378	(227,899)	(63,999)	847,976

Schedule of General Fixed Assets by Function and Activity

March 31, 1984

Function and Activity	Land	Buildings	Office Equipment	Other Equipment and Vehicles	Total
General Fund	$ –	–	165,249	16,926	182,175
Rental properties:					
Golden Towers - Fairbanks	561,900	5,257,501	4,836	17,473	5,841,710
Chugach View - Anchorage	225,600	5,630,771	7,881	16,239	5,880,491
Ptarmigan Park - Anchorage	8,500	1,118,506	1,993	852	1,129,851
Sunset View - Cordova	40,000	1,418,313	2,435	3,101	1,463,849
Glacier View - Seward	40,000	1,953,702	2,251	4,067	2,000,020
Marine View - Juneau	271,804	5,079,009	2,097	14,485	5,367,395
Senior housing capital projects:					
Anchorage	–	32,731	–	–	32,731
Wasilla	–	114	–	–	114
Palmer	–	143	–	–	143
Total general fixed assets	$1,147,804	20,490,790	186,742	73,143	21,898,479

State Lease Building Program
Statements of Cash and Investments and Changes Therein
Year ended March 31, 1984

	1966 Program	1967 Program	1968 Program	
			Phase I	Phase II
	Bond Service Fund	Bond Service Fund	Bond Service Fund	Bond Service Fund
Cash and Investment balances, April 1, 1983	$ –	–	–	–
Increases in cash and investments:				
State of Alaska lease payments	312,009	371,057	258,155	127,775
Interest received	2,674	3,646	2,965	1,653
	314,683	374,703	261,120	129,428
Decreases in cash and investments:				
Bond debt service payments				
Principal	205,000	225,000	140,000	65,000
Interest	102,010	141,057	113,155	57,775
Transfers of excess funds to Alaska State Housing Authority General Fund	7,673	8,646	7,965	6,653
	314,683	374,703	261,120	129,428
Cash and Investment balances, March 31, 1984	$ –	–	–	–

State Lease Building Program
Statements of Cash and Investments and Changes Therein
Year ended March 31, 1984

	1969 Program	1970 Program		
		Phase I	Phase II	Phase III
	Bond Service Fund	Bond Service Fund	Bond Service Fund	Bond Service Fund
Balances at April 1, 1983:				
Cash	$ 1,480	58,472	90,365	46
Temporary cash investments	23,993	–	–	186,000
	25,473	58,472	90,365	186,046
Increases in cash and investments:				
State of Alaska lease payments	356,550	623,700	915,775	1,926,425
Interest received	9,089	15,879	23,537	49,125
	365,639	639,579	939,312	1,975,550
Decreases in cash and investments:				
Bond debt service payments				
Principal	175,000	520,000	765,000	1,615,000
Interest	176,550	157,150	232,050	487,900
Transfers of excess funds to Alaska State Housing Authority General Fund	–	16,151	27,127	48,646
	351,550	693,301	1,024,177	2,151,546
Balances at March 31, 1984				
Cash	528	4,750	5,500	(124,950)
Temporary cash investments	39,034	–	–	135,000
	$ 39,562	4,750	5,500	10,050

State Lease Building Program
Statements of Cash and Investments and Changes Therein

Year ended March 31, 1984

	1971 Program	1972 Program			
		Phase I		Phase II	
	Bond Service Fund	Bond Service Fund	Bond Service Fund	Acquisition Construc-tion Account	Bond Service Fund
Balances at April 1, 1983:					
Cash	$ 79,734	21,263	784	101	731
Temporary cash investments	–	–	164,000	159,913	180,000
	79,734	21,263	164,784	160,014	180,731
Increases in cash and investments:					
State of Alaska lease payments	358,315	100,040	739,770	–	831,320
Interest received	11,738	3,341	24,093	13,247	26,585
Transfers from other State Building Programs	–	–	20,000	–	–
	370,053	103,381	783,863	13,247	857,905
Decreases in cash and investments:					
Bond debt service payments					
Principal	205,000	55,000	425,000	–	485,000
Interest	225,804	60,816	470,499	–	519,861
Administrative expenses	–	–	20,000	2,237	–
Transfers of excess funds to Alaska State Housing Authority General Fund	9,809	3,091	17,189	62,550	21,554
Transfers to other State Building Programs	–	–	–	20,000	–
	440,613	118,907	932,688	84,787	1,026,415
Balances at March 31, 1984					
Cash	9,174	5,737	(149,041)	100	(162,779)
Temporary cash investments	–	–	165,000	88,374	175,000
	$ 9,174	5,737	15,959	88,474	12,221

State Lease Building Program
Statements of Cash and Investments and Changes Therein
Year ended March 31, 1984

	1973 Program			1974 Program
	Phase I	Phase II		
	Bond Service Fund	Construction Account	Bond Service Fund	Bond Service Fund
Balances at April 1, 1983:				
Cash	$ 891	1	306	728
Temporary cash investments	132,000	193,581	308,000	281,000
	132,891	193,582	308,306	281,728
Increases in cash and investments:				
State of Alaska lease payments	627,615	–	1,348,825	1,069,975
Interest received	20,120	861	44,082	36,752
	647,135	861	1,392,907	1,106,727
Decreases in cash and investments				
Bond debt service payments				
Principal	370,000	–	750,000	520,000
Interest	382,648	–	901,425	826,563
Administrative expenses	–	1,339	–	–
Transfers of excess funds to Alaska State Housing Authority General Fund	13,761	193,104	26,013	20,280
	766,409	194,443	1,677,438	1,366,843
Balances at March 31, 1984				
Cash	(121,383)	–	(286,225)	(263,388)
Temporary cash investments	135,000	–	310,000	285,000
	$ 13,617	–	23,775	21,612

Balance Sheet

Wrangell 221 (d)(3) F.H.A. Project 176-55002PD
As of March 31, 1984

Assets		
Current Assets:		
Unrestricted cash		$ 1,860
Cash restricted for tenants' security deposits		2,087
Receivable from tenants		2,254
Deposits with Federal National Mortgage Association for taxes and insurance		3,118
Total current assets		9,319
Deposits with Federal National Mortgage Association for replacements		43,509
Land, building and equipment, at cost:		
Land	$ 95,497	
Building	574,918	
Building equipment	25,371	
Miscellaneous equipment	4,227	
	700,013	
Less accumulated depreciation	258,394	
Net land, building and equipment		441,619
Total Assets		$494,447
Liabilities and Project Deficit		
Current liabilities:		
Current installments of long-term debt		$ 14,392
Accounts payable		29,770
Accrued salaries		2,324
Tenants' security deposits		2,087
Unearned rental income		304
Total current liabilities		48,877
Long-term debt, excluding current installments		466,828
Project deficit		(21,258)
Total Liabilities and Project Deficit		$494,447

Statement of Profit and Loss

Wrangell 221 (d)(3) F.H.A. Project 176-55002PD

For the Year Ended March 31, 1984

Income Accounts

Rent Income:	
Apartments	$ 98,346
Rent Supplement Payments	88,194
Total Rental Income	186,540
Miscellaneous Income	(7,255)
Total Income	179,285

Project Expense Accounts

Administrative Expenses:	
Office Salaries	16,642
Office Expense	1,697
Office Rent	1,009
Legal Expenses (Project)	206
Auditing Expenses (Project)	2,000
Telephone and Telegraph	1,400
Bad Debts	3,110
Miscellaneous	2,877
Terminating Leave Payments	106
Total Administrative Expenses	29,047
Operating Expenses:	
Fuel	23,505
Janitor Payroll	3,703
Gasoline, Oil and Grease	209
Electricity	23,345
Water	3,836
Garbage	1,711
Miscellaneous	7,496
Total Operating Expenses	63,805
Renting Expenses:	
Advertising	34
Total Renting Expenses	34

Maintenance Expenses:	
Grounds Payroll	1,567
Repairs Payroll	13,826
Repairs Material	10,497
Repairs Contract	1,953
Decorating Payroll	11,629
Decorating supplies	231
Miscellaneous	15,735
Total Maintenance Expenses	55,438
Depreciation:	
Buildings	14,373
Building Equipment - Fixed	1,247
Loss on Disposition of Non-expendable Equipment	765
Total Depreciation	16,385
Taxes and Insurance:	
Payroll Taxes	4,454
Workmen's Compensation Insurance	1,009
Insurance Fire and Casualty	5,222
Health Insurance and Retirement Benefits	10,484
Total Taxes and Insurance	21,169
Financial Expenses:	
Interest on Mortgage Payable	14,665
Total Financial Expenses	14,665
Total Cost of Operations	200,543
Net Profit or Loss	$ (21,258)

Enterprise Funds
Combining Balance Sheet

March 31, 1984

	Coho Park	Chinook	Alpine Meadows	Alpine Terrace	Boundary Manor	Windemere Apartments	Total
Assets							
Cash	$ 163,313	24,997	14	17	130	66	188,537
Investments, restricted	344,826	548,462	12,919,845	1,329,333	2,033,917	1,287,359	18,463,742
Receivables:							
Mortgages	2,390,663	2,382,000	19,173,200	2,334,200	3,224,400	2,601,800	32,106,263
Interest	32,237	55,334	634,062	73,181	110,916	79,973	985,703
Other	870	–	–	–	–	–	870
Unamortized bond issuance costs	–	171,193	662,462	83,312	108,807	91,518	1,117,292
Total Assets	$2,931,909	3,181,986	33,389,583	3,820,043	5,478,170	4,060,716	52,862,407
Liabilities and Retained Earnings							
Due to other funds	$ –	4,208	9,329	7,838	8,378	8,432	38,185
Accounts payable	–	67,949	12,344,667	1,068,234	1,937,736	1,182,715	16,601,301
Bond Interest payable	155,350	104,872	806,067	98,734	135,705	110,185	1,410,913
Revenue bonds payable	2,390,000	2,615,000	20,205,853	2,475,180	3,400,776	2,762,879	33,849,688
Reserves:							
Mortgage	47,817	45,800	–	–	–	–	93,617
Debt service	195,000	236,000	–	–	–	–	431,000
Extraordinary	–	15,500	–	–	–	–	15,500
Over colleralization	–	–	–	42,307	–	–	42,307
Restricted funds	14,211	76,700	–	132,015	–	–	222,926
Total liabilities	2,802,378	3,166,029	33,365,916	3,824,308	5,482,595	4,064,211	52,705,437
Retained earnings (deficit)	129,531	15,957	23,667	(4,265)	(4,425)	(3,495)	156,970
Total Liabilities and Retained Earnings	$2,931,909	3,181,986	33,389,583	3,820,043	5,478,170	4,060,716	52,862,407

Enterprise Funds
Combining Statement of Revenues, Expenditures, and Changes in Retained Earnings

Year ended March 31, 1984

	Coho Park	Chinook	Alpine Meadows	Alpine Terrace	Boundary Manor	Windemere Apartments	Total
Revenues:							
Interest Income:							
Mortgage	$270,770	155,354	266,482	38,661	39,581	46,229	817,077
Investment	57,065	101,318	580,562	64,649	101,388	69,994	974,976
Other	5,000	–	–	–	–	–	5,000
Total revenues	332,835	256,672	847,044	103,310	140,969	116,223	1,797,053
Expenditures:							
Interest	308,376	232,118	806,783	98,821	135,826	110,282	1,692,206
Administrative	14,159	8,597	16,594	8,754	9,568	9,436	67,108
Total expenditures	322,535	240,715	823,377	107,575	145,394	119,718	1,759,314
Net income (loss)	10,300	15,957	23,667	(4,265)	(4,425)	(3,495)	37,739
Retained earnings, beginning of year	119,231	–	–	–	–	–	119,231
Retained earnings (deficit), end of year	$129,531	15,957	23,667	(4,265)	(4,425)	(3,495)	156,970

Summary of Indebtedness

Description	Original Amount	Balance Owed at March 31, 1984
Nunaka Valley, Marine View, and Section 8 New Construction debt	$ 21,547,445	$ 20,007,883
State Lease Building Program debt	106,150,000	54,365,000
221(d)4 Multi-family revenue bonds payable	33,849,688	33,849,688
HUD notes payable	N/A	31,679,016
Wrangell 221(d)3 indebtedness	666,500	481,220
Total ASHA long-term indebtedness		$140,382,807

	Interest		Issue date	Final maturity date	Annual payments	Authorized	Issued	Retired		Outstanding balance at March 31, 1984
	Rate	Due						Current Period	Total	
General obligation bonds refunding B bonds	3.250%	Monthly	May 1, 1960	May 1, 1985	$ 26,300	$ 809,391	$ 809,391	$ –	$ –	$ 809,391
Notes payable:										
Alaska Housing Finance Corporation	3.471	Annually	Nov 28, 1972	Mar 1, 2009	240,932	4,420,000	4,420,000	102,826	570,002	3,849,998
State of Alaska	10.000	Monthly	Jan 21, 1976	Jun 1, 2017	527,886	5,300,000	5,300,000	18,101	212,105	5,087,895
State of Alaska	7.445	Semi-Annually	May 31, 1977	Aug 1, 2017	467,293	5,911,453	5,911,453	38,263	177,276	5,734,177
State of Alaska	10.000	Monthly	Feb 21, 1979	Jan 1,2011	128,011	1,411,179	1,411,179	8,384	219,527	1,191,652
State of Alaska	7.400	Monthly	Feb 21,1979	May 1,2011	121,474	1,523,185	1,523,185	15,706	104,029	1,419,156
State of Alaska	8.044	Monthly	Feb 21, 1979	May 1, 2011	169,245	2,122,237	2,122,237	18,365	256,623	1,865,614
						20,688,054	20,688,054	201,645	1,539,562	19,148,492
Other:										
State of Alaska	-	At maturity	Aug 3, 1977	Jul 1, 2017	–	50,000	50,000	–	–	50,000
						$21,547,445	$21,547,445	$201,645	$1,539,562	$20,007,883

221(d)4 Multi-Family Revenue Bonds Payable

ASHA has issued tax exempt multi-family housing revenue bonds. The bonds were issued to fund certain reserves and provide the Authority with monies to make FHA-insured loans to six partnerships for the development of multi-family rental housing units in the City of Juneau and Municipality of Anchorage:

Description	Property Location	Interest Rate	Interest Due	Issue Date	Final Maturity	Authorized Issued and Outstanding Balance March 31, 1984
Series A - Coho Park ...	Juneau	13%	Semi-Annually	7/29/82	10/1/2023	$ 2,390,000
Series A - Chinook Apartments	Juneau	9-5/8%	Semi Annually	4/29/83	5/1/2024	2,615,000
Series B - Alpine Meadows:	Anchorage					
Serial Bonds		5.75 to 9.6%	Semi-Annually	10/20/83	10/1/1998	15,420,000
Term Bonds... ...		9%	Semi-Annually	10/20/83	4/1/2008	950,000
Compound interest bonds		10.25%	Semi-Annually	10/20/83	10/1/2025	3,835,853
						20,205,853
Series C - Alpine Terrace:	Anchorage					
Serial Bonds		5.75 to 9.6%	Semi-Annually	10/20/83	10/1/1998	1,900,000
Term Bonds.....		9%	Semi-Annually	10/20/83	4/1/2008	95,000
Compound interest bonds		10.25%	Semi-Annually	10/20/83	10/1/2025	480,180
						2,475,180
Series D - Boundary Manor:	Anchorage					
Serial Bonds		5.75 to 9.6%	Semi-Annually	10/20/83	10/1/1998	2,645,000
Term Bonds.....		9%	Semi-Annually	10/20/83	4/1/2008	95,000
Compound interest bonds		10.25%	Semi-Annually	10/20/83	10/1/2025	660,776
						3,400,776
Series E - Windemere Apartments:	Anchorage					
Serial Bonds		5.75 to 9.6%	Semi-Annually	10/20/83	10/1/1998	2,135,000
Term Bonds.....		9%	Semi-Annually	10/20/83	4/1/2008	95,000
Compound interest bonds		10.25%	Semi-Annually	10/20/83	10/1/2025	532,879
						2,762,879
						$33,849,688

State Lease Building Program Debt

1966, 1967 and 1968 State Building Programs (under Trust Indentures between the Authority and Bradford Trust Company, as Successor Trustee to Franklin National Bank)

Issue	Interest rate	Original amount	Balance at March 31, 1984
Under Trust Indenture dated June 1, 1966:			
Construction Project No. 1 Bonds, final maturity date August 1, 1991	4-7/8 - 6%	4,375,000	1,990,000
Under Trust Indenture dated July 1, 1967:			
196[illegible] Lease Revenue Bonds, final maturity date August 1, 1992	5.2 - 6%	5,020,000	2,585,000
Under Trust Indenture dated December 1, 1968:			
1968 Lease Revenue Bonds:			
Phase I, final maturity date August 1, 1993	5.5 - 6%	3,355,000	1,935,000
Phase II, final maturity date August 1, 1994	5.5 - 6%	1,585,000	990,000

1969, 1970, 1971, 1972, 1973 and 1974 State Building Programs (under Trust Indentures between the Authority and Bank of America National Trust and Savings Association, . . Trustee)

Issue	Final maturity date	Early redemption date	Interest rates	Original amount	Balance at March 31, 1984
1969	August 1, 1994	August 1, 1985	6.0%	$ 5,750,000	2,855,000
1970					
Phase I	October 1, 1985	None	6.8 - 7.0	5,560,000	1,150,000
Phase II	October 1, 1985	None	6.8 - 7.0	7,825,000	1,700,000
Phase III	October 1, 1985	None	6.8 - 7.0	15,710,000	3,570,000
1971	October 1, 1991	October 1, 1985	[illegible].25 - 6.75	3,800,000	2,260,000
1972					
Phase I:					
Acquisition	October 1, 1992	October 1, 1985	5.0 - 6.5	1,130,000	685,000
Construction	October 1, 1992	October 1, 1984	5.0 - 6.5	8,280,000	5,300,000
Phase II	October 1, 1992	October 1, 1984	5.0 - 6.5	9,400,000	5,935,000
1973:					
Phase I	October 1, 1992	October 1, 1984	5.0 - 6.5	7,250,000	4,585,000
Phase II	October 1, 1993	October 1, 1985	5.0 - 6.5	15,310,000	10,435,000
1974	October 1, 1994	October 1, 1985	6.1 - 7.0	11,440,000	8,390,000

ASHA Staff: From left to right – Julia Tucker-*General Counsel;* William Foster-*Executive Administrative Officer;* Paul Harris-*Controller;* George Briggs-*Deputy Executive Director;* Sherri Redden-*Administrative Secretary;* Kay Snyder-*Director of Housing Management.*

Alaska State Housing Authority
624 West International Airport Road
P.O. Box 100080, Anchorage, Alaska 99510
Telephone (907) 562-2813

SB

92

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

1/31/85

Date May 7, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 92

benefits under the supplemental benefits system; efd.

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

[ ] do pass

[X] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

(907) 465-4470

April 5, 1985

Honorable Mitch Abood
Chairman
Senate State Affairs Committee
Pouch V
Juneau, AK 99811

Dear Senator Abood:

During your committee hearing on March 26 concerning SB 92, you requested additional fiscal information.

The enclosed draft fiscal note and analysis and attachments show the data processing costs in greater detail as you requested. I have also assumed that the committee substitute will contain language to specifically include a dependent care benefit as a Supplemental Benefits System (SBS) option and have shown a separate cost for the necessary data processing modifications. In preparing this draft fiscal note, we were also able to reduce some of the data processing costs to reflect some work being performed under contract; the net effect is an increase of $42.7. The fiscal note analysis discusses this in further detail.

Should you have any questions or require further information, I will be happy to respond.

Sincerely,

J.K. Humphreys
Director

JKH/plg/5
cc: Rebecca Burch
Special Assistant
to the Commissioner
Department of Administration

DRAFT

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

DRAFT

Bill/Resolution No.: CSSB 92
Title: An Act Relating to Benefits Under the Supplemental Benefits System
Sponsor: Governor
Requestor:
Date of Request:

FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: Labor Services
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs						
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual		242.7	10.0	10.0	10.0	10.0
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING		242.7	10.0	10.0	10.0	10.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		242.7	10.0	10.0	10.0	10.0
TOTAL		242.7	10.0	10.0	10.0	10.0

POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

DRAFT

Prepared By: J.K. Humphreys, Director
Phone: 465-4470
Division: Retirement & Benefits
Date: 4/4/85

Approved by Commissioner: Lisa Rudd
Date:
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Rev. 7/1/84

Draft CS Senate Bill 92
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration
April 4, 1985

IV ANALYSIS: This draft fiscal note assumes that the substitute for SB 92 contains a provision to specifically include dependent care as an additional, optional SBS benefit.

This bill would allow the Administrator of the state's Supplemental Benefits System (SBS) to amend the State of Alaska Supplemental Annuity Plan to provide for additional voluntary contributions. This amendment to the Plan would be submitted for approval to the Internal Revenue Service (IRS) to retain the Plan's qualified status. The additional contributions would allow SBS participants to defer up to 18% of their compensation as contributions.

The total estimated cost is categorized as follows:

a. $50,000 for consulting services and for booklet and form revision, connected with establishing and qualifying the new Plan in accordance with Federal Law and Internal Revenue Code and to assist in IRS qualification of the Plan. We have included $10,000 in this category for an annual examination of employee contributions to various benefit programs by our benefit consultant to identify any employees who may have overdeferred on an annual basis. Other costs included here are the preparation and distribution of informational materials for employees.

b. $192,745 for data processing changes to systems in the divisions of Finance and Retirement & Benefits. These costs are further categorized on the attached detail sheets and are as follows:
   1) $99,995 for data processing changes in the Division of Finance to accept additional voluntary contributions;
   2) $22,750 for data processing changes in the Division of Retirement & Benefits to accept additional voluntary contributions; and
   3) $70,000 for data processing changes in the Division of Retirement & Benefits to add dependent care as an additional benefit option.

State Of Alaska	Bill: SB-92
SMALL PROJECT - General Purpose Form	page 1 of 2
Project Name: SBS Voluntary - Estimation Assumptions & Summary	
Prepared By: Judy Elliott	Date: 03/28/85

Estimation Assumptions:

1. SBS Voluntary forms will be created and collected by Retirement and Benefits once a year. They will be hand verified and passed to Payroll for processing.
2. SBS Voluntary will be elected as a monitary amount rather than a percentage of gross.
3. SBS Voluntary maximum amount will be calculated by Retirement and Benefits.
4. Payroll will send SBS Voluntary deduction amounts to Retirement and Benefits on the current SBS contribution tape with a new type code.
5. This change will be calculated at in-house prices for DP labor costs.
6. The SBS master will not have to be expanded as the SBS voluntary will be held in the annuity balance YTD and ITD fields.
7. Excess SBS Voluntary deductions will be identified by an outside consultant and returned to the member in the next tax year via the annuity payout process in the SBS.

Estimation Summary:

Based on the detailed estimate following, this option will take approximately 4.3 man-months to build at a cost of $22,750 using in-house DP staff. An estimation of contracting staff costs for this same project would be $50,000 including some time for the contractors to familiarize themselves with the Retirement & Benefits SBS system. This will take approximately 2 calendar months of time to implement utilizing in-house maintenance staff.
This change would be estimated to add 1,000 executable lines of code to the SBS System.

State Of Alaska	Bill: SB-92
SMALL PROJECT - Project Estimation	page 2 of 2
Project Name: SBS Voluntary - SBS System Changes	
Prepared By: Judy Elliott	Date: 03/28/85

TASK	DESCRIPTION	EST HOURS	EST RATE	EST COST
1.00	General design phase			
.1	System definition	35	35	1,225
.2	System plan	20	35	700
.3	User requirements	20	35	700
.4	Hardware Requirements	0	35	0
.5	Software selection	0	35	0
.6	System narrative	20	35	700
.7	System flow	20	35	700
.8	Data Dictionary (definitions)	15	35	525
.9	Approvals, miscellaneous meetings, etc.	10	35	350
I.	Estimated Phase Totals	140	35	4,900
2.00	Detail design phase			
.1	Systems design	20	35	700
.2	Subsystems design	35	35	1,225
.3	Subsystem flows	15	35	525
.4	Input/output design	20	35	700
.5	Data Base design	15	35	525
.6	Program design and specification	30	35	1,050
.7	General design update	40	35	1,400
.8	Data Dictionary update	10	35	350
.9	Approvals, walk-thrus, meetings, etc.	15	35	525
II.	Estimated Phase Totals	200	35	7,000
3.00	Programming and Implementation phase			
.1	Programming	120	35	4,200
.2	Unit testing	45	35	1,575
.3	Integrated test plan	20	35	700
.4	System testing	40	35	1,400
.5	User manuals	25	35	875
.6	User training	10	35	350
.7	Project turnover	15	35	525
.8	General and detail design update	15	35	525
.9	Data Dictionary update	05	35	175
.10	Approvals, walk-thrus, meetings, etc.	15	35	525
III.	Estimated Phase Totals	310	35	10,850
	Estimated Project Total	650	35	22,750

State Of Alaska	Bill: SB-92
SMALL PROJECT - General Purpose Form	page 1 of 2
Project Name: SBS Dependent Care Option - Assumptions & Summary	
Prepared By: Judy Elliott	Date: 03/28/85

Estimation Assumptions:

1. SBS Dependent Care will be an extra option on the SBS enrollment forms.
2. This change will be calculated at in-house prices for DP labor costs.
3. The SBS master will have to be expanded to hold the new option choice and YTD and ITD premium paid fields. This master file expansion will require the addition of half a disk pack.

Estimation Summary:

Based on the detailed estimate following, this option will take approximately 1.1 man-years to build at a cost of $70,000 using in-house DP staff. An estimation of contracting staff costs for this same project would be $162,500 including some time for the contractors to familiarize themselves with the Retirement & Benefits SBS system. This will take approximately 4 calendar months of time to implement utilizing in-house staff. This change would be estimated to add 1,250 executable lines of code to the SBS System.

State Of Alaska	Bill: SB-92
SMALL PROJECT - Project Estimation	page 2 of 2
Project Name: SBS Dependent Care Option - SBS System Changes	
Prepared By: Judy Elliott	Date: 03/28/85

TASK	DESCRIPTION	EST HOURS	EST RATE	EST COST
1.00	General design phase			
.1	System definition	80	35	2,800
.2	System plan	75	35	2,625
.3	User requirements	80	35	2,800
.4	Hardware Requirements	0	35	0
.5	Software selection	0	35	0
.6	System narrative	40	35	1,400
.7	System flow	75	35	2,625
.8	Data Dictionary (definitions)	75	35	2,625
.9	Approvals, miscellaneous meetings, etc.	25	35	875
I.	Estimated Phase Totals	450	35	15,750
2.00	Detail design phase			
.1	Systems design	80	35	2,800
.2	Subsystems design	80	35	2,800
.3	Subsystem flows	40	35	1,400
.4	Input/output design	40	35	1,400
.5	Data Base design	80	35	2,800
.6	Program design and specification	120	35	4,200
.7	General design update	75	35	2,625
.8	Data Dictionary update	80	35	2,800
.9	Approvals, walk-thrus, meetings, etc.	30	35	1,050
II.	Estimated Phase Totals	625	35	21,875
3.00	Programming and Implementation phase			
.1	Programming	420	35	14,700
.2	Unit testing	150	35	5,250
.3	Integrated test plan	45	35	1,575
.4	System testing	150	35	5,250
.5	User manuals	40	35	1,400
.6	User training	10	35	350
.7	Project turnover	40	35	1,400
.8	General and detail design update	20	35	700
.9	Data Dictionary update	25	35	875
.10	Approvals, walk-thrus, meetings, etc.	25	35	875
III.	Estimated Phase Totals	925	35	32,375
	Estimated Project Total	2000	35	70,000

State Of Alaska	Bill: SB-92
SMALL PROJECT - General Purpose Form	page 1 of 2
Project Name: SBS Voluntary - Payroll Estimation Assumptions & Summary	
Prepared By: Sally Hooton/Gene Chittenden	Date: 03/27/85

Estimation Assumptions:

1. SBS Voluntary forms will be created and collected by Retirement and Benefits once a year. They will be hand verified and passed to Payroll for processing.
2. SBS Voluntary will be elected as a monetary amount rather than a percentage of gross.
3. SBS Voluntary maximum amount will be calculated by Retirement and Benefits and passed to payroll for use in calculations.
4. The payroll master will need to be expanded to keep YTD SBS Voluntary amounts.
5. SBS Voluntary will be reported on the payroll stub.
6. Annual max-out figures will be used to coordinate editing between SBS mandatory, SBS Voluntary, and Deferred Compensation amounts.
7. SBS Voluntary will not be taken for any warrant, like Deferred Compensation, if the member exceeds the annual maximum based on YTD gross pay or if the member's monthly net pay is less than the SBS Voluntary amount.
8. SBS Voluntary may be taken even if Deferred Compensation is dropped on a particular warrant.
9. This change to payroll will be calculated at in-house prices for DP labor costs.
10. SBS Voluntary will be handled as a pre-tax deduction.
11. Excess SBS Voluntary deductions will be identified by an outside consultant and returned to the member in the next tax year via the annuity payout process in the SBS.
12. Payroll will send SBS Voluntary deduction amounts to Retirement and Benefits on the current SBS contribution tape with a new type code.

Estimation Summary:

Based on the detailed estimate following, this option will take approximately 1.47 man-years to build at a cost of $99,995 using in-house payroll staff. An estimation of contracting staff costs for this same project would be $175,000 including some time for the contractors to familiarize themselves with the Payroll System. This will take approximately 6 calendar months to implement utilizing in-house maintenance staff. This change is estimated to add 5,000 executable lines of code to the Payroll System.

State Of Alaska	Bill: SB-92
SMALL PROJECT - Project Estimation	page 2 of 2
Project Name: SBS Voluntary - Payroll System Changes	
Prepared By: Sally Hooton/Gene Chittenden	Date: 03/27/85

TASK	DESCRIPTION	EST HOURS	EST RATE	EST COST
1.00	General design phase			
.1	System definition	140	35	4,900
.2	System plan	100	35	3,500
.3	User requirements	160	35	5,600
.4	Hardware Requirements	10	35	350
.5	Software selection	10	35	350
.6	System narrative	80	35	2,800
.7	System flow	80	35	2,800
.8	Data Dictionary (definitions)	40	35	1,400
.9	Approvals, miscellaneous meetings, etc.	80	35	2,800
I.	Estimated Phase Totals	700	35	24,500
2.00	Detail design phase			
.1	Systems design	72	35	2,520
.2	Subsystems design	160	35	5,600
.3	Subsystem flows	100	35	3,500
.4	Input/output design	80	35	2,800
.5	Data Base design	100	35	3,500
.6	Program design an ' specification	160	35	5,600
.7	General design update	45	35	1,575
.8	Data Dictionary update	40	35	1,400
.9	Approvals, walk-thrus, meetings, etc.	100	35	3,500
II.	Estimated Phase Totals	857	35	29,995
3.00	Programming and Implementation phase			
.1	Programming	400	35	14,000
.2	Unit testing	160	35	5,600
.3	Integrated test plan	120	35	4,200
.4	System testing	140	35	4,900
.5	User manuals	100	35	3,500
.6	User training	40	35	1,400
.7	Project turnover	120	35	4,200
.8	General and detail design update	80	35	2,800
.9	Data Dictionary update	40	35	1,400
.10	Approvals, walk-thrus, meetings, etc.	100	35	3,500
III.	Estimated Phase Totals	1300	35	45,500
	Estimated Project Total	2857	35	99,995

SB

97

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY

1/25/85

Date 1/25/85

Mr. President

The Committee on STATE AFFAIRS considered SB 97

forfeiture of weapons used to commit a crime.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for

[ ] new title

[ ] same title and recommends

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to Committee

MEMBERS SIGNING
DO PASS

Ed Kennedy

V. Fischer

Tom Keedy

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Introduced: 1/25/85
Referred: State Affairs
and Judiciary

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 97

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to forfeiture of weapons used to commit a crime."

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

* Section 1. AS 12.55.015(a) is amended to read:

(a) Except as limited by AS 12.55.125 -- 12.55.175, the court, in imposing sentence on a defendant convicted of an offense, may singly or in combination

(1) impose a fine when authorized by law and as provided in AS 12.55.035;

(2) order the defendant to be placed on probation under conditions specified by the court which may include provision for active supervision;

(3) impose a definite term of periodic imprisonment;

(4) impose a definite term of continuous imprisonment;

(5) order the defendant to make restitution as provided in AS 12.55.045;

(6) order the defendant to carry out a continuous or periodic program of community work as provided in AS 12.55.055;

(7) suspend execution of all or a portion of the sentence imposed as provided in AS 12.55.080;

(8) suspend imposition of sentence as provided in AS 12.55.085;

(9) order the forfeiture to the Department of Public Safety of any deadly weapon possessed or used by the defendant during the

commission of the offense; as used in this paragraph, deadly weapon means the same as in AS 11.81.900.

* Sec. 2. AS ~~33.30~~ 12.36 is amended by adding new sections to read:

Chapter 36. Disposition of Recovered[, OR] Seized, or Forfeited Property

Sec. ~~33.30.295~~ 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claimant seeking remission of or remittance of the value of the claimant's interest in a weapon ordered forfeited under AS 12.55.015(a)(9) must prove to the court by a preponderance of evidence that the claimant

(1) has a valid interest in the weapon, acquired in good faith;

(2) did not knowingly participate in the commission of the crime in which the weapon was used; and

(3) did not know or have reasonable cause to believe that the weapon has been or would be used to commit a crime.

(b) Upon a showing that a claimant is entitled to relief under (a) of this section, the order of the court must provide that

(1) if the claimant is entitled to the weapon, it must be delivered to the claimant ~~immediately or~~ within ~~60~~ 30 days after the final disposition of the case.

(2) if the claimant is entitled to remittance of some value less than the total value of the weapon, the claimant is entitled, at the claimant's choice, to receive either the value of the claimant's interest or, upon payment by the claimant of the difference in value, the weapon.

Sec. ~~33.30.297~~ 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. A deadly weapon forfeited under AS 12.55.015(a)(9), unless remitted under AS ~~33.30.295~~ 12.36.050, must be disposed of at the discretion of the commissioner of public safety. The commissioner of public safety may destroy the weapon or use the weapon for law enforcement, ballistics testing, or training purposes.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 97

Support

February 4, 1985

SB 97 - "An Act relating to forfeiture of weapons used to commit a crime

This legislation adds a new paragraph to the general sentencing provisions statute which would authorize a court to order the forfeiture, as part of a defendant's sentence upon conviction, of a deadly weapon which was possessed or used by a defendant during the commission of crime.

It is common to encounter persons who are convicted of violent crimes repeating similar offenses. By being able to hinder such individuals from obtaining the "tools" to commit such crimes, an added degree of safety for the public can thus be provided.

Law enforcement agencies often spend a considerable effort returning knives, clubs, axes, etc. from evidence storage back to individuals who have committed violent crimes. Certainly this effort can be better expended if the weapons can be disposed of at the discretion of the State. Some of the weapons will be used by the Alaska State Troopers Scientific Crime Detection Laboratory for ballistics purposes.

Robert J. Sundberg
Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 97

Title: "...forfeiture of weapons used to comit a crime..."

Sponsor: Rules Committee

Requestor: Senate State Affairs

Date of Request: 2-6-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached analysis.

Prepared By: Francis C. Allan F.C.A. Phone: 269-5691

Division: Alaska State Troopers Date: 2/4/85

Approved by Commissioner: R. J. Sundberg Date: 2-6-85

Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

Revision Date:

REQUEST
Bill/~~Resolution No.~~: 5897
Title: "An Act relating to forfeiture of weapons used to commit a crime."
Sponsor: Senate Rules/Governor
Requestor: Governor's Ofc./OMB
Date of Request: 12/18/84

FISCAL DETAIL
Agency Affected: Department of Law
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

This bill amends AS 12.55.015(a) to give the court the discretionary power to order the forfeiture of a weapon as part of a defendant's sentence following conviction. Although prosecutors will have the added responsibility of advocating forfeiture, when appropriate, this advocacy duty can be accomplished without additional expense.

Richard L. Pegues
Prepared By: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: 12/19/84

Richard L. Pegues/COR
Approved by Commissioner: Norman C. Gorsuch Date: 12/19/84
Agency: Department of Law

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 24, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will authorize a court to order the forfeiture to the Department of Public Safety (DPS) of a deadly weapon possessed or used by a defendant during the commission of a crime. As used in the bill, "deadly weapon" means any firearm (including a pistol, revolver, rifle, or shotgun) or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive.

Although current law authorizes the forfeiture of weapons used to commit fish and game offenses (AS 16.05.195) or offenses involving controlled substances (AS 17.30.110), there is no statutory provision that expressly allows a court to order, as part of a defendant's sentence, the forfeiture of a weapon used to commit crimes such as assault, robbery, or murder. AS 11.61.200 prohibits a felon, during the five years immediately following his "unconditional discharge" (i.e., release from custody or parole or probation) for a felony, from knowingly possessing "a firearm capable of being concealed on his person," and AS 12.55.080 gives a court broad powers to determine and impose reasonable probation conditions (such as no possession of firearms during the period of probation); however, neither of these statutes specifically authorizes a court to order the forfeiture of a weapon used to commit a crime.

To address this surprising omission in existing law, sec. 1 of this bill adds a new paragraph to the general sentencing provisions in AS 12.55.015(a) to authorize a court to order the forfeiture of *a* weapon as part of a defendant's sentence following conviction. Forfeiture would not required in every case, but could be imposed at the court's discretion.

In sec. 2, the bill allows the remission of forfeited weapons to innocent third parties who prove an ownership interest in the weapon. Also, under sec. 2 of the bill, forfeited weapons must either be destroyed or used by DPS for training, ballistics, or other law enforcement purpose.

Passage of this bill will authorize our courts to remove from the hands of a convicted criminal a weapon used to commit a crime. This will at least prevent the convicted person from using that weapon to commit another crime in the future. I urge your prompt and favorable action on this bill.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

SB

100

Position Paper
SB 100

Senate Bill 100 would limit salaries to not more than the salary of the Governor. The limit would apply to all employees of the State; all political subdivisions; other instrumentalities, boards, commissions, and authorities that receive at least 50 percent of their annual budget from the State treasury; grant recipients that receive 50 percent of their annual budget from the State treasury; and the Alaska Railroad Corporation if it receives at least 50 percent of its budget by direct appropriation or grant from the State treasury. Current collective bargaining agreements are not affected, but any new agreement or extention must comply with the provisions of this bill.

There is a technical drafting problem with SB 100. The "notwithstanding" provisions on page 2, lines 10-14, cite collective bargaining statutes. It fails to also cite the geographic differential and longevity provisions (AS 39.27.020 and AS 39.27.022) that place some executive branch salaries above the Governor's salary. It also fails to cite provisions that place the salaries of some judges above the Governor's salary. See AS 22.05.140(c) and AS 22.10.190(c). We believe these citations should be added to avoid any confusion of the bill's applicability to a given situation.

This bill would reverse long standing public policy in this State. Geographic differentials have been a matter of law since at least 1966. Longevity increments have been a matter of law since 1972. This bill would limit each of these when they operate to provide a salary greater than the Governor's salary.

The Governor's salary is set on a different basis than those subject to the State's classification and pay plans created under AS 39.250.150(a) and (b). Setting of the Governor's salary is essentially a political decision for political office. In addition to the salary, the Governor receives housing through the budget for the Executive Mansion. The salary of jobs subject to the classification plan are based on a "fair and reasonable compensation for services rendered, and reflect the principle of like pay for like work" (AS 39.25.150(b)). Geographic differentials and longevity increments have been enacted as legitimate amendments to the basic pay plan to recognize legitimate public purposes in the career service. This bill would override these provisions.

The Division of Personnel urges that serious consideration be given to the questions of geographic differentials and longevity increments before these public policies are reversed by this bill.

Frank Raye, Director
Division of Personnel

2/1/85
Date

Commissioner Lisa Rudd
Department of Administration

2/6/85
Date

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

POUCH C (MS 0201)
JUNEAU, ALASKA 99811
PHONE: (907) 465-4430

February 21, 1985

Honorable Mitchell F. Abood, Jr.
Chairman
Senate State Affairs Committee
Pouch V (MS 3100)
Juneau, AK 99811

Dear Mr. Chairman:

Senate Bill 100 was heard before your Committee on February 6. During my testimony, Committee members asked me to provide additional specific information on salaries of certain employees. I have now gathered the information and am pleased to transmit it to you.

Senator Vic Fischer requested a list of the Executive Branch employees whose "basic salary" (as defined in SB 100) exceeded the salary of the Governor. Attachment 1 lists the eleven (11) employees who fall into this category.

Senator Bill Ray requested a similar list of the Judges and Justices whose "basic salary" exceeded the salary of the Governor. Edna Caldwell, the State Payroll Supervisor, had informed Senator Paul Fischer that 14 Judges and Justices fell into this category. However, there are only ten (10) whose salary exceeds the Governor. There are also four (4) Justices whose salary equals the Governor's. These are Justices who receive no geographic cost-of-living adjustment. See AS 22.05.140(a) and (c). Attachment 2 lists the nine (9) Judges and a Justice whose basic salary exceeds the Governor's.

Senator Vic Fischer requested a listing of all employees whose total compensation exceeded the Governor's. Attachment 3 is such a listing of all employees paid through the Division of Finance, Department of Administration for calendar year 1984. It does not include the University of Alaska, the Alaska Railroad Corporation, nor any other quasi-public corporation that processes its own payroll. I have also excluded those employees in Attachments 1 and 2 to avoid duplication. I have indicated in the Comment column the reason for several employees' salaries to exceed the Governor's on a one-time basis. The salaries of the other employees may be expected to repeatedly exceed the Governor's due to overtime, stand-by, shifts differential, sea duty and other forms of premium pay.

RECEIVED
FEB 25 1985

RECEIVED
FEB 25 1985

I would be happy to answer any questions you may have about this data. I will make every effort to attend your Committee meeting when SB 100 is next scheduled for hearing to answer any questions from other members of the Committee.

Sincerely,

Michael P. McMullen
Deputy Director

MPM/cfm
1/4D1/0219-04
Enclosures
cc: Honorable Paul Fischer
Alaska State Senator
Pouch V (MS 3100)
Juneau, AK 99811

ATTACHMENT 1

Executive Branch Employees Whose Base Salary Exceeds the Governor's

LAST NAME	FIRST NAME	PCN	PAY RATE[1]	SCHEDULE	RANGE	STEP	CLASS TITLE	LOCATION
Davis	Harry L.	031003	7,074.00	E	25	K	Attorney V	Fairbanks
Merriner	Charles M.	031191	8,169.00	F	25	L	Attorney V	Dillingham
Wood	Larry D.	030006	6,818.00	E	25	J	Attorney V	Fairbanks
Wardell	Thomas M.	031044	6,852.00	D	25	L	Attorney V	Kenai
Gould	James V.	031005	7,870.00	H	25	F	Attorney V	Nome
Doogan	James P.	031057	6,818.00	E	25	J	Attorney V	Fairbanks
Romesburg	Kerry D.		6,834.00	A	28	K	*	Juneau
Fraser	Robert	061001	7,339.00	A	29	L	Dir Public Health	Juneau
Conrad	Harold T.	065285	6,900.00	9	29	F	Medical Supt., API	Anchorage
Springer	Heinrich K.	258701	7,870.00	H	26	E	Division Director	Nome
Glenzer	Hubert	255634	7,055.00	E	28	E	Deputy Commissioner	Fairbanks

*Executive Director, Alaska Commission on Post-secondary Education

[1]The Governor's monthly pay rate is $6,804.00.

ATTACHMENT 2

Judges and Justices Whose Base Salary Exceeds the Governor's

LAST NAME	FIRST NAME	LOCATION	MONTHLY SALARY
Blair	James	Fairbanks	6,994.00
Bosshard	John	Valdez	7,209.00
Cooke	Christopher	Bethel	7,209.00
Hodges	Jay	Fairbanks	6,994.00
Jeffrey	Michael I.	Barrow	7,209.00
Jones	Paul B.	Kotzebue	7,209.00
Rabinowitz	Jay A. (Justice)	Fairbanks	7,757.00
Taylor	Warren W.	Fairbanks	6,994.00
Tunley	Charles R.	Nome	7,209.00
VanHoomissen	Gerald	Fairbanks	6,994.00

ATTACHMENT 3

Employees Whose Total Compensation Exceeded the Governor's During 1984

LAST NAME	FIRST NAME	PCN	TOTAL EARNINGS	LOCATION	RANGE/ STEP	CLASS TITLE	COMMENT
Davis	Ronald J.	245708	83,472.33			Civil Engineer I	Terminal leave payoff
Moy	Victor S.	060259	119,626.62	Juneau	17/D	Internal Aud II	Arbitration award (prior year pay reinstated)
Veuthey	Pierre L.	065315	89,780.39	Anchorage	Exempt	Staff Psychiatrist	
Eakins	Gilbert R.	102007	82,123.84	Fairbanks	24/K	Geologist VI	
Hickey	Daniel W.	031058	81,686.40	Juneau	27/K	Chf Pros & Crim Aff	Leave cash-in
South	Herman H.	065287	84,704.00	Anchorage	Exempt	Staff Psychiatrist	
Overstreet	William D.	081238	84,999.96	Tokyo	26/D	Office Director	
Bodine	Jack T.	260403	95,588.16			Right-of-Way Agnt VI	Terminal leave payoff
Nygren	Lyle E.	123025	103,509.76	Kodiak	78/K	Sergent, P.S.	
Reilly	Douglas K.	065282	87,704.00	Anchorage	Exempt	Staff Psychiatrist	
Marshall MD	Robert W.	065002	89,192.00	Anchorage	Exempt	Asst Supt, API	
Livingstone	Bruce L.	062223	82,504.00	Anchorage	Exempt	Staff Psychiatrist	
Mix	Larry A.	121638	94,931.12			Spec Asst to the Comm. II	Terminal leave payoff
Lochman	Robert A.	123107	106,255.92	Kodiak	22/K	Capt., Marine Enf., P.S.	
Dattan	Christop H.	065286	83,418.94	Anchorage	Exempt	Staff Psychiatrist	
Bundy	Robert C.	031008	91,771.70			Attorney V	Terminal leave payoff
Detemple	Joseph F.	121001	86,039.76	Bethel	22/K	Capt., P.S.	
Thatcher	John F.		82,335.34	Marine Trans.		Master	
Borchick	Freda M.	063075	87,843.52			Admin Off III	Terminal leave payoff
Grimes	James V.	121357	82,504.41	Anchorage	78/J	Sergent, P.S.	
Hamill	James E.	065283	86,904.00	Anchorage	Exempt	Staff Psychiatrist	

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

M E M O R A N D U M February 2, 1985

SUBJECT: Sectional Analysis of SB 100
(Prohibiting salaries for certain employees from exceeding the governor's salary)

TO: Senator Paul Fischer

FROM: Teresa B. Cramer Terry Cramer
Legislative Counsel

You have asked for a sectional analysis of SB 100.

Section 1 adds a new section to the Fiscal Procedures Act (AS 37.05) to provide that a state agency may not grant money to an organization or entity unless the organization or entity agrees that none of its employees will be paid a salary greater than the governor's. Subsection (b) defines the organizations and entities to which the limit applies. Subsection (c) gives the department administering the grant responsibility for insuring that the organization or entity is notified of the salary limit requirement and that it agrees to comply with the limit before it receives a grant. Subsection (d) incorporates the expansive definition of "state" contained in AS 39.20.095, enacted in section 2 of the bill, into this section.

Section 2 adds a new section which prohibits the state from paying its employees a salary greater than the governor's salary. The section applies to employees regardless of whether their salaries are set in the collective bargaining process. Subsection (b) defines "basic salary" and contains an expansive definition of "state."

Section 3 requires the Alaska Railroad corporation to abide by the salary limit imposed by section 2 if the corporation receives at least 50 percent of its yearly budget from the state.

Section 4 contains language required by state and federal constitutional prohibitions against impairing the obligations of existing contracts.

Section 5 affirms the independence of the University of Alaska, except as to the salary limit created by the bill.

Section 6 is an immediate effective date.

If I may be of further assistance, please advise.

TBC:mkr
027:M1

SB 100
submitted by
Sen. P. Fischer

Legislators introduce bills to cut state pay

By BRUCE SCANDLING
The Associated Press

JUNEAU — Fifteen University of Alaska administrators earn fatter paychecks than Gov. Bill Sheffield and would face salary cuts under two bills introduced by state lawmakers.

University President Donald O'Dowd tops the list, bringing home $90,938 a year in base pay. Sheffield earns $81,648 annually.

Proposals to limit state salaries to no more than the governor is paid have been introduced in both the state House and Senate. But trying to figure how many more state workers would be affected by the limit is posing a challenge to legislative staffers working on the measures.

A payroll supervisor said at least 21 state workers — not including university, Alaska Housing Authority and Alaska Railroad employees — earn more than the governor when various pay differentials are counted.

"And I'd say a majority of them are the judges," said Edna Caldwell.

Part of the problem in determining who would be affected revolves around differences in the two bills.

Rep. Mike Szymanski, D-Anchorage, drafted legislation that simply says no worker should earn a base salary greater than the governor.

Many state workers, however, especially those in rural areas, have geographic differentials and other pay-boosting factors added to their base salaries.

Szymanski's bill would not count those differentials as base pay, meaning fewer employees would out-earn the governor.

When the salary adjustments are not counted, a review of all classified and exempt state employees — not counting the university — showed no worker earning more than Sheffield, said Mark Higgins, a Szymanski aide.

But a Senate version of the measure would create a large list. The bill drafted by Sen.

See Page C-3, SALARY

Salary cuts for state employees proposed

Continued from Page C-1

Paul Fischer, R-Soldotna, and co-sponsored by six other senators, counts differentials when determining base salary.

Fischer said the practice of paying state workers more according to where they live is a major factor in skyrocketing state salaries.

"It's been somewhat abused over the years," Fischer said. "We have to get away from this thing where the community says it cost two, three or four times more to live in a certain place."

Caldwell said geographic differentials can increase an Alaska worker's salary by up to 33 percent. That's the extra amount an employee is paid for living in such areas as Barrow, Kobuk or the Yukon- an automatic 10 percent geographic boost in salary.

The bill is co-sponsored by Senate President Don Bennett, R-Fairbanks, and Sens. Jack Coghill, R-Nenana; Mitch Abood, R-Anchorage; Frank Ferguson, D-Kotzebue; Pat Rodey, D-Anchorage; and Edna DeVries, R-Palmer.

Salary figures provided by the university don't include geographic differentials, longevity or other cost factors.

Budget Director Brian Rogers said more than 15 employees would top the governor's salary if those factors were counted. Figuring just base pay, these are the top wage earners in the university system:

- O'Dowd, $90,938;
- Patrick O'Rourke, Fairbanks campus chancellor; $88,060;
- Carolyn Floyd, Kodiak Community College president, $87,648;
- Sherman Carter, executive vice president, $87,185;
- Al Okeson, CREE chancellor, $86,448;
- David Outcalt, Anchorage campus chancellor, $85,487;
- Michael Paradise, Juneau campus chancellor, $85,487;
- Herb Lyon, Anchorage Community College chancellor, $83,202;
- Juan Roderer, Geophysical Institute director, $82,953;
- William Phillips, Fairbanks vice chancellor, $82,745;
- Keith Mather, Fairbanks vice chancellor, $82,613;
- Bonita Neiland, Fairbanks professor, $82,568,
- John Bligh, director, Institute of Arctic Biology, $82,-154;
- James Drew, dean, School of Agriculture and

Alaska Public
Employees Association APEA
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Senator Mitch Abood, Chairman
State Affairs Committee

FROM: Cherie Shelley
Executive Director

SUBJECT: SB 100 - Limiting Salaries of Public Employees

DATE: February 6, 1985

The Alaska Public Employees Association opposes this bill as a shortsighted effort to gain political points at the expense of the efficient operation of state government. While we recognize the political advantages attached to such legislation, careful review of the issue reveals that this measure is severely flawed.

There is a fundamental difference between a popularly elected governor and a career civil servant. Governors traditionally have considerable personal wealth and seek the office as the culmination of their political careers. While in office, the governor receives subsidized housing, a considerable expense account, and is free from the mundane concerns of the average citizen. If the generous perquisites attached to the office were considered, the real value of the governor's salary would be considerably greater than Step F, Range 30 of the salary schedule in AS 39.27.011(a).

This bill ignores the education, experience and responsibility which many classified positions require. The state will be unable to attract qualified people to fill highly technical and demanding positions. Due to the specific requirements of some positions, the number of qualified applicants is especially low. To impose an artificial ceiling on salary will further limit the state's ability to recruit and retain the best individuals. The end result will be a mediocrity which the state can ill afford.

The concept of this legislation is diametrically opposite that of the collective bargaining process which the legislature has created. The Public Employment Relations Act (AS 23.40) declares that the state can ensure the orderly operation of government by negotiating with and entering into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment. This legislation would limit the ability

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

of the parties to conduct comprehensive negotiations and destroys the principles of the merit system. State government would not be well served by enactment of this legislation.

The inclusion of "geographical differentials" in the definition of "basic salary" totally ignores the economic reality of life in Alaska. People receive geographical differentials because the cost of living in particular areas has been determined to be higher than the cost of living in Anchorage or Juneau. The Department of Administration is currently conducting a statewide geographical differential study to verify the accuracy of the system. It makes little sense to establish the appropriateness of a cost-of-living differential and then deny the same to public employees because of an arbitrary act of the legislature.

The Cooperative Extension Service of the U.S. Department of Agriculture at the University of Alaska in Fairbanks reported in a recent survey that the cost of a standard market basket of goods in Nome was priced at 180% of the price of similar items in Anchorage. The geographical differentials exist to compensate for this disparity. Until such time as the governor is required to live in Nome, or any other bush community, the inclusion of the geographical differential as a component in any salary comparison is inappropriate.

Alaska Public
Employees Association APEA
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Senator Mitch Abood, Chairman
State Affairs Committee

FROM: Cherie Shelley
Executive Director

SUBJECT: SB 100 - Limiting Salaries of Public Employees

DATE: February 6, 1985

The Alaska Public Employees Association opposes this bill as a shortsighted effort to gain political points at the expense of the efficient operation of state government. While we recognize the political advantages attached to such legislation, careful review of the issue reveals that this measure is severely flawed.

There is a fundamental difference between a popularly elected governor and a career civil servant. Governors traditionally have considerable personal wealth and seek the office as the culmination of their political careers. While in office, the governor receives subsidized housing, a considerable expense account, and is free from the mundane concerns of the average citizen. If the generous perquisites attached to the office were considered, the real value of the governor's salary would be considerably greater than Step F, Range 30 of the salary schedule in AS 39.27.011(a).

This bill ignores the education, experience and responsibility which many classified positions require. The state will be unable to attract qualified people to fill highly technical and demanding positions. Due to the specific requirements of some positions, the number of qualified applicants is especially low. To impose an artificial ceiling on salary will further limit the state's ability to recruit and retain the best individuals. The end result will be a mediocrity which the state can ill afford.

The concept of this legislation is diametrically opposite that of the collective bargaining process which the legislature has created. The Public Employment Relations Act (AS 23.40) declares that the state can ensure the orderly operation of government by negotiating with and entering into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment. This legislation would limit the ability

of the parties to conduct comprehensive negotiations and destroys the principles of the merit system. State government would not be well served by enactment of this legislation.

The inclusion of "geographical differentials" in the definition of "basic salary" totally ignores the economic reality of life in Alaska. People receive geographical differentials because the cost of living in particular areas has been determined to be higher than the cost of living in Anchorage or Juneau. The Department of Administration is currently conducting a statewide geographical differential study to verify the accuracy of the system. It makes little sense to establish the appropriateness of a cost-of-living differential and then deny the same to public employees because of an arbitrary act of the legislature.

The Cooperative Extension Service of the U.S. Department of Agriculture at the University of Alaska in Fairbanks reported in a recent survey that the cost of a standard market basket of goods in Nome was priced at 180% of the price of similar items in Anchorage. The geographical differentials exist to compensate for this disparity. Until such time as the governor is required to live in Nome, or any other bush community, the inclusion of the geographical differential as a component in any salary comparison is inappropriate.

SB

114

COMMITTEE REPORT

SENATE

FURTHER: TRANSPORTATION
FINANCE

1/30/85

Date March 5, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 114

relating to registration of heavy vehicles; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Ellen Ro Peterson

Tom Keating

Dave Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/~~Resolution No.~~ SB 110

Title: An Act relating to the registration of heavy vehicles

Sponsor:

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Life and Property Protection

BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		8.8	9.3	9.9	10.5	11.1
200 TRAVEL						
300 CONTRACTUAL		7.4	5.5	5.8	6.1	6.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		16.2	14.8	15.7	16.6	17.6
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		16.2	14.8	15.7	16.6	17.6
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME Seasonal		1	1	1	1	1
TEMPORARY		✓				

ANALYSIS: Attach a separate page if necessary

Will require proof of IRS filing or payment of the Federal Heavy Truck Use Tax prior to registration for all motor vehicles with a gross vehicle weight (GVW) of 33,000 lbs or over. Alaska vehicle classifications are based on unladen weight rather than GVW, so it is not possible to determine exactly how many vehicles are affected, but an estimate based on unladen weight would be 2,500 to 3,500 vehicles.

Prepared By: Charles R. Hosack Phone: 269-5561

Division: Motor Vehicles Date: 10-15-84

Approved by Commissioner: [signature] Date: 10/16/84

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

ANALYSIS (Continued)

Notification to vehicle owners and collection of the proper forms would require a special mailing, and individual handling. Most of these vehicles are commercial vehicles registered during December, so one position working four months, October through January, would be able to accomplish most of the work and the rest would be absorbed by existing positions.

Cost detail for the program is as follows:

100	Motor Vehicle Representative I, Range 8, 4 months		8.8
300	Mailing Cost	1.4	
	Forms	1.0	
	Data Processing Programming	2.0	
	Data Processing Maintenance	3.0	
		7.4	7.4
			16.2

An inflation factor of 6% has been applied to costs beyond FY86.

TITLE OF INCREMENT/DECREMENT:	AGENCY CONTACT/PHONE NUMBER:
FN - Heavy Vehicle Registration	John H. Lucking/269-5551

DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES:

Proposed legislation would amend AS 28.10.021 dealing with vehicle registration to ensure that the vehicle owner has complied with federal regulations requiring that a heavy vehicle use tax be paid if applicable prior to State registration.

Notification to vehicle owners and collection of the proper forms would require a special mailing and individual handling. Most of the affected vehicles are commercial vehicles registered during December, so one seasonal position working four months (October-January) would be able to accomplish most of the additional workload involved in administering the change in Statute.

Costs are projected as follows:

100	One seasonal Motor Vehicle Rep I, Range 8, 4 months		8.8
300	Mailing Cost	1.4	
	Forms	1.0	
	Data Processing Programming	2.0	
	Data Processing Maintenance	3.0	
	Subtotal		7.4
	TOTAL COSTS		16.2

CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.
100	Personal Services	8.8	
200	Travel		
300	Contractual Services	7.4	
400	Supplies		
500	Equipment		
600	Lands, Buildings, Etc.		
700	Grants, Claims, Etc.		
800	Miscellaneous		
	TOTAL	16.2	
	I-A Transfer (NON-ADD)		
1002	Federal Receipts		
1003	General Fund Match		
1004	General Fund	16.2	
1005	I-A Receipts		
1028	Program Receipts		
	Other		

POSITION INFORMATION			
	PFT		
	XXX Seasonal	1.0	
	Non Permanent		
	Staff Months	4.0	

- ☐ Enhance Existing Service Compared to FY 85
- ☒ New Service Compared to FY 85
- ☐ Continuation of FY 85 Service Level
- ☐ Formula Program

IMPACT FROM CAPITAL PROJECT (NAME) _____

Chapter _____ SLA _____ Page/Line _____

C5 INCREMENT/DECREMENT REQUEST

Agency Priority 34 of 35

(6/84) c5

AGENCY Department of Public Safety

PROGRAM Life & Property Protection

BRU Division of Motor Vehicles

COMPONENT Vehicle Services

PROJECT _____

PAGE _____ OF _____

REVISED DATE _____

FY 86

BILL SHEFFIELD
GOVERNOR

SB 114

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 30, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will authorize the division of motor vehicles (DMV), Department of Public Safety, to refuse to register heavy trucks and trailers if the owner of the heavy vehicle does not furnish proof that applicable federal heavy use taxes have been paid. This authorization is necessary to protect Alaska's full apportionment of federal highway funds.

In 1982 the U.S. Congress adopted the Surface Transportation Assistance Act of 1982. The Act increases, as of July 1, 1984, the heavy vehicle use tax which heavy trucks and trailers must pay under sec. 4481 of the Internal Revenue Code of 1954. Section 143 of the Act (23 U.S.C. sec. 141(d)) authorizes the federal government to withhold up to 25 percent of a state's apportionment of federal highway funds during any year in which heavy vehicles subject to such taxation may be registered in the state without presenting proof of payment of these taxes. The present federal law requires that this proof-of-payment requirement must be effective no later than January 1, 1985.

In order to prevent the loss of these federal highway funds, this bill authorizes DMV to refuse to register a heavy vehicle unless the owner provides proof that the required federal tax has been paid. If an applicant fails to provide the required proof of payment, the applicant's vehicle will not be registered. The State of Alaska is not required to enforce or collect the federal tax.

At line 15, the bill also makes an incidental amendment (deletion of "and bus transportation") to recognize the 1980 repeal of AS 42.15, the chapter on bus transportation to which this provision refers.

I anticipate that Department of Public Safety personnel will be working with legislative committees on possible amendments to the bill, which may be necessitated by pending federal procedural instructions.

In order to avoid the loss of federal funding needed for Alaska's highway system, I urge your passage of this bill.

Sincerely,

Bill Sheffield
Governor

Dept. of Transportation & Public Facilities

Position Paper

BILL NO: Senate Bill 114

APPROVED: R. J. Knapp
Commissioner

TITLE: An act relating to the registration of heavy vehicles; and providing for an effective date.

DATE: March 1, 1985

The Alaska Department of Transportation and Public Facilities urges speedy passage of Senate Bill (SB) 114. SB 114 enables the Division of Motor Vehicles in the Department of Public Safety to require proof-of-payment of the federal heavy vehicle use tax before registering heavy vehicles in the State of Alaska. The heavy vehicle use tax is one of a number of user fees that fund highway improvements through the federal Highway Trust Fund. The State of Alaska receives a very favorable distribution from the Highway Trust Fund; this distribution is over nine times the amount collected through federal taxes on highway use in Alaska.

If SB 144 is not enacted, Alaska will be subject to a reduction in our Interstate apportionments from the highway trust fund. This reduction in funds will hurt the Department's efforts to improve Alaska's Interstate System, consisting of the Parks, Alaska, Glenn and Tok Cut-off highways and portions of the Richardson, Seward, and Sterling highways. The Department estimates that withholding, when applied, will cost the state over $10 million a year in Interstate apportionments. In a time of declining oil revenues and pressing road improvement needs, the state can ill afford any loss of federal-aid highway funds.

For further information call Susan Fleischhauer at 465-3900.

Note 1

Southern Illinois Builders Ass'n v. Ogilvie, C.A.Ill.1972, 471 F.2d 680.

2. Power of states

State officials were authorized to prescribe number of minority trainees to be employed by contractor in connection with highway construction projects. Schlafly v. Volpe, C.A.Ill.1974, 495 F.2d 273.

§ 141. Enforcement of requirements

(a) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this subsection.

(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title.

(c) (1) Each State shall submit to the Secretary such information as the Secretary shall, by regulation, require as necessary, in his opinion, to verify the certification of such State under subsection (b) of this section.

(2) If a State fails to certify as required by subsection (b) of this section or if the Secretary determines that a State is not adequately enforcing all State laws respecting such maximum vehicle size and weights, notwithstanding such a certification, then Federal-aid highway funds apportioned to such State for such fiscal year shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title.

(3) If within one year from the date that the apportionment for any State is reduced in accordance with paragraph (2) of this subsection the Secretary determines that such State is enforcing all State laws respecting maximum size and weights, the apportionment of such State shall be increased by an amount equal to such reduction. If the Secretary does not make such a determination within such one-year period, the amounts so withheld shall be reapportioned to all other eligible States.

(d) The Secretary shall reduce the State's apportionment of Federal-aid highway funds under section 104(b)(5) of this title in an amount up to 25 per centum of the amount to be apportioned in any fiscal year beginning after September 30, 1984, during which heavy vehicles, subject to the use tax imposed by section 4481 of the Internal Revenue Code of 1954, may be lawfully registered in the State without having presented proof of payment, in such form as may be prescribed by the Secretary of the Treasury, of the use tax imposed by section 4481 of such Code. Amounts withheld from apportionment to a State under this subsection shall be apportioned to the other States pursuant to the formulas of section 104(b)(5) of this title and shall be available in the same manner and to the same extent as other Interstate funds apportioned at the same time to other States.

(Added Pub.L. 93-643, § 107(a), Jan. 4, 1975, 88 Stat. 2284, and amended Pub.L. 95-599, Title I, § 123(d), Nov. 6, 1978, 92 Stat. 2702; Pub.L. 97-424, Title I, § 143, Jan. 6, 1983, 96 Stat. 2129.)

References in Text. Section 4481 of the Internal Revenue Code of 1954, referred to in subsec. (d), is section 4481 of Title 26, Internal Revenue Code.

Prior Provisions. A prior section 141, Pub.L. 90-495, § 35(a), Aug. 23, 1968, 82 Stat. 836, providing for real property acquisition policies, was repealed by Pub.L. 91-646, Title III, § 306, Jan. 2, 1971, 84 Stat. 1907, and is now covered by sections 4651(1), (3), and (5) and 4655(1) of Title 42, The Public Health and Welfare.

1983 Amendment. Subsec. (b), Pub.L. 97-424, § 143, added subsec. (d).

1978 Amendment. Pub.L. 95-599 redesignated existing provisions as subsecs. (a) and (b) and added subsec. (c).

Effective Date of 1978 Amendment. Section 123(c) of Pub.L. 95-599, formerly set out as a note under this section, providing that subsec. (c) (2) and (3) of this section be applicable to certifications required by this section to be filed on or after Jan. 1, 1980, was repealed by Pub.L. 96-106, § 12, Nov. 9, 1979, 93 Stat. 798.

Enforcement of Vehicle Weight Limitations. Section 123(a) to (c) of Pub.L. 95-599 provided that:

"(a) Not later than the one-hundred-eightieth day after the date of enactment of this section [Nov. 6, 1978], the Secretary of Transportation, hereinafter referred to as the 'Secretary', in consultation with each State shall inventory the existing system of penalties for violations of vehicle weight laws, rules, and regulations on any portion of any Federal-aid system in such State. Each State shall annually thereafter report to the Secretary its current inventory.

"(b) (1) Not later than the one-hundred-eightieth day after the date of enactment of this section [Nov. 6, 1978], the Secretary, in consultation with each State, shall inventory the existing system in such State for the issuance of special permits. Each State shall annually thereafter report to the Secretary its current inventory.

"(2) For purposes of this subsection, the term 'special permit' means a license or permit issued pursuant to State law, rule, or regulation which authorizes a vehicle to exceed the weight limitation for such vehicle established under State law, rule, or regulation.

"(c) Not later than January 1 of the second calendar year which begins after the date of enactment of this section [Nov. 6, 1978] and each calendar year thereafter the Secretary shall submit to Congress an annual report together with such recommendations as the Secretary deems necessary on (1) the latest annual inventory of State systems of penalties required by subsection (a) of this section; (2) the latest annual inventory of State systems for the issuance of special permits required by subsection (b) of this section; (3) the annual certification submitted by each State required by section 141(b) of title 23, United States Code [subsec. (b) of this section]."

Legislative History. For legislative history and purpose of Pub.L. 93-643, see 1974 U.S. Code Cong. and Adm. News, p. 8011. See, also, Pub.L. 95-599, 1978 U.S. Code Cong. and Adm. News, p. 6575; Pub.L. 97-424, 1982 U.S. Code Cong. and Adm. News, p. 3639.

Code of Federal Regulations

Size and weight, see 23 CFR 657.1.
Speed limits, see 23 CFR 659.1.

§ 142. Public transportation

(a) (1) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as "buses"), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential high occupancy vehicle lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve high occupancy vehicle and public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph. If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility and the cost of providing shuttle service to and from the facility (including compensation to any person for operating the facility and for providing such shuttle service).

(2) In addition to the projects under paragraph (1), the Secretary may, beginning with the fiscal year ending June 30, 1975, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b)(6) of this title, the purchase of buses, and, beginning with the fiscal year ending June 30, 1976, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b)(6) of this title, the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail, except that not more than $200,000,000 of all sums apportioned for the fiscal year ending June 30, 1975, under section 104(b)(6) shall be available for the payment of the Federal share of projects for the purchase of buses.

(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential high occupancy vehicle, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b)(6) of this title for the fiscal years ending June 30, 1974, and June 30, 1975, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a

SB

122

COMMITTEE REPORT

SENATE

FURTHER:

2/1/85

Date March 5, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 122

placing division of geological and geophysical surveys petroleum engineers and petroleum geologists in the exempt service; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 122 (SA)
[X] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT

SENATE

FURTHER:

2/1/85

Date March 5, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 122

placing division of geological and geophysical surveys petroleum engineers and petroleum geologists in the exempt service; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 122(STA)
[X] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

T. Kelly

Bill Ray

Ed McGill

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Introduced: 2/1/85
Original Sponsor: Rules

IN THE SENATE

CS FOR SENATE BILL NO. 122 (STATE AFFAIRS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act placing division of geological and geophysical surveys petroleum engineers, petroleum geologists and the professional staff of the commission in the exempt service; and providing for an effective date."

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

* Section 1. AS 39.25.110(14) is amended to read:

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and the professional staff of [by] the Oil and Gas Conservation Commission[, EXCEPT FOR THOSE EMPLOYED IN THE DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN THE DEPARTMENT OF NATURAL RESOURCES];

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

(This additional wording is constistant with AS 31.05.023(b). See attached.)

Revision Date:

REQUEST
Bill/~~Resolution No.~~: SB 122
Title: Petroleum engineers and Geologists
Sponsor:
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Natural Resources
Program Category Affected: NRMEC
BRU, Program or Subprogram(s) Affected: Resource Inventory

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

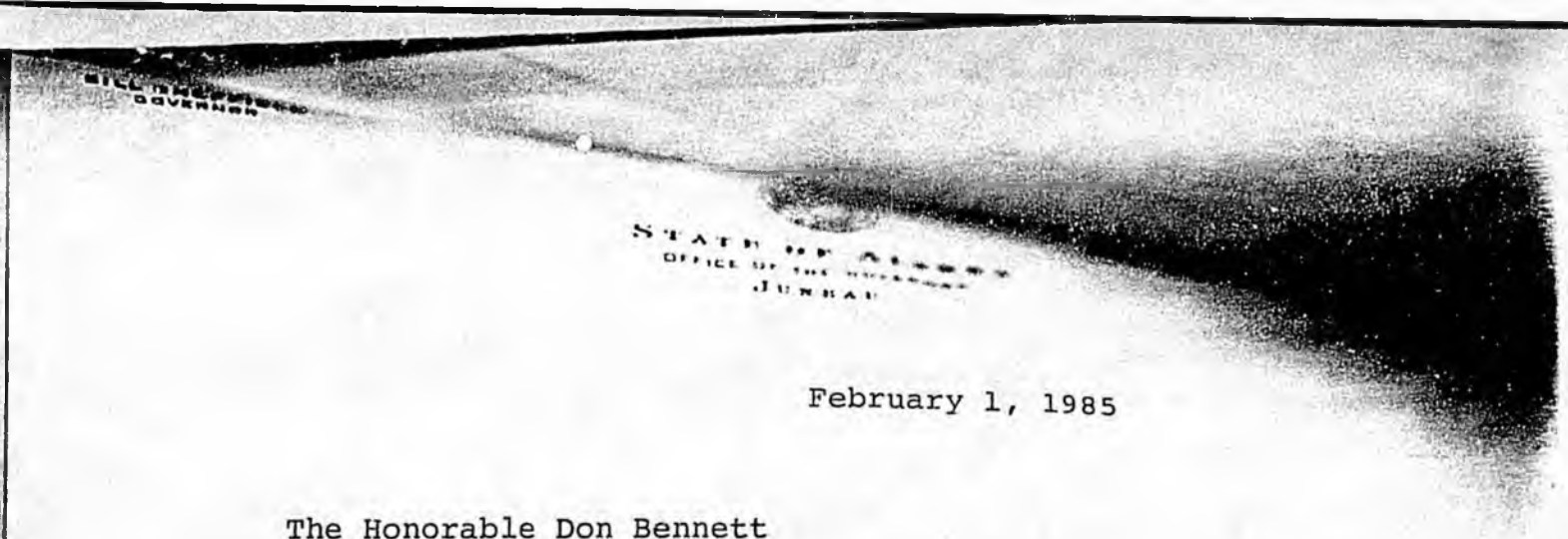
No fiscal impact

Prepared By: Ned Farguhar Phone: 465-2400
Division: Commissioner's Office Date: 23 January 85

Approved by Commissioner: Date: 23 January 85
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84



February 1, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to petroleum engineers and petroleum geologists in state service. Current law provides that these professionals are in the exempt service, except for those employed in the division of geological and geophysical surveys (GGS) in the Department of Natural Resources. The attached bill would delete this exception, thus bringing all these professionals within the exempt service.

The petroleum engineers and geologists employed in the division of geological and geophysical surveys handle sensitive and confidential oil and gas data, and are involved in deciding what tracts the state should lease. It is important that the state have the flexibility to employ the best professionals available for these positions. The petroleum engineer and geologist positions within the GGS division have evolved to a level of responsibility commensurate with those professionals employed elsewhere in the Department of Natural Resources and by the Oil and Gas Conservation Commission -- all of whom are presently in the exempt service. There is no reason to exempt some of these positions but not all of them.

Sincerely,

Bill Sheffield
Governor

Introduced: 2/1/85
Referred: State Affairs

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 122

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act placing division of geological and geophysical surveys petroleum engineers and petroleum geologists in the exempt service; and providing for an effective date."

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

* Section 1. AS 39.25.110(14) is amended to read:

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission[, EXCEPT FOR THOSE EMPLOYED IN THE DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN THE DEPARTMENT OF NATURAL RESOURCES];

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

or for the exercise of a power of the commission. (§ 1 ch 158 SLA 1978)

Sec. 31.05.013. **Oath of office.** Each commissioner, before entering upon the duties of his office, shall take and subscribe to the oath prescribed for principal officers of the state. (§ 1 ch 158 SLA 1978)

Sec. 31.05.015. **Compensation of members of the commission.** Members of the commission are in the exempt service and shall receive an annual salary. (§ 1 ch 158 SLA 1978)

Sec. 31.05.017. **Principal office; seal.** (a) The commission shall establish a principal office and branch offices necessary to discharge its business efficiently. For the convenience of the public or of parties to a proceeding the commission may hold meetings, hearings or other proceedings at other locations.

(b) The commission shall have an official seal. (§ 1 ch 158 SLA 1978)

Sec. 31.05.020. **Waste prohibited.** The waste of oil and gas in the state is prohibited. (§ 1 ch 40 SLA 1955)

ALR and C.J.S. references. — Constitutionality of statute controlling exploitation or waste of oil and gas, 24 ALR 307; 78 ALR 834.

Constitutionality of statute, ordinance, or regulation limiting rights of surface owner in respect of oil or gas, 67 ALR 1346; 99 ALR 1119.

Construction and effect of statutes regulating production of oil or gas in a manner or under conditions constituting waste, 86 ALR 431.

58 C.J.S. Mines and Minerals § 234.

Sec. 31.05.021. **Legal counsel.** (a) The Department of Law shall provide full-time legal counsel to the commission. The legal counsel provided by the Department of Law is subject to the approval of the commission.

(b) The commission may, subject to the approval of the attorney general, contract for the services of additional specialized legal counsel or legal consultants. (§ 1 ch 158 SLA 1978)

Sec. 31.05.023. **Commission staff.** (a) The commission shall employ such staff as it considers necessary to carry out its responsibilities.

(b) The professional staff of the commission and the personal secretary of each commissioner are in the exempt service under AS 39.25.110.

(c) The secretarial and clerical staff of the commission, except the personal secretary of each commissioner, are in the classified service.

(d) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants and experts the commission considers necessary. (§ 1 ch 158 SLA 1978)

Introduced: 2/1/85
Referred: State Affairs

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 122

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act placing division of geological and geophysical surveys petroleum engineers, ~~and~~ petroleum geologists * in the exempt service; and providing for an effective date."

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

* Section 1. AS 39.25.110(14) is amended to read:

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission[, EXCEPT FOR THOSE EMPLOYED IN THE DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN THE DEPARTMENT OF NATURAL RESOURCES];

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

13 after (and) add "the professional staff of"

14 delete [by]

consistent with ↓ AS 31.05.023(B)

* AND ~~the~~ professional staff of the commission

Elaine —
Draw up according to an amendment and keep with Bill in case it comes up in Committee.

SB

130

COMMITTEE REPORT

SENATE

FURTHER:

2/5/85

Date MARCH 5, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 130

relating to a new definition for 'motor-driven cycle'.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 130 (SH)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Eden DeVries

Tom Keck

MEMBERS HAVING
OTHER RECOMMENDATIONS

Bruce Kay No Rec

Chairman

Chairman recommendation

To: Senator Mitch Abood

From: Tammy Davis

Date: April 1, 1985

Re: Testimony for HB 130.

I introduced this bill by request of the Division of Motor Vehicles. (DMV). It has been proposed that the Section 1 of AS 28.40.100 (a) (9) be amended to redefine the defination of a "motor-driven cycle". It will lower the cubic centimeters of a cycle from 150cc to 50cc or less.

This is being proposed because of the young children driving motorcycles without a drivers license. Probably one of the main concerns is the three wheel cycles that are out on the market. With this amendment, a child would be required to have a drivers license before he could ride a cycle such as this.

The rewording would make it clearer to those who purchase motor cycles for their children.

Alaska State Legislature

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

WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4747

CHAIRMAN
STATE AFFAIRS

MEMBER
BUDGET & AUDIT
TRANSPORTATION

Senator Mitch Abood
SENATE DISTRICT G-A

March 4, 1985

Re: Rewording of AS 28.35.260 (9)

The present wording of the definition of "motor-driven" cycle is misleading.

A cycle that has less than 150 cc's and a brake horsepower of 5 or less is classified by the Division of Motor Vehicles as a motor-driven cycle. The present wording states "or with not to exceed five brake-horsepower".

There are on the market today, many cycles that have less than 150 cc's but are definitely more than 5 brake horsepower.

Brake horsepower is defined as a means of measurement to the amount of power exerted to stop movement. Many of the cycles on the market require considerably more power to be exerted to stop the movement of the cycle.

The confusion in the wording of the present statute has resulted in parents purchasing for their 14-year old children, cycles that have less than 150 cc's, but definitely require more than 5 brake horsepower. The child, of course, cannot be eligible to operate such a vehicle until he reaches the age of 16. (AS 28.15.031 and AS 28.15.051 (d).

Motorcycle/Motorscooter

Manufacturer	Model/Name	CC's	Brake Horsepower
Honda	MB 5	50	7.90
Honda	NH50-AERO50	50	4.90
Honda	CT70-TRAIL 70	72	4.90
Honda	XL 80	79	4.90
Honda	XL 100	98	8.20
Honda	CT110-TRAIL 110	110	6.90
Honda	CB 1255	125	8.90
Yamaha	LB 50	50	1.5
Yamaha	QT 50	50	1.5
Yamaha	RX 50	50	6.8
Yamaha	DT 80	80	5.6
Yamaha	DT 100	100	8.2
Yamaha	XT 125	125	13.0
Suzuki	SP100 D	100	10.4
Suzuki	SP125 D	125	13.0
Suzuki	GN125 D	125	13.0

Kawasaki:

Does not manufacture a motorcycle/motorscooter with less than 5 brake horsepower.

SB
138

Original sponsor: V.Fischer

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 138 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to pricing and promotion of alcoholic beverages."

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

* Section 1. AS 04.16 is amended by adding a new section to read:

Sec. 04.16.015. PRICING AND PROMOTION OF ALCOHOLIC BEVERAGES. (a) On premises where alcoholic beverages are sold by the drink, a licensee or a licensee's agent or employee may not

(1) offer or deliver, as a promotional device, free alcoholic beverages to a person or group of persons;

(2) deliver an alcoholic beverage to a person already possessing two or more;

(3) sell, offer to sell, or deliver alcoholic beverages to a person or group of persons at a price less than the price regularly charged for the beverages during the same calendar week, except at private functions not open to the general public;

(4) sell, offer to sell, or deliver an unlimited number of alcoholic beverages to a person or group of persons during a set period of time for a fixed price;

(5) sell, offer to sell, or deliver alcoholic beverages to a person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the general public;

(6) encourage or permit an organized game or contest on the licensed premises that involves drinking alcoholic beverages or the

awarding of alcoholic beverages as prizes.

(b) A licensee or a licensee's agent or employee may not advertise or promote in any way, either on or off the premises, any of the practices prohibited under (a) of this section.

(c) Nothing contained in this section shall be construed to prohibit a licensee or a licensee's agent or employee from offering free food or entertainment at any time, from serving wine by the bottle or carafe or beer by the pitcher with meals, or from including an alcoholic beverage as part of a meal package.

Alaska State Legislature

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

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

Letter of intent - Senate State Affairs

SB 138 - An Act relating to pricing an promotion of alcoholic beverage.

February 20, 1986

It is the intent of the Senate State Affairs Committee in adopting the committee substitute for SB 138, that licensee's of premises where alcoholic beverages are sold by the drink be prohibited from sponsoring "happy Hours" and similar types of alcohol promotion that encourage excessive drinking.

The committee intends that such prohibitions be applied only to actions of the licensee or licensee's agent and not to actions of individuals patrons. Specifically, the Committee intends that the prohibition in Sec. 04.16.015(6) against encouraging or permitting organized games or contests that involve drinking alcoholic beverages or awarding alcoholic beverages as prizes be limited to licensee's or their agents and not to individual patrons.

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY
FINANCE

2/7/85

Date _____

Mr. President

The Committee on STATE AFFAIRS considered SB 138
relating to the pricing and promotion of alcoholic beverages.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for SB 138
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

_____ Chairman

_____
Chairman recommendation

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

C

February 5, 1986

To: Senator Mitch Abood, Chair
Senate State Affairs Committee

From: Senator Vic Fischer

Re: Request for hearing - SB 138

I would appreciate your scheduling SB 138, a measure to limit practices that encourage excessive drinking through alcohol promotion and other "happy hour" specials, at your earliest convenience.

SB 138 has been in the Senate State Affairs committee since its introduction on February 7, 1985. It has never had a hearing in spite of requests from me and others, including MADD.

I've attached a file of background information on SB 138 for yourself and committee members. Please contact me or my staff at 4954 should you need additional material.

If there are any problems that would prevent an early hearing on SB 138, please let me know.

RECEIVED
FEB 5 1986

During Interim • 1024 W. 6th Avenue, Suite 204C • Anchorage, Alaska 99501 • (907) 278-3654

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

February 5, 1986

To: Senator Mitch Abood, Chair and
Members, Senate State Affairs Committee

From: Senator Vic Fischer

Re: SB 138 - prohibiting "happy hours"

SB 138 prohibits establishments where alcohol is served from sponsoring "happy hours", drinking contests, or similar kinds of alcohol promotion.

The bill is modeled after similar legislation adopted recently in four other states and currently being considered by 17 others.

SB 138 is designed to prohibit alcohol promotion schemes that encourage excessive or irresponsible drinking. It is consistent with laws adopted in Alaska in the last four years to curb drunk driving and other alcohol-related crimes.

A major theme of these laws has been individual responsibility, including the expectation that people should drink responsibly and that those who serve alcohol should do so responsibly.

The kinds of alcohol promotion prohibited by SB 138 encourage people to drink excessive amounts of alcohol in a short period of time - a sure inducement for drunkenness. "Happy hours" are a particular evil because they are specifically aimed at catching workers after work on their way home, usually by private automobile.

Many bar owners oppose "happy hours" but feel compelled to promote them in order to effectively compete with establishments that regularly sponsor them.

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SB 138 does not prevent a license holder from offering free food or entertainment, or other types of promotion. It does prohibit bar owners from sponsoring events that encourage irresponsible drinking behavior.

Private functions are not affected by SB 138.

Last year, the Municipality of Anchorage adopted a tough city ordinance similar to SB 138. The ordinance, however, provides no enforcement power. Instead, the Assembly will look at an establishments compliance with the ordinance when considering whether to approve renewal of their liquor license. It is assumed that the Assembly will recommend that the ABC Board not renew a license when the establishment has failed to comply with the ordinance. The Board, however, is not bound by regulation or law to follow the Municipality's recommendation. Thus far, most Anchorage liquor establishments have chosen to comply with the ordinance, although many have not.

In spite of Anchorage's efforts, the fact remains: Alcohol abuse is a statewide problem and we need a statewide approach to stop irresponsible alcohol promotion.

We all suffer the effects of irresponsible drinking. We know that the easy availability of alcohol and cut-rate prices have a direct effect on the amount and type of consumption. It's time we took a positive step toward encouraging <u>responsible</u> drinking. SB 138 is a good first step.

SB 138 is endorsed by alcohol counselors, bar owners, and hundreds of concerned Alaskans including the local chapter of MADD. It has a zero fiscal note.

Senator Vic Fischer (907) 465-4954

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

February 7, 1985

To: Senate Members and Interested People

From: Senator Vic Fischer

Re: SB 138 Pricing and Promotion of Alcoholic Beverages

This measure limits practices that encourage excessive drinking through promotions such as two for one specials, jumbo drinks at regular prices and other happy hour specials. Massachusetts, Michigan, New Jersey, and Ohio have also outlawed similiar forms of liquor promotion.

This bill prohibits premises where alcoholic beverages are sold by the drink to offer free or discounted drinks, or to deliver alcoholic beverages to a person possessing two or more. Drinking contests and alcoholic beverages as prizes would also be banned.

Private functions are not affected. In addition, nothing prevents the license holder from offering free food or entertainment, or from serving wine by the botte or carafe or beer by the pitcher with meals.

Alcohol abuse is one of, if not, the major health risk facing Alaskans. A 1984 Department of Health and Social Services survey showed alcohol abuse to be the number one concern. Alaska has the 12th highest percentage of acute drinkers in the nation and has the third highest number of chronic drinkers.

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SCOTT & WESLEY GERRISH
MEMORIAL

MADD

ANCHORAGE, ALASKA
CHAPTER

MAILING ADDRESS:
711 H Street, Box 108
Anchorage, Alaska 99501

(907) 279-MADD

BUSINESS ADDRESS
733 West 4th Avenue
Anchorage, Alaska 99501

March 21, 1985

Senator Vic Fischer
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Fischer,

MADD supports the enclosed bills that have been introduced in the legislature this year.

Singly and collectively, these bills will contribute to reducing the incidence of drunken driving. While there has been a reduction in the number of drunk driving fatalities, we have a long way to go.

You may recall that in the decision in the case of State of Alaska vs Erickson, the state Supreme Court commented that alcohol is more dangerous than cocaine. Because of several laws passed by the legislature in recent years, Alaska is establishing itself as a progressive state in matters relating to reducing alcohol abuse. We urge you to continue this fine record by passing these bills.

Sincerely,

Katherine Bigler

Katherine Bigler, President
Anchorage Chapter MADD

1985 Legislative Bills
Supported by MADD

House Bill No.3 - Open alcoholic containers in motor vehicles.

House Bill No.55 - Licensed premises.

Senate Bill No.69 - Licensing and regulation of the sale and distribution of alcoholic beverages; and providing for an effective date.
Senate Bill No.73 - Identification of persons arrested for D.W.I.
Senate Bill No.74 - Driving while intoxicated.
Senate Bill No.75 - Suspension of the privilege to obtain a driver's license.
Senate Bill No.76 - Rights of prisoners and amending Rule 5 (b).
Senate Bill No.136 - Increasing the membership of the A.B.C. Board.
Senate Bill No.138 - Pricing and promotion of alcoholic beverages.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 138

Title: Pricing and Promotion of Alcoholic Beverages

Sponsor: Senator V. Fisher

Requestor: Sen. State Affairs Comm.

Date of Request: February 8, 1985

FISCAL DETAIL

Agency Affected: Dept. of Revenue

Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected: Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Shamrock Phone: 277-8638

Division: Alcoholic Beverage Control Board Date: 2/12/85

Approved by Commissioner: Mary Ann Nordale Date: 7/15/85

Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

7/1/84

December 12, 1985

To: Senator Vic Fischer

From: Ginger Baim

Re: Status of Municipal ordinance banning "happy hours" etc.

Municipal ordinance 85-128S was adopted August 13th, 1985. Parts of the ordinance, specifically the requirement for training courses for people who serve alcohol, did not become effective until December 1, 1985.

Ordinance 85-128S requires:

- prohibits 2 for 1 sales
- prohibits advertising free drinks
- prohibits selling drinks at any reduced price
- prohibits drinking contests or games based on drinking
- requires bars to "provide access" to public transportation for those patrons apparently under the influence of alcohol
- requires that bars put visable notice about the legal penalties for drunk driving and penalties for selling to a minor or to anyone under the influence of alcohol
- requires bars to serve non-alcoholic drinks
- requires people who serve alcohol to complete a training course approved by the state ABC board

The municipality has no real ability to enforce this ordinance. Enforcement comes indirectly through the Assembly. When a liquor license is up for renewal, the Assembly will look at how they have complied with this ordinance and make recommendations to the ABC board, based on that compliance. It is unlikely that the ABC board would choose to renew a license when the Assembly has recommended against renewal based on violation of a municipal ordinance.

However, the muni can't require anything from the state ABC Board - which is why we need your bill, not just a municipal ordinance!

Anchorage Times
A-13 3/14/85

Happy hours increase consumption of booze

Dear Editor:

It should come as no surprise that MADD (Mothers Against Drunk Drivers) is disappointed with your March 1 editorial comments in support of "Happy hours" in bars.

Our office regularly receives telephone calls from individuals who are worried about their spouse driving home in the evening after having spent a few hours in a bar during a happy hour.

The happy hours take several forms — two for the price of one, three for the price of one, mixed drinks by the pitcher, free beer without a limit on consumption. It is a well established fact that price and consumption of booze are closely related — the lower the price the greater the consumption.

Several bar owners have told us they are philosophically opposed to happy hours, but schedule them to meet the competition.

Sen. Fischer's bill should be supported to help reduce drunken driving.

Katherine Bigler
President
Anchorage Chapter MADD

For the industry, it represents a first step toward deregulation. For consumers, it represents a chance for price competition in many markets and protection from the remaining monopolies. For the commission, it represents the new regulatory tools needed to manage a complex and rapidly changing industry.

The details of the compromise were hammered out through a lengthy hearing and negotiation process conducted by the Joint Select Committee on Telecommunications, a special, bipartisan study committee created in 1983. Because the committee was funded by the WUTC's dedicated revolving fund, and staffed by two attorneys specializing in telecommunications issues, it was able to examine, in depth, all facets of the industry. The committee held 15 hearings, sponsored a symposium on state regulation of telecommunications at the University of Washington, and attempted to operate on a consensual basis. Because the draft legislation was developed by an expert committee staff, rather than by industry or consumer groups, all parties came to see the resulting bill as a careful attempt to develop a legislative approach emphasizing the public interest.

Creating a Joint Select Committee was seen as providing the flexibility the Legislature needs to address new and complex issues. More important, it allowed the Legislature to set the agenda for regulatory reform, rather than simply react to industry proposals.

When the short-term pressures caused by the AT&T divestiture have ended, the Joint Select Committee's work can be taken over by the relevant standing committees or, if appropriate, by a new standing committee. In an era of cutback and consolidation, a carefully chartered study committee can be a needed and welcome legislative addition.

— Senator Al Williams

Senator Williams is chairman of the Joint Select Committee on Telecommunications and the Senate Energy and Utilities Committee of the Washington state Legislature.

'Happy hour' double or nothing

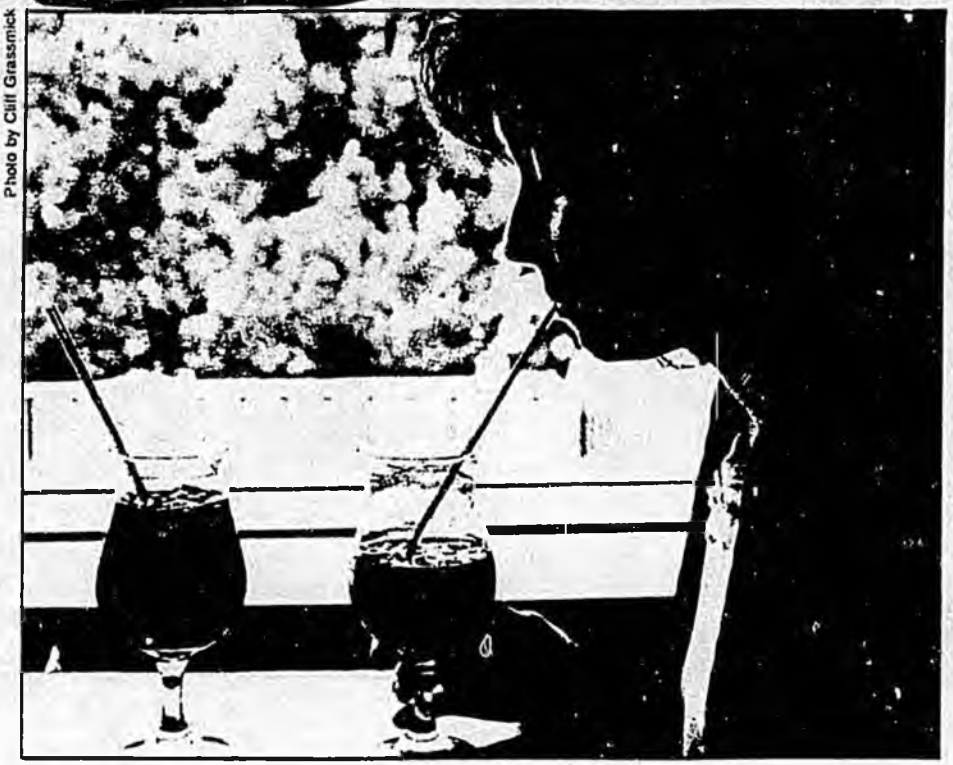

Photo by Cliff Grassmick

"Two-for-one" and half-price drink specials may someday be a social phenomenon of the past. The institution of "happy hour" is rapidly disappearing as a result of the escalating battle against drunk driving. While happy-hour bans vary in stringency, the message is clear: Overindulgence in alcohol is becoming less acceptable.

Four states — Arizona, Indiana, Kansas, and Oklahoma — have passed legislation this session limiting happy-hour arrangements, and bills were introduced in at least 17 other states. According to Oklahoma state Representative Don Duke, sponsor of that state's measure, a happy-hour law was necessary to "cut down on drunk driving and save lives."

Most happy-hour restrictions, however, are administrative regulations. Delaware, Massachusetts, Michigan, Nebraska, New Jersey, North Carolina, Ohio, and Texas, for instance, regulate drink promotions. George McCarthy, chairman of the Massachusetts Alcoholic Beverages Control Commission, says the potential to save lives justifies the burden of adopting and implementing happy-hour regulations. Alcoholic beverage control agencies in Pennsylvania, Tennessee, and Virginia are also considering such bans.

Few laws contain the words "happy hour." New Jersey's Division of Alcoholic Beverage Control has a long-standing regulation that prohibits any practice "unduly designed to increase the consumption of alcoholic beverages" through rebates, coupons, or other discounts. Other laws target "two drinks for the price of one" or "all-you-can-drink" and "beat-the-clock" promotions.

The most restrictive regulation is found in Massachusetts. This much-publicized law specifically bans free drinks, delivery of more than two drinks at one time, unlimited drinks during set time periods, and the sale of pitchers of alcohol or beer to fewer than two persons. It also prohibits discounts to specific groups (such as "ladies' nights"), games or contests involving drinking, and increasing the size of a drink without increasing its price.

In general, brewers and distillers have reacted positively to these new laws. "We wouldn't oppose regula-

tions against practices that encourage over-consumption, such as drink-and-drown nights," says Ed Miles, director of state affairs for Anheuser-Busch, Inc. Miles does admit that bans on discounted drinks pose a dilemma for retailers of alcoholic beverages. "There is a place for responsible price promotion at the retail level to promote a particular brand or item," he says. "It is part of the spirit of competitiveness and benefits the consumer to allow the promotion of businesses and brands."

Indeed, many proprietors see happy-hour bans as an infringement on the free-enterprise system, according to Ronnie Hart, executive vice president of the Tennessee Restaurant Association, which opposes the Tennessee Alcoholic Beverage Commission's proposed happy-hour ban. "We're over-regulated as it is," says Hart. "We're people with products to sell and the government shouldn't tell us what the profit margin should be." Although unsure about how harmful such a ban would be to restaurant profits, Hart claims the issue is "the principle of the thing."

A similar attitude was partly responsible for the failure of a Florida measure that, among other things, would have prohibited the dispensing of free alcoholic beverages. Representatives of the hotel and motel industry lobbied against the bill, protesting that it would adversely affect their businesses by preventing hotels from offering complimentary drinks to guests. "The committee members felt it would interfere with free enterprise and we couldn't tell what good it would do," says Representative Wayne Hollingsworth, chairman of the House Alcoholic Beverage Subcommittee, whose members unanimously voted against the bill.

In Rhode Island, interference with free enterprise was the reason the governor's office and many legislators initially opposed Senator Richard Patterson's bill, which would have prohibited any change in alcoholic beverage prices during a given week. But Patterson amended the bill, and the new version was incorporated into a House bill sponsored by Representative Charles Baldelli. The new measure, which passed both houses June 21, allows restaurants to discount drinks that are served with meals.

As for the retailers, Senator Patterson said there had been some opposition from bar and tavern owners, but "we actually thought there would be more." Apparently, many retailers have become reluctant to resist the growing movement against irresponsible drinking. — *Michelle Kissell*

Ms. Kissell is administrative/research assistant in NCSL's Legislative Information Services.

On-line access: Good-bye to legislative paper chasing

Paper chasing has always been a necessary — but burdensome — part of the legislative process. Now, in at least 11 states, lobbyists and lawmakers alike have a new way for the private sector to obtain timely information without the paper chase: direct, on-line access to select legislative data bases.

Alaska, Florida, Illinois, Kansas, Montana, Nevada, New Hampshire, New York, North Dakota, Oregon and Virginia currently offer such access. Armed with a password and basic computer skills, private-sector users can verify the status of a bill or, in some instances, the wording of a statute, by connecting directly to the legislative computer.

In addition to charging for access, all states except Florida require users to provide their own computers.

The impetus for giving private parties access to legislative data bases has varied from state to state. According to Walter Kesselman, former executive director of the Illinois Legislative Information System and now acting director of Computer and Information Services for the University of Maryland (Baltimore County), Illinois first allowed private-sector access to free up legislative staff. Says Kesselman, "We wanted to get the lobbyists back in their offices and out of our staff offices. And we succeeded."

One of the two commissioners of the New York Legislature's Bill Drafting Commission, David Keiper, tells a different story. "People from various walks of life — banking, insurance, unions — requested access," he says, giving rise to a test run: a 1984 pilot project successful enough to secure a permanent place for private-sector access. The state now has about 75 outside users. "We have lawyers, lobbyists, private corporations — even IBM is a customer," says Keiper.

Nevada Legislative Council Director Donald Rhodes describes another stimulus for allowing access. 1985 was Nevada's first year for private-sector access, as well as the first year for the Legislature's new information system. The two are interconnected.

"We were told by the vendor that we could offset the costs of purchasing the system," says Rhodes, "[by] selling the information to outside users. It was really just an extension of other services."

But for many states, the issue has not been so simple. In Kansas, cost has been an issue, as it has been in virtually all of the states. At present, Kansas charges only $100 per session. "It's more of a token fee than a real charge," says Mary Chang, information systems specialist with the Office of the Revisor of the Statutes. "It doesn't actually recover costs." According to Chang, this policy is philosophically based: "The Legislative Coordinating Council wanted to make sure that the data was available to everyone."

In Montana, the issue was a nagging security problem. During the 1983 session, "We ran bill status and

Brewing Issue: Beer Promotions in College Pubs And at Concerts and Athletic Events Spark Debate

Continued From First Page

newspaper, and the University of Massachusetts at Amherst is rejecting distributors' offers to co-sponsor concerts. "We recommend that all beer advertising be taken out of student newspapers and sporting events," says William J. McCord, the director of South Carolina's Commission on Alcohol and Drug Abuse.

Colleges also are drafting rules for beer promotions. The Inter-Association Task Force on Alcohol Issues, made up of several national associations involved in student affairs, in 1983 called on brewers to rid their promotions of sexism, stop emphasizing heavy drinking and to support campus alcohol-education programs.

Anheuser-Busch, Heileman, Coors and Stroh Brewery Co. drafted their own guidelines for their distributors, patterned after the task force's. Alan Easton, Miller's vice president of corporate affairs, says the company leans on its distributors to stick to the guidelines, but he concedes that policing is difficult, especially in bars near campuses. "The promotions we tell them they shouldn't be doing are exactly the things they feel are necessary to attract the young crowd," he says.

Brewers increasingly also are helping finance so-called responsible-drinking programs on campuses. Anheuser-Busch recently opened an informational campaign called "Know When to Say When" that stresses moderation. Since 1976, Miller has contributed $500,000 to an alcohol-abuse program with chapters on 180 campuses.

But that is a small fraction of what the industry spends to promote beer, so critics charge that brewers merely are trying to head off tougher regulation. Indeed, in a bulletin to its 750 Miller distributors last March, Leonard J. Goldstein, the sales vice president, cautioned that obeying campus marketing guidelines "is critical to preserving our ability to conduct business in the important college market."

Support of Activities

Brewers have promoted on campus for decades, of course. Anheuser-Busch's Mr. Roarty began his career with the brewer as a University of Detroit campus representative in 1953. But promotional efforts became more aggressive in the early 1970s, when the states began to lower the drinking age and brewers generally adopted advanced marketing techniques. "It was about that time the companies started to support intramurals, campus unions, dances and parties," recalls Gary North, the University of Illinois vice chancellor of student affairs.

Now, for example, Moosehead beer, which is imported from Canada by All Brand Importers Inc., provides Boston University's 500-member ski club with Moosehead merchandise and beer at cost, says James Harrington, the club's vice president. The distributor also offers the club use of a Moose costume. "If we have a club meeting, we can have someone standing around in the costume," Mr. Harrington says.

The industry provides a promotional blitz for spring break, too. Together with tourism officials in Florida and other spring-break destinations, brewers offer promotional trips and beach concerts. Miller runs recycling campaigns on Fort Lauderdale Beach, trading Miller merchandise and free calls home for empties and rubbish. Anheuser-Busch grabs students' attention along routes to spring-break destinations with coffee-break stops. "Students can pull in, enjoy a cup of coffee and a doughnut and call home," says Mr. Roarty. "No alcoholic beverages are served."

At scores of campuses, brewers help promote athletics. Compliments of Anheuser-Busch, Boston College gave out 1,000 pompoms and 5,000 bandannas—with the Bud logo and the college's eagle mascot—at two football games last year.

Sara Groden, the college's director of sports promotions, says she also negotiated about $15,000 of promotions from Anheuser-Busch to support sports that lack the high profile of basketball and football. The brewer "will give away things that we can't afford" and help attract crowds, Miss Groden says. Also, "the coaches will send those things out to recruits," which "makes the sport look real important," she says.

Role of Reps

Campus representatives are the brewers' direct link to campus activities, and Miller employs 120 of them. Heileman and Anheuser-Busch employ even more. Boston College's Mr. Marrocco is one of 14 students who promote Miller at major Boston-area colleges, including Harvard, Tufts, Boston University and Northeastern. For $50 a week, Mr. Marrocco peddles Miller brands to fraternities, dormitories and student-activities directors and also monitors the competition.

Mr. Morrocco has helped Miller book two promotional nights at the campus pub, where manager Michael O'Brien allows one such promotional night a week. They "keep giving us promotional stuff" like painters' caps and T-shirts that draw students to the pub, he says. (The giveaways are tax-deductible for brewers.)

Not all brewers' promotions are welcome. Boston College's student government, which runs student activities on a budget of $275,000, is torn over whether to accept Miller's co-sponsorship of a campus concert. Some members "see it as student government promoting alcohol," says Jeffrey Thielman, the president. But a large concert costs about $20,000, so having a co-sponsor is appealing, he says.

Still, administrators don't like the idea. "I'm concerned about institutionalizing alcohol," says Carole Wegman, the college's director of student programs and resources and she opposes Miller's support.

Shootout Is Shot Down

Similarly, at the University of Southern Illinois, Anheuser-Busch's $40,000 "Busch Shootout" basketball tournament caused considerable opposition last school year. The many Anheuser-Busch posters and other merchandise made the basketball arena look like a bar, says Mr. McKillip, the psychology professor who opposes beer promotions. "Universities are in a bind because they have athletic programs beyond their budgets," he says. "So they are willing to take any money they can." But the opposition has caused Busch to pull out of the shootout promotion this year.

Miller's promotion of a rock concert on the campus also caused a furor, especially a 20-foot-tall inflated replica of a beer bottle that hovered above the campus. "That was simply more than we felt we could engage in," says Bruce Swinburn, the college's vice president of student affairs. But Miller does still support some student activities, he says.

Beer advertising in student newspapers also draws criticism. At the University of Minnesota, the Minnesota Daily "accepts a lot of ads from bars that literally say skip your class and come and drink," says James Rothenberger, a public-health professor.

Ad Is Withdrawn

His file of ads that he finds offensive includes one for Grandma's Saloon & Deli that shows a man and woman amid bacchanalian revelry. Its message: "Because some nights you don't feel like studying. Or is it most nights?" A large Miller ad shows a student dashing from his dorm-room desk as a radio blares, "Repeating . . . due to a computer foul-up, finals week will be postponed." In the foreground are a bottle and a mug of Miller and the familiar "Welcome to Miller Time" slogan.

Miller's Mr. Easton says the brewer pulled the ad after it ran in several college newspapers. "It got out there, and it probably shouldn't have," he says. But he defends an ad for Miller's Lowenbrau brand that Mr. Rothenberger of Minnesota also found disturbing. The ad shows two roommates helping a third student study, with an inset of the trio and two women drinking at a bar afterward. Mr. Easton concedes, "There's a very thin line between doing appealing, impactful ads and intruding on the purpose of student life."

In some promotions, however, the line isn't all that thin. Miller once offered to have its six-member sky-diving team, called the Six Pack, bail out of a plane, land at a Boston College football game wearing uniforms with the Miller logo, and deliver the game ball to the referee. Not to be outdone, Anheuser-Busch proposed throwing can openers with the Bud logo into the stands.

Boston College declined both offers.

American C...

THE RALEIGH TIMES

Phone 829-4500 Raleigh, North Carolina, Saturday Afternoon, Dec. 1, 1984

Opinions differ on happy hour dangers

By LUCY INMAN
Times staff writer

Blair Ligon, a 28-year-old graphic designer, ended his workday Wednesday as he does every Wednesday — with a couple of drinks at the Rathskeller restaurant's happy hour.

"This is a refreshing pitstop from the mad rat race," said Ligon, who for the past year has been meeting a dozen or more of his friends at the Hillsborough Street restaurant for the same weekly purpose.

"It's just a good time," Ligon said. "It's one of the few rituals left in my life."

Ligon arrived at the happy hour about 6:20 p.m. and bought two vodka screwdrivers by 7 p.m., when alcohol prices go back to the normal price. Asked if the reduced prices for drinks contribute to the amount he imbibes, Ligon said "Sure." For some in the group, cheap prices justified buying four or five drinks.

Ligon, who also drank two non-alcoholic drinks before leaving his friends, said he has little trouble driving safely from happy hour to home about three miles away.

In Massachusetts, the happy hour ritual will soon be outlawed. Lawmakers in in that state passed a law effective Dec. 10 banning happy hour discounts on drinks. The law is aimed at curbing drunk driving.

Raleigh area law enforcement officials differ on whether happy hours are dangerous.

Raleigh Police Chief Frederick K. Heineman said he thinks happy hours might spare this community from some other dangerous situations.

"Without happy hour you might have more wife beatings and child abuse cases," he said. "I personally like happy hour."

Heineman said he doesn't think happy hours are linked to an increased amount of drunk driving. "People are going to drink. If anything, happy hours influence which bars people go to to drink. They don't create drinkers, just like lowering the tax on cigarettes wouldn't create smokers."

"By raising the drinking age (from 18 to 19) hopefully we've achieved a more mature group of drinkers," he said. "Adults ought to be able to take care of themselves. But if they don't, we are still going to stop them," he said, noting that his preference for such promotions doesn't limit his assertiveness for safety's sake.

Other law enforcement officials think

See OPINIONS, page 2-A

Opinions differ on happy hour dangers

Continued from page 1-A

some adult motorists are not responsible enough to be tempted by cheap drinks. "Some might drink more than they normally would with this type of special, and that could lead them to be impaired on the road," said Lt. Arnold W. Rector, traffic safety information officer for the State Highway Patrol.

Rector said a law like the one in Massachusetts would have a "psychological effect" like that of the Safe Roads Act. "It appears that it would make a substantial majority of arrests for driving while impaired and the majority of alcohol-related accidents occur between 11 p.m. and 3 a.m.

While most customers and sellers of alcoholic beverages say happy hour prices alone don't cause extra drinking, they agree that the early evening and late night happy hours have created new crowds for bars that otherwise might depend on rushes of businesses during peak eating and drinking hours. And some say the attraction may encourage more drinking.

[illegible] restaurants have

"We were selling too much alcohol."

ough Street, happy hour is called "Fun Time." During Fun Time, from 4 to 7 p.m. and from 10:30 until closing, prices are reduced for both beer and many mixed drinks.

Some businesses have brought in too much business with happy hours. Crowley's Old Time Favorites, a neighborhood bar and restaurant on Medlin Drive, recently ended its all-night happy hour on Mondays because the business' receipts for alcohol were dangerously approaching the legal limit — 50 percent of business.

deals, however, because he doesn't like the idea of happy hour promotions. "It is not a proper thing for someone who is licensed by the state to do," Hazouri said. "I think we should set a good example, and I don't think it's necessarily a good example to link alcohol with fun."

Some other bar owners agree with Hazouri, and most say they wouldn't mind stopping happy hour.

"There are certain people that only come for specials and that's not the type of customer that bars really want," said Swenson. "We'd be successful without

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Rector said a law like the one in Massachusetts would have a "psychological effect" like that of the Safe Roads Act. "It appears that it would make a substantial contribution to safety of North Carolina highways," he said. "Personally I would support legislation like that."

The time of many happy hours — late afternoons — is dangerous because that's also rush hour, Rector said. "Just imagine rush hour around Raleigh. It takes a sober, sane and patient driver to drive under those conditions. And realize that the first effects of alcohol is on the judgment," he said.

According to local and state statistics, the majority of arrests for driving while impaired and the majority of alcohol-related accidents occur between 11 p.m. and 3 a.m.

While most customers and sellers of alcoholic beverages say happy hour prices alone don't cause extra drinking, they agree that the early evening and late night happy hours have created new crowds for bars that otherwise might depend on rushes of businesses during peak eating and drinking hours. And some say the attraction may encourage more drinking.

Many Raleigh bars and restaurants have happy hours to bring in customers during slow times.

At Ferrari's, a popular bar on Western Boulevard, offers "Beat the Clock" every Thursday.

"Beer starts at 25 cents at eight o'clock and goes up a quarter every hour," Ferrari's owner Paul Swenson said in a interview.

At the Darryl's restaurant on Hillsborough Street, happy hour is called "Fun Time." During Fun Time, from 4 to 7 p.m. and from 10:30 until closing, prices are reduced for both beer and many mixed drinks.

Some businesses have brought in too much business with happy hours. Crowley's Old Time Favorites, a neighborhood bar and restaurant on Medlin Drive, recently ended its all-night happy hour on Mondays because the business' receipts for alcohol were dangerously approaching the legal limit — 50 percent of business.

"We were selling too much alcohol," owner Patrick Crowley said. On Saturday and Sunday night happy hours, the bar has standing room only.

At Mitch's Tavern on Hillsborough Street, owner Mitch Hazouri said he doesn't like happy hours. Hazouri said that when he raised the price of beer a couple of years ago, "I just didn't raise it for the crowd that comes before eight."

Hazouri said he doesn't advertise any deals, however, because he doesn't like the idea of happy hour promotions. "It is not a proper thing for someone who is licensed by the state to do," Hazouri said. "I think we should set a good example, and I don't think it's necessarily a good example to link alcohol with fun."

Some other bar owners agree with Hazouri, and most say they wouldn't mind stopping happy hour.

"There are certain people that only come for specials and that's not the type of customer that bars really want," said Swenson. "We'd be successful without happy hours," he said. He said revenue wouldn't decrease even if the amount of alcohol did because there would be no discounts.

"Places would just have to find another way to compete," Swenson said. But he said he doesn't like the idea of added government regulation in such an unlikely area. "When is somebody gonna be responsible for themselves?"

How to Combat Drunkenness

By Morris E. Chafetz

Mark Ulrich

WASHINGTON — Almost everyone elieves that the tough Scandinavian pproach to drunken driving is the nswer to an old and worrisome prob-lem that is accentuated each New Year's Eve. I think they are wrong. In the long run, a broad effort to educate the public on how to control drunkenness would be far more effective.

Recent studies of drunken driving show that tough laws, strict enforcement and swift punishment do work, but only in the short term. In Sweden, for example, drunken-driving arrests are down, but fatalities from drunken-driving remain the same.

Police in Michigan and Delaware report that a much higher level of drunken-driving arrests doesn't significantly alter the statistics on drunken-driving deaths and injuries. H. Laurence Ross, author of "Deterring the Drunken Driver," explained the apparent incongruity when he wrote that an estimated 5,000 alcohol-impaired miles are driven for every arrest, and 330,000 miles of drunken driving takes place for every fatality.

Another Scandinavian approach — that of using "designated drivers" who agree not to drink in order to drive others home — is being embraced in this country. However, there is an alarming side-effect: drinkers who know they won't have to drive take the arrangement as a license to get drunk. A recent acceleration of alcohol problems in Sweden may be an unexpected outcome of the designated-driver program.

We are also experimenting in dangerous waters with the recent Federal law requiring states to raise their drinking ages to 21 or lose Federal highway assistance. This kind of Federal blackmail subverts the intent of the 21st Amendment, which not only repealed Prohibition but specifically forbade the Federal Government to meddle in states' alcohol policies. Since young people can easily get marijuana and other illicit drugs, why do policy makers think they won't be able to buy alcohol?

If saving lives is the rationale behind raising the national drinking age, there is an easier way to do it. "Raising the drinking age can save only 5 to 15 percent of teenage auto fatalities," says Yale's Leon Robertson, "but raising the driving age can spare 65 to 80 percent." We should establish a single majority age so that alcohol doesn't stand out as a major attraction to the young.

To stop drunken driving, all of us must become part of the solution. We can do this through education. We've already shown people how they can

Morris E. Chafetz, a physician and president of the Health Education Foundation, was chairman of the prevention and education committee of the Presidential Commission on Drunk Driving from 1982 to 1983.

ESSAY
William Safire

Office Pool, 1985

WASHINGTON

Here, for the high rollers of punditry, is the office pool in Cassandra's Casino. Nobody ever gets more than four correct, but when you hit on a big one, all the predictions that went awry are washed away.

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3. The real increase in defense-budget authorization will wind up (a) 7 percent or over, as President Reagan seeks; (b) a compromise between 4 and 6 percent; (c) under 4 percent for the first time since Jimmy Carter.

4. The amendment that will pass is the (a) balanced budget; (b) school prayer; (c) anti-abortion; (d) none.

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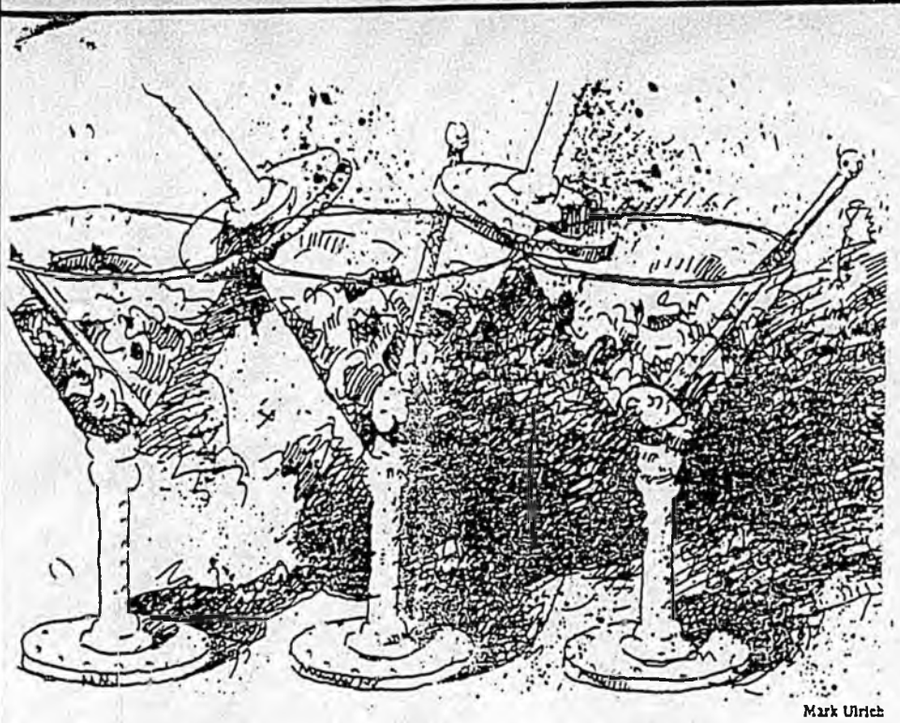

Mark Ulrich

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To stop drunken driving, all of us must become part of the solution. We can do this through education. We've already shown people how they can preserve their health by quitting smoking, exercising, eating better and reducing stress. We teach unskilled people how to save lives with the Heimlich maneuver, cardio-pulmonary resuscitation and various life-saving measures.

Why not use similar techniques to combat drunkenness? We already have easily learned techniques on how to spot, interrupt and prevent impending intoxication. We can't look away when family members, friends, colleagues and co-workers overdose with alcohol and become dangerous to themselves and others.

Alcohol is a drug — a central nervous system depressant — not far removed pharmacologically from barbiturates. Yet people feel free in dispensing it recklessly and irresponsibly. By calling alcohol a drug I'm not calling it a dirty name. My feelings about alcohol are similar to those of Winston Churchill, who once said, "I have taken more good from alcohol than alcohol has taken from me." I contend that society has taken more good from alcohol than alcohol has taken from society.

A landmark decision of the New Jersey Supreme Court that holds social hosts liable for the actions of guests who get drunk forces us to realize that people around the drinker contribute to the state of drunkenness. Consumer activists tell us that businesses should be responsible for their products and services. The court's 6-to-1 decision tells us that we are responsible for the behavior of our drinking guests.

When people no longer feel that getting drunk is an acceptable part of drinking, and when the liquor and hospitality industries train their employees in responsible sale and service, drunken driving will cease to be a major social problem. Perhaps the increasing threat of litigation, following the New Jersey decision, will finally bring us to our social senses. □

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9. Democrat leading for Presidential nominee in the early surveys of party officials will be (a) Gary Hart; (b) Ted Kennedy; (c) Mario Cuomo; (d) Joseph Biden; (e) Bill Bradley.

10. Israel will (a) have a new government; (b) adopt the austerity-free market ideas that will trigger massive U.S. aid; (c) neither; (d) both.

11. The faction within the Reagan Administration that will emerge as predominant will be (a) Weinberger-Clark-Casey-Kirkpatrick; (b) Shultz-Baker-Baldrige-McFarlane; (c) Mike Deaver and Nancy Reagan; (d) a continuing standoff among these three.

12. The Strategic Defense Initiative (a) will still be hooted at as "Star Wars" and will not be funded; (b) will be used as a bargaining chip to reduce Soviet land-based missile advantages; (c) will be the centerpiece of U.S. defense planning.

13. The Soviet leader at year's end will be (a) Chernenko; (b) Gorbachev; (c) Romanov; (d) Grishin; (e) Ogarkov.

14. The People's Republic of China will (a) make a surprise deal with Taiwan; (b) dispense with chopsticks; (c) have a rapprochement with the Russians; (d) continue on ...pitalist road; (e) have this dec-

If you don't play, you can't hoot

promotions, though, is the recent national law requiring states to raise the drinking age to 21 by 1986 to avoid losing federal highway funds. The higher age, which 31 states either already enforce or will enforce soon, in effect outlaws drinking by many of the nation's 12.5 million undergraduate and graduate students.

Generally, however, campus beer promotions continue, even in states that have raised the drinking age. The campus is a crucial battleground for brands trying to capture lifetime fans. "Brand preferences for beer and other consumer products are developed from age 18 to 24," says David Lewenz, G. Heileman Brewing Co.'s manager of young-adult marketing. Winning market shares is all the more crucial now, because sales are declining in the $12 billion beer industry.

A Right to Advertise?

Because as many as 60% of college students legally may drink, says Mr. Roarty of Anheuser-Busch, "we think we have a right to advertise to those people." Heileman's Mr. Lewenz adds, "What we say is that when you come of legal age, we hope that you purchase our product."

Most universities allow the promotions, citing traditions of openness and a responsibility to help students deal with alcohol. But colleges clearly have a problems.

"In a free-enterprise system, people are free to promote and advertise products that aren't outright harmful," says Stephen Nelson, Dartmouth College's director of student activities. Yet, he wonders, with students at an age when heaviest drinking occurs, "are we heightening that vulnerability?"

Heavy drinking has long been implicated in vandalism, bad grades and occasional student deaths. Of 1,563 students responding to a survey last spring, more than half were heavy beer drinkers, consuming five or more beers a week, says Cass Communications Inc., an advertising representative for college newspapers.

Effect on Students

John McKillip, a psychology professor at the University of Southern Illinois, says his research shows that a fifth of the university's 20,000 students test poorly or skip class at least once a month because of heavy drinking. Colleges that allow or participate in beer promotions, he says, are "like hospitals running ads for cigarettes in their in-house publications."

Then, too, colleges worry about the liability they may face when drinking students harm themselves or others. Delaware Valley College of Science and Agriculture recently was cleared of liability in a case that resulted from a highway accident involving a student who had been drinking at a sophomore class picnic. But such cases are causing concern among college administrators, according to the National Association of College and University Attorneys.

"Practically every university is encountering alcohol abuse," says the Rev. Edward J. Hanrahan, the dean of students at Boston College, a Jesuit institution with 12,500 students. "We are looking to see if the promotions are contributing to abuse."

Some colleges already have concluded that they are. The University of South Carolina is banning beer ads in the student

Please Turn to Page 20, Column 1

POSITION PAPER/Department of Health & Social Services

POSITION PAPER

SENATE BILL 138

"An Act relating to pricing and promotion of alcoholic beverages."

From a public health perspective the Department of Health and Social Services is highly supportive of SB 138. Research supports the contention that lower prices of beverage alcohol leads to higher consumption resulting in increased alcohol health-related problems.

The effect of alcoholic beverage pricing and promotional activities are to increase consumption via lower prices, creating settings conducive to more drinking. The timing of such promotions, often occuring in the early evening following the work day, can also enhance the effects of alcohol since drinkers are often tired and haven't eaten. These situations also contribute to drinking and driving. This is particularly true in Alaska where the automobile, as opposed to public transportation, is the primary method of transportation. Additionally, crowded situations brought on by Happy Hours make it difficult for drink servers to determine whether patrons are of legal age or are intoxicated.

As of 1984, 12 states had restricted alcohol-price promotions to at least some degree and twenty states were considering such legislation. In recent years several military installations have banned Happy Hours as a strategy for reducing the rates of alcohol problems they were experiencing.

In a 1977 study Harvard researchers indicated that both casual and heavy drinkers consumed about twice as much alcohol under Happy Hour conditions than did their counterparts under non-Happy Hour conditions.

The Department would be pleased to provide any additional information relating to SB 138.

Recommended by: Matthew C. Felix

Matthew C. Felix
Coordinator
Office of Alcoholism/
Drug Abuse

Date: 2/19/86

Approved by: John R. Pugh

John R. Pugh
Commissioner
Department of Health
& Social Services

Date: 2/19/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 138
Title: "An Act relating to pricing and promotion of alcoholic beverages."

Sponsor: V. Fischer
Requestor: Senate State Affairs Committee
Date of Request: 2/8/86

FISCAL DETAIL

Agency Affected: Health & Social Services
BRU: Alcoholism and Drug Abuse

Components: Alcohol Abuse

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	Ø	Ø	Ø	Ø	Ø	Ø
CAPITAL						
REVENUE	Ø	Ø	Ø	Ø	Ø	Ø

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Matthew C. Felix Phone: 586-6201
Division: ALCOHOL & DRUG ABUSE Date: _____

Approved by Commissioner: John R. Pugh Date: 2/19/86
Agency: HEALTH & SOCIAL SERVICES

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

SB

148

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY
FINANCE

1/13/86

Date 2/6/86

Mr. President

The Committee on STATE AFFAIRS considered 2d SSSB 148

providing for election of a state treasurer; establishing the treasurer's powers and duties; abolishing the legislative audit division; and providing for an effective date.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to JUDICIARY Committee

MEMBERS SIGNING
DO PASS

Edwin DeVries
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Nita Rinehart DNP

Chairman

Do Pass
Chairman recommendation

SB

157

STEPHEN McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
POUCH AA
JUNEAU 99811
(907) 465-3520

January 31, 1985

The Honorable Don Bennett
President of the Senate
Pouch V
Juneau, AK 99811

Dear President Bennett:

Pursuant to Chapter 45, Session Laws of Alaska 1983, I am herewith submitting my report on the activities of the Alaska Administrative Journal, now being published in the Office of the Lieutenant Governor on the first and third Monday's of each month.

The Journal has been available at 1,500 computer terminals on STAIRS across the State of Alaska beginning with the first issue on November 7, 1983. This effort was later complimented beginning on May 7, 1984, and continuing to date, with the publication of a hard copy version of the Journal. The computers are located in all Legislative Information Offices as well as in the offices of individual legislators, executive branch offices, and on those terminals on contract with the Legislative Affairs Agency by private individuals. Distribution in hard copy has attracted 182 subscribers at a cost of $250.00 each for 24 issues per year. An additional 124 copies of the Journal are provided to various users without fee. These user groups were developed as a result of our initial marketing effort on both an in-state and out-of-state basis.

A preliminary survey of the subscribers has resulted in very positive feedback by those individuals who compose the current user group, with the general recommendation being that the Alaska Administrative Journal be continued and expanded. It is the opinion of the vast majority of the respondents to the survey that the program has been a success and should the Legislature continue funding for the Alaska Administrative Journal, further marketing attempts would definitely be in order. If a deficiency exists in the publication of the Journal it would certainly be that the timeliness of agency inclusion of information has not always been good. This has resulted in inclusion of some out-of-date information to the user group. This is not meant to imply that state

agencies are intentionally omitting information from their submittal to the Journal for publication, but rather there is a lack of specific statutory language that would eliminate some confusion offering a clear mandate as to what are the agencies responsibilities. Given this obvious defect, the Legislature may well wish to require agencies to submit information for publication in order to meet statutory requirements. For example, the Legislature could, by statute require the Department of Transportation to publish bid notices in the Journal in order to satisfy their publication requirements. Absent that mandate the Journal will continue to exist as an information item and its attractiveness to potential subscribers will be diminished accordingly.

In summary, the Alaska Administrative Journal began as a pilot project by the Legislature to disseminate information generated by various state agencies. Initially it was provided only at computer terminals, but has gone beyond that stage to actual hard copy distribution. Thus far the Journal has generated revenues of approximately $40,000. With the enactment of law requiring the publication of the Journal, Alaska joins 33 other states with similar publications. Alaska has therefore joined with those other states in meeting the public's continued demand for additional information about its government. Should the Legislature enact continuing legislation for this program beyond the June 30, 1985, repeal date, fiscal year 1986 funding has been included in the budget submission by the Office of the Lieutenant Governor for your consideration. Any Legislator who wishes to review supporting material may do so by contacting my office.

Sincerely yours,

Stephen McAlpine
Lieutenant Governor

LAWS OF ALASKA

1983

Source

HCS CSSB 132(SA) am H

Chapter No.

45

AN ACT

Establishing the Alaska Administrative Journal; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

Approved by the Governor: July 8, 1983
Actual Effective Date: July 9, 1983

Chapter 45

AN ACT

Establishing the Alaska Administrative Journal; and providing for an effective date.

---

* Section 1. ADMINISTRATIVE JOURNAL. (a) The lieutenant governor shall publish or contract for publication of a biweekly Alaska Administrative Journal. The journal shall include:

(1) notices of proposed actions given under AS 44.62.190(a);

(2) notices of state agency meetings required under AS 44.62.310(e);

(3) notices of solicitations to bid issued under AS 37.05.230;

(4) notices of state agency requests for proposals under AS 18.55.255, 18.55.320; AS 19.10.190; AS 19.40.020; AS 35.15.030; AS 37.05.230, 37.05.315(d); AS 38.05.120; AS 43.40.010; and AS 46.11.030;

(5) executive orders and administrative orders issued by the governor;

(6) written delegations of authority made by the governor or by the head of a principal department under AS 44.17.010;

(7) the text or a summary of the text of a regulation or amendment to a regulation that has been adopted or for which notice is given under AS 44.62.190(a); and

(8) references to the state computer data base that contains a summary of the text of formal opinions and memoranda of advice of the attorney general.

(b) The person or agency that issues or adopts a notice, order,

delegation, text, or summary of text listed in (a) of this section shall send a copy to the lieutenant governor in a computer-readable magnetic medium compatible with the legislative data processing system.

(c) The lieutenant governor shall organize and provide to the Legislative Affairs Agency the text of each issue of the journal in a computer-readable magnetic medium compatible with the legislative data processing system.

(d) A person may not maintain an action based on publication or lack of publication in the journal.

(e) Publication in the journal does not replace or supplant publication required by other provisions of law.

(f) For purposes of this section,

(1) "journal" means the Alaska Administrative Journal;

(2) "publish" means to make available to the public through the legislative data processing system.

* Sec. 2. REPORT. Not later than January 31, 1985, the lieutenant governor shall submit to the legislature a report on the Alaska Administrative Journal. The report shall include the lieutenant governor's recommendations and a summary of comments solicited from users of the journal concerning

(1) the need for continuation of the journal;

(2) the advisability of publishing the journal in a printed medium in addition to or in place of making the journal available through the legislative data processing system;

(3) the suggested cost for a subscription to the journal; and

(4) any other matters relevant to the publication of the journal.

* Sec. 3. This Act is repealed July 1, 1985.

* Sec. 4. This Act takes effect July 1, 1983.

AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled bill, HOUSE CS FOR CS FOR SENATE BILL NO. 132(SA) am H _____, consisting of 2 pages, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the Senate June 14, 1983

President of the Senate

ATTEST:

Secretary of the Senate

Passed by the House June 13, 1983

Speaker of the House

ATTEST:

Chief Clerk of the House

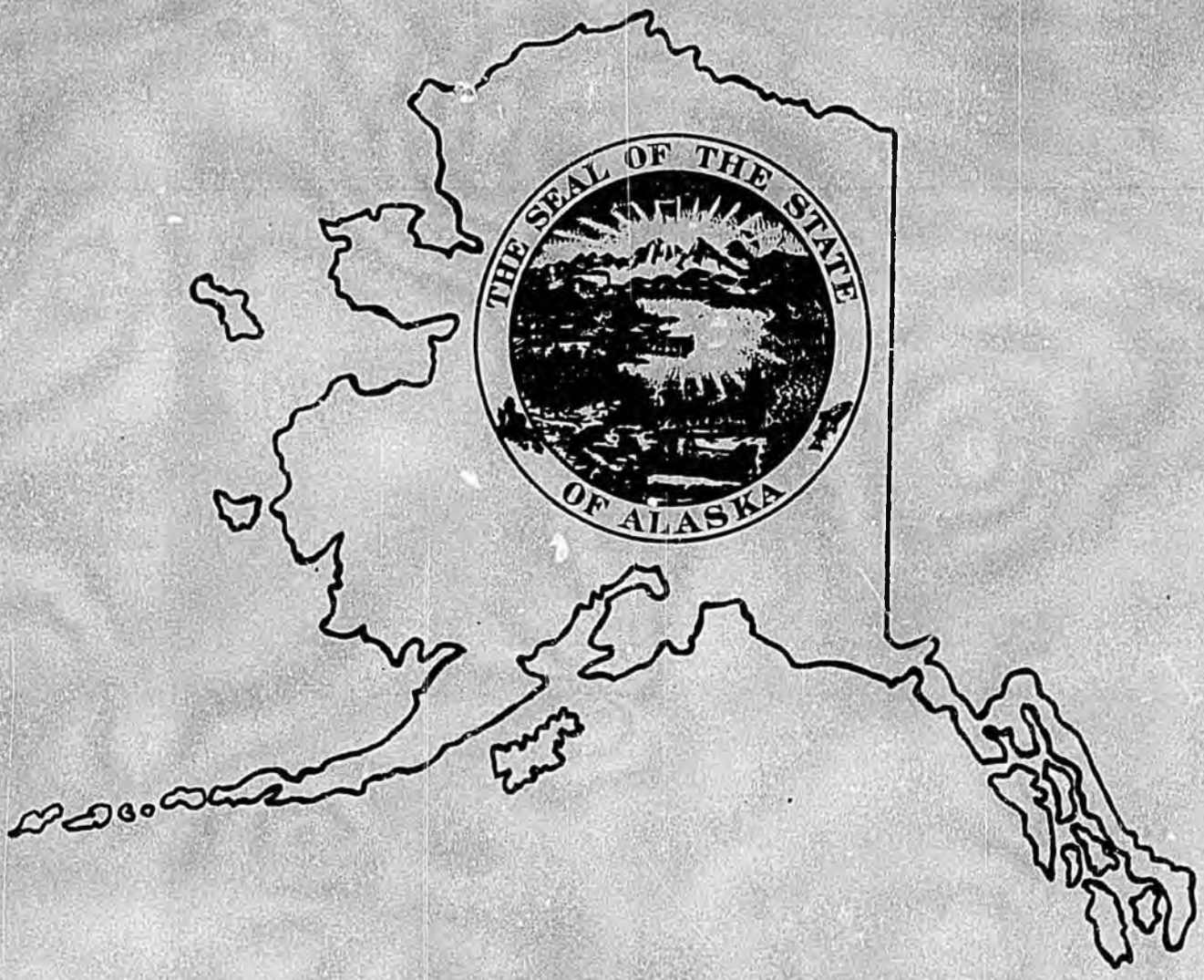
ACTION BY GOVERNOR

Approved by the Governor July 8 19 83

Governor of Alaska

ALASKA ADMINISTRATIVE JOURNAL

VOLUME IP, ISSUE 35
APRIL 1, 1985



Stephen McAlpine, Lieutenant Governor

ALASKA ADMINISTRATIVE JOURNAL

SUBCRIPTION FORM

_____NEW _____RENEWAL

PLEASE SEND ME _____ SUBSCRIPTION(S) TO THE ALASKA ADMINISTRATIVE JOURNAL AS INDICATED BELOW:

____ 1 Year (24 Issues) @ $250.00 ea. Total $_____

____ 6 Months (12 Issues) @ $125.00 ea. Total $_____

GRAND TOTAL $ _____

PLEASE PRINT OR TYPE:

NAME:_____ PHONE:_____

REPRESENTING:_____

TYPE OF BUSINESS:_____

ADDRESS:_____

CITY:_____ STATE:_____ ZIP:_____

Please make checks payable to the STATE OF ALASKA.

Mail to: AAJ Coordinator
Office of the Lieutenant Governor
Pouch AA
Juneau, Alaska 99811

ALL SUBSCRIPTIONS SUBJECT TO PAYMENT IN ADVANCE

ALASKA ADMINISTRATIVE JOURNAL

FOREWORD

Under Chapter 45, SLA 1983, the Lieutenant Governor's Office is publishing, by means of the legislative data processing system, the ALASKA ADMINISTRATIVE JOURNAL on a bi-weekly basis. This is a project to assess the public interest in such a publication. In addition, the Lieutenant Governor's Office is publishing this paper edition of the Journal on a bi-weekly basis to assist in making that assessment.

This Journal is provided for public information, but it does not constitute legal notice as required by Alaska Statutes. The inclusion or absence of information does not negate the effectiveness of any act performed on behalf of the State of Alaska. For information on the Journal, contact the Lieutenant Governor's Office at 465-3520; Jeannette Hieb.

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COMMITTEE REPORT

SENATE

FURTHER: FINANCE

2/14/85

Date 4/2/85

Mr. President

The Committee on STATE AFFAIRS considered SB 157

continuing the existence of the Alaska Administrative Journal; efd.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 157
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Eda de Vries

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CS SB 157

Title: An Act continuing the existence of the Ak. Admin. Journal

Sponsor: Betty Fahrenkamp

Requestor:

Date of Request: 3-28-85

FISCAL DETAIL

Agency Affected: Office of the Governor

Program Category Affected: Executive Operations

BRU, Program or Subprogram(s) Affected: Office of the Lieutenant Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	104.0	98.0	98.0			
400 SUPPLIES	6.0	2.0	2.0			
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	110.0	100.0	100.0			
CAPITAL						
REVENUE	250.0	125.0	125.0			

FUNDING: (Thousands of Dollars)

GENERAL FUND	110.0	100.0	100.0			
FEDERAL FUNDS						
OTHER						
TOTAL	110.0	100.0	100.0			

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This appropriation would fund the continued publication of the Alaska Administrative Journal in hard copy for distribution to subscribers. The dollar amount is based on 500 subscribers, on a weekly basis, at 100 pages each. Subscriptions are sold at $250 annually with the revenues going to the General Fund. $73.0 printing; $25.0 postage; $2.0 labels, envelopes, misc. To accommodate the increase to weekly publication and stay within the FY 85 appropriation for FY 86, other printing and advertising has been deleted from this request.

Prepared By: Sally R. Hanson Phone: 465-3520

Division: Office of the Lieutenant Governor Date: 3-28-85

Approved by Commissioner: Stephen McAlpine Date: 3-28-85

Agency: Lieutenant Governor

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

SURVEY COMMENTS SUMMARY

PRO

1. Useful for checking not only that Department's activities, but other departments activities.
2. Useful for keeping informed of proposed regulations and, in general, on the activities of State government.
3. Good source of information.
4. Format well laid out and can be quickly scanned.
5. Very beneficial in keeping us informed of various activities in the State because living in the lower 48 receive very little communications.
6. Our department uses the Journal to look at other departments to see if any issue related to them could impact our operation.
7. Quick reference for Attorney General opinions as well as agency actions.
8. Concise, well organized, timely and very informative.
9. Alaska Administrative Journal necessary to keep up with changes in the code.

CON

1. Helpful document, but would be more useful if delivery was speeded up.
2. Too many of the meetings, RFP deadlines, etc. are after the fact.
3. Had hoped the Journal could replace our need to use the daily newspapers for such announcements.

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
ANCHORAGE REGIONAL OFFICE
550 WEST 8TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-9431

STATE OF ALASKA
RECEIVED
DEC 13 '84
LIEUTENANT GOVERNOR

December 10, 1984

The Honorable Stephen McAlpine
Lieutenant Governor
Pouch AA
Juneau, AK 99811

RE: Alaska Administrative Journal

Dear Mr. McAlpine,

We have found that the Alaska Administrative is of only very limited benefit to our program. It does provide some notice that regulations, etc. are being proposed by state agencies. However, it does not contain sufficient details of the proposal to even know if they are substantive rule changes or mere corrections.

I would recommend including in notices of proposed regulatons on rule making an explanation of the rationale and effect of the proposal prepared by the agency.

Respectfully,

ALASKA LEGAL SERVICES CORPORATION

Monte Engel
Staff Attorney

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

Dear Subscriber:

Now that you have been receiving the Alaska Administrative Journal and have had a chance to peruse the contents, I would like you to take a few moments out of your busy schedule to let me know if you have found the Journal beneficial for your purposes.

Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine
Lieutenant Governor

Too many of the meetings, RFP deadlines etc. are after the fact, with either too little or no ability to plan for us. We had hopes that this Journal could replace our need to use the daily newspapers for such announcements. Such is not the case.

Prime Example: In Vol 1P, Issue 26 DNR Div of Forestry NOTICE OF TIMBER SALES (pp 49-52) was for auction of November 15, 1984. Of what use, except historical, is that information?

Business people need planning tools, and this publication does not offer that requirement as a tool.

R&G LEASING COMPANY
2600 Denali Street, Suite 102
Anchorage, Alaska 99503

By: George B. Gardner
George B. Gardner, General Partner

STATE OF ALASKA
RECEIVED
NOV 29 '84
LIEUTENANT GOVERNOR

AtlanticRichfieldCompany Public Affai
Alaska State and Local Government Relations
Mailing Address: 134 Franklin Street
Juneau, Alaska 99801
Telephone 907 586 3680

Beverly Ward
Associate Director

STATE OF ALASKA
RECEIVED
JAN 03 '85
LIEUTENANT GOVERNOR

December 26, 1984

Honorable Stephen McAlpine
State of Alaska
Office of the Lieutenant Governor
Pouch AA
Juneau, Alaska 99811

Dear Steve:

In response to your request of Dave Harbour for the commentary on the new Alaska Administrative Journal, we offer the following.

In general, the information in the booklet is very helpful, even though it does not constitute legal notice. The information seems to be fairly complete and offers adequate explanation under each section.

However, there is some constructive criticism we wish to offer regarding the printed publication of the Journal. The nine issues that we have received since June have all arrived on a two-week-delay basis. The latest volume, volume IP, issue 26, dated November 19, 1984 was received December 4, 1984, well after the date the December 1 issue should be published.

Consequently, usefulness of information within the booklet is compromised by the time we read it. Often, this may mean the difference of making or of missing a meeting of importance. A possible remedy for this situation would be to print notices for meetings, hearings, etc. in more than one volume of the journal, beginning the announcements at an earlier date.

We feel there is a need for the Journal. We encourage you to continue producing it and taking the opportunity such as you are now doing to gather comments from users and improve its service to the community.

Sincerely,

Beverly A. Ward

BAW:kj

SOHIO ALASKA PETROLEUM COMPANY

3111 "C" STREET,
ANCHORAGE, ALASKA

TELEPHONE (907) 561-5111

MAIL: POUCH 6-612
ANCHORAGE, ALASKA 99502-0612

December 11, 1984

The Honorable Stephen McAlpine
Lieutenant Governor
State of Alaska
Pouch AA
Juneau, Alaska 99811

Dear Lt. Governor:

Since the beginning of publication of the Alaska Administrative Journal, Sohio Alaska Petroleum Company has utilized this publication. Sohio has a number of subscriptions and is even considering requesting additional copies.

In my opinion, publication of this document by your office is extremely beneficial to the citizens in Alaska. As the largest taxpayer in the State, Sohio is interested in rules and regulations being considered by the various state agencies, the State's bidding proposals and the opinions of the Attorney General's office. The Journal helps keep us informed of these items.

The Journal has proven beneficial and I hope its publication continues.

Sincerely,

James A. Palmer
Associate Director
Alaska Government
Affairs

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

STATE OF ALASKA
RECEIVED
LIEUTENANT GOVERNOR

November 19, 1984

Dear Subscriber:

Now that you have been receiving the Alaska Administrative Journal and have had a chance to peruse the contents, I would like you to take a few moments out of your busy schedule to let me know if you have found the Journal beneficial for your purposes.

Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

I think the Journal is a useful publication and that it should continue to be published. It offers a better opportunity to interested persons to be informed of governmental activities.

Laura A. Belmont
Legislative Intern
Alaska State Senate

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

COPELAND, LANDYE,
BENNETT and WOLF
NOV 26 1984

November 19, 1984

Dear Subscriber:

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Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
RECEIVED
LIEUTENANT GOVERNOR

yes - it has been helpful. The only problems are:

a) some notices are out of date by the time the journal is printed and received

b) the format isn't that easy to read

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
RECEIVED
DEC 10 '84
LIEUTENANT GOVERNOR

yes, we find the journal very useful for not only getting information about our activities out, but for learning what other departments are doing.

Pam Rogers for
Kay Brown
Director
Division of Oil and Gas
Pouch 7-034
Anchorage, Alaska 99510

RECEIVED
DEC 04 1984
DIVISION OF OIL & GAS

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine
Lieutenant Governor

The Honorable Steve McAlpine
Lieutenant Governor of Alaska
Pouch AA
Juneau, Alaska 99811

STATE OF ALASKA
RECEIVED
DEC 10 '84
LIEUTENANT GOVERNOR

November 28, 1984

Dear Lt. Governor McAlpine:

From time to time our office has found the Alaska Administrative Journal to be informative on the activities of the Departments of Natural Resources, Commerce and Economic Development, and Transportation and Public Facilities. In particular the Journal has been useful in keeping us informed on proposed regulation changes and, in general, on the activities of our State government. We appreciate receiving it and hope you continue to keep it in publication.

Sincerely yours,
H. M. "Hank" Giegerich

alaska construction management

Michael L. Redmond, P.E.

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

MR 11/26

RECEIVED NOV 26 1984

November 19, 1984

Dear Subscriber:

Now that you have been receiving the Alaska Administrative Journal and have had a chance to peruse the contents, I would like you to take a few moments out of your busy schedule to let me know if you have found the Journal beneficial for your purposes.

Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

STATE OF ALASKA
RECEIVED
DEC 10 '84
LIEUTENANT GOVERNOR

Stephen McAlpine
Lieutenant Governor

Dear Steve,

Found the Journal extremely informative. And I believe I have a very valid suggestion. Under some of your Competitive Bds, RFP and Pblic Notices section, it is difficult to separate out the distinct projects. For example, Pg 73 of Vol IP, Issue 26, Nov 16, 84. The invitation for Expression of Interest for the Juneau Hanger is difficult to locate. I suggest an identifiable marking to distinguish the next topic within a section.

Hope this information is of use.

Very truly yours,

Michael L Redmond P.E.

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine
Lieutenant Governor

Gentleman:

A helpful document, would be more so if delivery would be speeded up. E.g. date on last issue was November 19th and we received copy in our office in Anchorage on November 26th.

G. E. Day

STATE OF ALASKA
RECEIVED
DEC 07 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

RECEIVED NOV 26 1984

November 19, 1984

Dear Subscriber:

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Would you please write your comments on the bottom of this letter and return it to my office.

STATE OF ALASKA
RECEIVED
OCT 23
LIEUTENANT GOVERNOR

Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

Good source of information. It would save reviewing the menus of programs if all the items in the Journal were listed. Some "None this Publication" may simply omitted from the outline. The complete agency skeleton outline could be shown for the first agency listed. After that no ~~one~~ could be deemed to indicate "None this Publication"? This isn't legal notice anyway.

Also examples of items which never change. IV. "Executive Administrative Orders" will never have an entry under other agencies that Gov's office - so delete it. Might take some programming to remove these items for hard copy printout, but it should be worth it

Rob Lohr
Rural Cliff 277-2511

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine
Lieutenant Governor

The biggest users of the Journal are, on the whole, very pleased with it and say it meets their needs. Their only criticism is that the would like to see the list of code sections affected published more frequently, ideally with each issue. They also would like the full text of final rules published, but we understand there are valid reasons for publishing only summaries.

Office of the Lieutenant Governor
Pouch AA
Juneau, Alaska 99811

8/30/85
Bureau of Nat'l Affairs, Inc.
State Information Unit
Attn: Emily Gilreath
1231 - 25th St., N.W.
Washington, DC 20037

DO NOT BEND

FIRST CLASS

STATE OF ALASKA
RECEIVED
DEC 07 '84
LIEUTENANT GOVERNOR

KETCHIKAN GATEWAY BOROUGH
344 Front Street
Ketchikan, Alaska 99901

DAVID G. CROW
Borough Manager

(907) 225-6151
Extension 401

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
RECEIVED
DEC 06 '84
LIEUTENANT GOVERNOR

November 19, 1984

Dear Subscriber:

Now that you have been receiving the Alaska Administrative Journal and have had a chance to peruse the contents, I would like you to take a few moments out of your busy schedule to let me know if you have found the Journal beneficial for your purposes.

Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

Steve:

We have found the Journal quite useful, and appreciate the effort that goes into it.

Kindest personal regards,

Dave Crow

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

STATE OF ALASKA
RECEIVED
NOV 28 '84
LIEUTENANT GOVERNOR

November 19, 1984

Dear Subscriber:

Now that you have been receiving the Alaska Administrative Journal and have had a chance to peruse the contents, I would like you to take a few moments out of your busy schedule to let me know if you have found the Journal beneficial for your purposes.

Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

Chugach ELECTRIC ASSOCIATION, INC.

5601 MINNESOTA DRIVE • POUCH 6300 • ANCHORAGE, ALASKA 99502-0300 • PHONE 907-563-7494
TELEX: CHUGACH AHG
(090) 25 265

November 28, 1984

STATE OF ALASKA
RECEIVED
DEC 04 '84
LIEUTENANT GOVERNOR

Honorable Stephen McAlpine
Lieutenant Governor
State of Alaska
Pouch AA
Juneau, AK 99811

Dear Lieutenant Governor McAlpine:

Chugach Electric Association, Inc., finds the Alaska Administrative Journal useful. As director of government and environmental affairs for Alaska's largest electric utility, I rely on the Journal to help keep me apprised of proposed regulations, meetings and similar events of interest to Chugach. I appreciate the conciseness and format of the Journal. It is a timesaver.

Feel free to contact me if you need further elaboration.

Sincerely,

Larry Markley

Lawrence D. Markley
Director, Government and
Environmental Affairs

LDM/cr

11/27

NOV 2 1984

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
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DEC 04 '84
LIEUTENANT GOVERNOR

What I look for in the Alaska Administrative Journal are opinions of the Attorney General pertinent to franchise or personal taxation (Department of Law), and changes in levying taxes and regulations as they pertain to taxes (Department of Revenue). The Journal has not addressed these issues for me. However, there may not have been activity in the area of taxation, as it is generally a legislative matter. The format is well laid out and can be quickly scanned.

Carolyn Wilhite

Carolyn Wilhite, Editor, State Tax
Commerce Clearing House, Inc.
Quail Hill, San Rafael, CA 94903

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

RECEIVED
NOV 26 1984
EMPLOYEE RELATIONS

November 19, 1984

Dear Subscriber:

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Warmest regards,

Stephen McAlpine
Lieutenant Governor

I find the Journal beneficial, in that living in the lower 48 we receive very little communications regarding governmental activities in the state of Alaska. The Journal keeps us abreast of various activities.

STATE OF ALASKA
RECEIVED
DEC 04 '84
LIEUTENANT GOVERNOR

Tesoro Petroleum Corp.

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine
Lieutenant Governor

Yes, we find the Alaska Administrative Journal very beneficial.

Thank you

S. E. Lodge
11/26/84

STATE OF ALASKA
RECEIVED
DEC 0 3 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

RECEIVED
NOV 23 1984
YOUTH SERVICES

November 19, 1984

Dear Subscriber:

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Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine
Lieutenant Governor

TO: The Honorable Stephen McAlpine
Lieutenant Governor
Office of the Governor
Juneau

STATE OF ALASKA
RECEIVED
DEC 03 '84
LIEUTENANT GOVERNOR

FROM: Angela Shemel
Administrative Clerk
Youth Services Administration
Anchorage

The Alaska Administrative Journal has been helpful in that it has kept the Youth Services Administrative office abreast of current issues and how they are written up or presented to the general public. It serves as resource for any upcoming action and forewarns us of possible public questioning that could ensue as a result of an issue being put forth to the public. It also gives us a chance to look at other departments to see if any issue related to them could have an impact on our operation(s).

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
RECEIVED
DEC 03 '84
LIEUTENANT GOVERNOR

Dear Steve,

I've found the AAJ to be a quick reference for current A.G. opinions or leads on for agency action.

Michael Gatti
Deputy Borough attorney
Matanuska - Susitna Borough

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

11/22/84
STEVE MARIAN S FRANKEL -
HELPFUL W FOLLOWING AGENCIES I AM PARTICULARLY INTERESTED IN.
ONLY 35 DAYS LEFT IN 1984 TO COMPUTERIZED SUMMARIES OF A.G. OPINIONS.
HOPE IT WON'T BE CHANGED TO LATE 1985!

STATE OF ALASKA
RECEIVED
DEC 03 84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

RECEIVED
NOV 26 1984
URS ENGINEERS - ANCH.

November 19, 1984

Dear Subscriber:

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Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine
Lieutenant Governor

DEAR STEPHEN:

THE ALASKA ADMINISTRATIVE JOURNAL IS:

- CONCISE;
- WELL ORGANIZED;
- TIMELY; AND
- VERY INFORMATIVE.

STATE OF ALASKA
RECEIVED
NOV 30 '84
LIEUTENANT GOVERNOR

MY FIRM, URS ENGINEERS, IS INVOLVED WITH ENGINEERING, ENVIRONMENTAL STUDIES AND PLANNING, AND WE TRULY APPRECIATE THE INFORMATION PROVIDED IN THE ALASKA ADMINISTRATIVE JOURNAL. THANKS.

SINCERELY YOURS,

STEVE STIELSTRA
URS ENGINEERS
825 N. 8TH AVE
ANCHORAGE, AK. 99501

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

NOV 5
RAO

November 19, 1984

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Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

23 NOV 84

Mr. Stephen McAlpine, Lt. Governor:

We find AAJ very useful and helpful on how Alaska State Government handles various inquiries. We hope you will continue to produce AAJ.

Thank you.

Ley G. Okakok
Special Assistant
to
Mayor - North
Slope Borough

STATE OF ALASKA
RECEIVED
NOV 30 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
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NOV 29 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

RECEIVED
NOV 21 '84
USKH ANCHORAGE

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
RECEIVED
NOV 29 '84
LIEUTENANT GOVERNOR

we are an engineering/architecture firm. Information on RFP's is outdated — most are in newspapers before they appear here. Other information is interesting and I believe the concept is valuable — would like to see input from those departments who rarely have anything to say.

Blythe Hawes
Administrative Manager
USKH

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 1 , 1984

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Would you please write your comments on the bottom of this letter and return it to my office.

Warmest regards,

Stephen McAlpine
Lieutenant Governor

STEVE,
THE JOURNAL IS VERY BENEFICIAL
TO US HERE AT HANDYMAN READY MIX.

Richard Biggers

STATE OF ALASKA
RECEIVED
NOV 23 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

The AK Administrative Journal is necessary to keep up with the changes in the Code. The last update in the AK Adm. Code is October. Without your publication this Code would be totally outdated. In the last 4 years Bob Pub has been known to wait 3-6 before publication of updates. That is, to say the least inconvenient. Thank you for your timely publication.

Rob W. Yundt, BS, MA
Librarian
Beech, Houston, Anchorage

STATE OF ALASKA
RECEIVED
NOV 28 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

11/23/84

Not yet. I did notice the November 19th issue had for a heating renovation in Juneau which is getting closer to what we are interested in. Regretfully the bid date was Nov. 8th and I recieved the journal Nov. 23rd

Yours Truly

John C. Paul

Operations Manager

Engineering / Fabrication / Construction / Service

STATE OF ALASKA
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NOV 28 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

RECEIVED
NOV 23 '84
ROBERTSON, MONAGLE, EASTAUGH & BRADLEY
ANCHORAGE

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

It has been a value to us. The AG prison library, when available a computer, will be even more so.

STATE OF ALASKA
RECEIVED
NOV 28 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

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Warmest regards,

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
RECEIVED
NOV 27 '84
LIEUTENANT GOVERNOR

Sealaska Corporation has found the Journal to be valuable and fully intends to continue our subscription.

Richard P. Harris
Environmental Coordination Manager

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
RECEIVED
NOV 27 '84
LIEUTENANT GOVERNOR

Dear Steve,

The Administrative Journal is reviewed by six staff units of the Forest Service's Regional Office. I believe they all find it beneficial to conducting day-to-day business with the State. Thanks, Jim Caplan

RECEIVED
NOV 21 1984
FOREST SERVICE O.I.

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine
Lieutenant Governor

Dear Steve,

The journal is extremely useful for our business, and hope you continue publication.

Best regards,

STATE OF ALASKA
RECEIVED
NOV 27 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STEVE -

I have found it very useful. In addition to those Agencies I regularly monitor I can now watch many others The A.G. opinions are especially valuable. This is something that is way over due. It should be continued.

SINCERELY
DENNIS DE WITT
ALASKA STATE HOSPITAL ASSOCIATION
319 SEWARD ST
JUNEAU AK 99801

STATE OF ALASKA
RECEIVED
NOV 26 '84
LIEUTENANT GOVERNOR

BILL SHEFFIELD
GOVERNOR

STEPHEN A. McALPINE
LIEUTENANT GOVERNOR

To Lee

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

November 19, 1984

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Warmest regards,

Stephen McAlpine

Stephen McAlpine
Lieutenant Governor

STATE OF ALASKA
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DEC 05 '84
LIEUTENANT GOVERNOR

RECEIVED
NOV 30 1984
CITY-BOROUGH ATTORNEY

suggest you put the agency or dept name at the top of each page to facilitate use by those of us who don't like to use the index and can't always spot the dept we are looking for by the letters that appear in the code in the left hand corner of the first page of each dept section

Statute references cited in House Committee Substitute for Committee Substitute for SB 132 (State Affairs) Section 1(4):

AS 18.55.255	ALASKA HOUSING AUTHORITY - Land Sales
AS 18.55.320	ALASKA HOUSING AUTHORITY - Sale of Surplus Property
AS 19.10.190	DEPARTMENT OF HIGHWAYS (DOT/PF) - Advertizing, bids, contracts
AS 19.40.020	DEPARTMENT OF HIGHWAYS (DOT/PF) - Yukon-Arctic Highway - Request for Bids
AS 35.15.030	PUBLIC WORKS (DOT/PF) - Advertizing, bids, contracts
AS 37.05.230	COMPETITIVE BIDS STATUTES - Uniform purchasing
AS 37.05.315(d)	DEPARTMENT OF ADMINISTRATION - Appropriation for grants, requests for proposals
AS 38.05.120	DEPARTMENT OF NATURAL RESOURCES - Timber and Materials sales
AS 43.40.010	DEPARTMENT OF REVENUE - Motor fuel tax; construction project bids
AS 46.11.030	CONSERVATION OF ENERGY AND MATERIALS - Energy auditors - competitive bids

Hein
4/1/85✓

Original sponsors: Fahrenkamp, Kelly
and Bennett

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 157 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act continuing the existence of the Alaska Administrative Journal; and providing for an effective date."

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

* Section 1. FINDINGS. The legislature recognizes that public knowledge of and participation in the administrative regulatory process, and easy access to information concerning executive actions, are essential to the democratic process of state government. The legislature recognizes that publication and distribution of the Alaska Administrative Journal facilitates the widespread dissemination of information about the regulatory process and activities by state agencies. In order that the public may continue to be provided with this information in a timely and useful manner and with a means to participate more fully in the regulatory process, the legislature makes permanent the publication and distribution of the Alaska Administrative Journal.

* Sec. 2. AS 44.62 is amended by adding a new section to read:

Sec. 44.62.175. ALASKA ADMINISTRATIVE JOURNAL. (a) The lieutenant governor shall publish or contract for the publication of the Alaska Administrative Journal. The journal shall be published weekly. The journal must include

(1) notices of proposed actions given under AS 44.62.190(a);

(2) notices of state agency meetings required under AS 44.62.310(e), even if the meeting has been held;

(3) notices of solicitations to bid issued under AS 37.05.-230;

(4) notices of state agency requests for proposals issued under AS 18.55.255, 18.55.320; AS 19.10.190; AS 19.40.020; AS 35.15.-030; AS 36.98.030; AS 37.05.230, 37.05.315(d); AS 38.05.120; AS 43.-40.010; and AS 46.11.030;

(5) executive orders and administrative orders issued by the governor;

(6) written delegations of authority made by the governor or the head of a principal department under AS 44.17.010;

(7) the text or a summary of the text of a regulation or order of repeal of a regulation for which notice is given under AS 44.62.190(a), including an emergency regulation or repeal whether or not it has taken effect;

(8) a summary of the text of recently issued formal opinions and memoranda of advice of the attorney general; and

(9) a list of vacancies on boards, commissions, and other bodies whose members are appointed by the governor.

(b) The issuer of a notice, order, delegation, text, summary, or list in (a) of this section shall send a copy to the lieutenant governor in a computer-readable magnetic medium in a format prescribed by the lieutenant governor.

(c) The lieutenant governor shall provide to the Legislative Affairs Agency the text of each issue of the journal in a computer-readable magnetic medium compatible with the legislative data processing system. The Legislative Affairs Agency shall retain the text of each issue of the journal in a computer-readable magnetic medium.

(d) The lieutenant governor shall sell subscriptions to the journal at a price reasonably calculated to offset the cost of

CSSB 132 (State Affairs)

TESTIMONY OF SENATOR BETTYE FAHRENKAMP
Before the House State Affairs Committee
May 23, 1983

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.

One of the bill's previous failings was that the fiscal impact had 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 unknowns 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 bill before the Committee today will affect an 18 month trial run of the journal. Rather than an actual publication, each issue or agency would be required to provide a compatible magnetic tape format of their actions to a coordinator in the Lieutenant Governor's office, who will process the material 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 operated 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 can 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 costs 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.

THE ALASKA ADMINISTRATIVE JOURNAL:
What it is and what it is not!

What is it?

-- A one stop collection of all information required to be made public by state agencies
-- It is timely, bi-weekly
-- It is an inexpensive public information tool
-- It is a trial run to determine need, advisability of a hard copy, suggested cost and private publishing interest
-- It goes beyond the authority in AS 44.62.130, which directs the Lt. Governor to quarterly publish final regulations by additionally requiring the publication of: 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.

It will not:

-- Proliferate paper
-- Be a hard copy
-- Be expensive
-- Affect newspapers or their advertising income
-- Put any private publisher out of business. NO ONE is currently providing this service nor has anyone recently expressed an interest in publishing this type of information.

How will it work?

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 can 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 made educated decisions on the publication of a hard copy Administrative Journal.

copy to BF
original to scrapbook
copy files - copy me!

SOHIO

3111 "C" STREET
ANCHORAGE, ALASKA

TELEPHONE: (907) 265-0140

CHARLES R. ELDER JR.
CONSULTANT

MAIL: POUCH 6-612
ANCHORAGE, ALASKA 99502

November 21, 1983
CC-689

Senator Bettye Fahrenkamp
515 7th Street, Suite 320
Fairbanks, Alaska 99701

Dear Bettye:

A wonder has been created from the ashes of three legislative sessions!

We have discussed before the great advantage of an Alaska Administrative Journal and speculated as to the reasons it had been so difficult for you to bring about--who and/or whom did you catch in a weak moment?

Seriously, Bettye, congratulations for fighting through such a logical and practical project.

Best personal regards.

Sincerely,

Charlie

SV

ALASKA BAR ASSOCIATION

P.O. BOX 279, ANCHORAGE, ALASKA 99510, (907) 272-7469

ADMINISTRATIVE LAW SECTION

MAR 18 1983

401 F. Street
Douglas, Alaska 99824

March 14, 1983

The Honorable Bettye Fahrenkamp
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

On behalf of the administrative law committee of the Alaska Bar Association, I wish to express our strong support for Senate Bill 132 which would establish the Alaska Administrative Journal to be published on the bi-weekly basis.

Should you require further detail about our position or desire oral testimony in support of the bill, please do not hesitate to contact me.

Sincerely yours,

Bruce M. Botelho
Chairperson

BMB/prm

APR 27 1983

Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801 907-586-2345

April 25, 1983

Senator Bettye M. Fahrenkamp
Alaska State Legislature
Pouch V
Juneau, Alaska 99801

Dear Senator Fahrenkamp:

The concept of establishing an administrative journal as outlined in CS SB 132 is an excellent one, and the Alaska Environmental Lobby strongly supports that legislation. We too realize the immediate importance of stepping beyond "word of mouth government" in this rapidly growing state. Alaska, by virtue of its geography and different cultures,offers enormous communication and information barriers. We are heartened by your efforts to clear this particular path between private citizens and state government.

Though the Lobby favors a hard copy version of the journal in addition to the magnetic tape system, we anticipate a productive trial period should CS SB 132 pass. Thank you for your past and continuing work on this legislation.

Ken Troyer
Volunteer, Fairbanks

Ken Troyer

Sincerely,

Jay Nelson

Jay Nelson
Executive Director

League of Women Voters of Alaska

FEB 22 1985

9151 Skywood Lane
Juneau, Alaska 99801
February 19, 1985

Senator Mitch Abood, Chairman
Senate State Affairs Committee
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 157: Alaska Administrative Journal

Dear Senator Abood:

The League, as you must already be aware, strongly supports public participation in legislative and regulatory processes. We think the Alaska Administrative Journal makes a major contribution to the ability of Alaskans to participate in the regulatory process, that the Journal's publication and distribution should be continued, and that it should be mandatory for all State agencies to publish their proposed regulations in the Journal at the beginning of the public comment period. Therefore, we support SB 157.

We do not presently have any amendments to SB 157 to recommend. However, let us underscore several points which definitely should remain in the bill and not be amended out: (1) both paper form and computer access form of the Journal should be available; (2) it should be mandatory (not discretionary) that every State agency publish its proposed regulations for public comment, and then its final regulations, in the Journal; (3) subscriptions should be available at as low a cost as possible; (4) there should be wide distribution through the State library system and the municipalities; and (5) many people in remote areas still will not see the Journal and therefore should continue to be able to get on agencies' mailing lists to receive direct-mailed notices of proposed agency regulations or other actions [line 29, page 3 through line 1, page 4 of the bill]. All of these provisions are already in the bill, and we offer these comments merely as reinforcement to support their remaining in the final version.

We think that if SB 157 is adopted and implemented, the Alaska Administrative Journal can become as reliable a means of informing Alaska citizens about proposed State agency regulatory actions as the Federal Register has become in informing U.S. citizens about proposed regulatory actions of the federal government.

Thank you for considering our comments.

Sincerely,

Elizabeth Cuadra

Elizabeth Cuadra
State Board Member
(Natural Resources Portfolio)

DEC:sd
cc: Committee Members (DeVries, V. Fischer, Ray, Kelly)
Sponsors (Fahrenkamp, Bennett and Kelly)

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
1117 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
907-456-2899

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
OFFICE (907) 465-3763
HESS COMMITTEE
(907) 465-3834
HOME 907-780-6027

Senate

MEMORANDUM

TO: Senator Mitch Abood

FROM: Senator Bettye Fahrenkamp

RE: Scheduling SB 157, an Act continuing the existence of the Alaska Administrative Journal

DATE: March 25, 1985

I have previously requested a hearing on SB 157 and understand that you may schedule it for the week of April 1. I have prepared a committee substitute for your consideration (attached). I have also attached a memo from the Attorney General's office which outlines the rationale behind the amendments contained in the committee substitute.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

March 20, 1985

Honorable Bettye Fahrenkamp
Alaska State Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Amendments to SB 157 --
Alaska Administrative Journal

Dear Senator Fahrenkamp:

As requested by your assistant, Mark Boyer, this morning, here are my suggestions for amending SB 157 (with no. 5 being the most important):

1. Page 1, line 24 and line 25: Change "shall" to read "must" in both places.

2. Page 2, line 19: Change "including" to read "such as." (Actually, it might be smarter to delete proposed AS 44.62.175(a)(10) [page 2, lines 18 -- 21] altogether [which would require changing line 17's semi-colon to a period, and either deleting the "and" or relocating it to line 15].)

3. Page 3, lines 2 -- 6: Delete all material.

4. Page 3, line 7: Change "(e)" to read "(d)."

5. Page 3, lines 10 -- 16: Delete all material and insert the following in its place: "(e) A person may not maintain an action based on publication or lack of publication in the journal."

6. Page 3, line 17: Change "(g)" to read "(f)."

7. Page 4, lines 22 and 23: Delete "summary specified in (a)(3) of this section must be approved by the issuing agency as" and insert the following in its place: "agency that issues a notice under this section is responsible for assuring that the notice is prepared in such a way that it is."

8. Page 4, lines 27 -- 29: Delete all material.

9. Page 5, line 1: Change "Sec. 6" to read "Sec. 5."

The first amendment above recognizes one of the distinctions between the appropriate uses of "must" and "shall." Please see paragraph (h) on page 51 of the Manual of Legislative Drafting, 1985 (Legislative Affairs Agency), and paragraph (10) beginning on page 46 of the Drafting Manual for Administrative Regulations (Department of Law, 8th ed., 1982). Since this wording is in a new section, we might as well use the right word to begin with.

The purpose of the second amendment above is to make clearer that publication of the additional kinds of information described is within the lieutenant governor's discretion. Eliminating that paragraph (10) altogether would help minimize costs.

Sally Hanson, of the Lieutenant Governor's Office, has recommended deletion of the bill's proposed AS 44.62.175(d) (page 3, lines 2 -- 6) as being unnecessary, and its deletion would save money.

The language being deleted from page 3, lines 10 -- 16, is the most troublesome in the current version of the bill. The language set out above as a substitute for it is identical to sec. 1(d) of your ch. 45, SLA 1983. At one point during the consideration of the bill that became ch. 45, SLA 1983, I wrote a provision that I believe is better than that one, and will try to find it if you wish.

The language being deleted from page 4, lines 23 and 24, simply doesn't make sense. According to Sally Hanson, the language being substituted for it more accurately conveys her office's intent.

The language being deleted from page 4, lines 27 -- 29, is not necessary after deletion of the bill's present AS 44.62.175(f).

I'm not sure whether you have agreed to deleting the bill's proposed amendment of AS 44.62.190(a)(1) (page 3, line 28). We would prefer to have it deleted, but, with the change in the proposed AS 44.62.175(f), described above, this becomes less of a problem and it could be left in as a compromise. To delete that amendment, all of sec. 3 of the bill should come out. (This deletion is not covered in the amendments set out above.)

I understand that you and the attorney general agreed on the essence of these changes this morning. I would be happy

to discuss them with you further, at your convenience. (Mark mentioned that you plan to amend the bill to require weekly, rather than the current bi-weekly, publication of the journal.) If you would like to have this office prepare a committee substitute for you, we would be happy to do so.

Very truly yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Art Peterson
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Sally Hanson
AAC and AAJ Coordinator
Lieutenant Governor's Office

Ray Gillespie
Legislative Assistant
Governor's Office

Departmental AAC and AAJ
Contacts

SB

161

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY
FINANCE

2/18/85

Date 3/21/85

Mr. President

The Committee on STATE AFFAIRS considered SB 161

relating to compensation of elected officials; eff.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[X] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

V. Tim Shaw

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Pending No Rec

Chairman

No Rec

Chairman recommendation

Inflation Cost of Living

Introduced: 2/18/85
Referred: State Affairs, Judiciary and Finance

IN THE SENATE BY JOSEPHSON

SENATE BILL NO. 161

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to compensation of elected officials; and providing for an effective date."

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

* Section 1. AS 24.15.020 is repealed and reenacted to read:

Sec. 24.15.020. COMPENSATION OF LEGISLATORS. The Commission on Compensation of Elected Officials shall set the compensation of legislators.

* Sec. 2. AS 24.15.050 is amended to read:

Sec. 24.15.050. LEGISLATIVE TRANSPORTATION. A member of the legislature is entitled to reimbursement for the expense of moving between <u>the legislator's</u> [HIS] place of residence and the capital city for the purpose of attending a regular session of the legislature. Reimbursement shall be as provided by <u>order of the Commission on Compensation of Elected Officials</u> [REGULATIONS COVERING STATE EMPLOYEES ADOPTED BY THE COMMISSIONER OF ADMINISTRATION UNDER AS 39.20.160].

* Sec. 3. AS 39.20.010 is repealed and reenacted to read:

Sec. 39.20.010. COMPENSATION OF THE GOVERNOR. The Commission on Compensation of Elected Officials shall set the compensation of the governor.

* Sec. 4. AS 39.20.030 is repealed and reenacted to read:

Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR. The Commission on Compensation of Elected Officials shall set the compensation of the lieutenant governor.

* Sec. 5. AS 39.20.050 is amended to read:

Sec. 39.20.050. EXCLUSIVE COMPENSATION. Retirement benefits established by law and the [THE] compensation fixed by the Commission on Compensation of Elected Officials [LAW] for the governor and lieutenant governor are full compensation [IS IN FULL] for all services rendered by each of them in any official capacity or employment whatsoever during their respective terms of office, and shall be paid throughout their respective terms of office unless the office becomes vacant.

* Sec. 6. The compensation of the governor, lieutenant governor, and legislators established by law on the day before the effective date of this Act shall remain in effect until the Commission on Compensation of Elected Officials has issued an order setting the compensation.

* Sec. 7. This Act takes effect on the effective date of an amendment to the Constitution of the State of Alaska creating a commission on compensation of elected officials.

Introduced: 2/18/85
Referred: State Affairs, Judiciary and Finance

IN THE SENATE BY JOSEPHSON

SENATE JOINT RESOLUTION NO. 15

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

Proposing an amendment to the Constitution of the State of Alaska creating a commission on compensation of elected officials.

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

* Section 1. Article II, sec. 7, Constitution of the State of Alaska is amended to read:

SECTION 7. SALARY AND EXPENSES. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation. Compensation of legislators shall be set by the Commission on Compensation of Elected Officials.

* Sec. 2. Article III, sec. 15, Constitution of the State of Alaska is amended to read:

SECTION 15. COMPENSATION. The compensation of the governor and the lieutenant governor shall be prescribed by the Commission on Compensation of Elected Officials [LAW] and shall not be diminished during their term of office, unless by order of the commission consistent with a general law applying to all salaried officers of the State.

* Sec. 3. Article XII, Constitution of the State of Alaska is amended by adding new sections to read:

SECTION 14. COMPENSATION COMMISSION. There is established a Commission on Compensation of Elected Officials. The commission is

Introduced: 2/18/85
Referred: State Affairs, Judiciary and Finance

IN THE SENATE BY JOSEPHSON

SENATE JOINT RESOLUTION NO. 15

IN THE LEGISLATURE OF THE STATE OF ALASKA

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* Sec. 3. Article XII, Constitution of the State of Alaska is amended by adding new sections to read:

SECTION 14. COMPENSATION COMMISSION. There is established a Commission on Compensation of Elected Officials. The commission is

composed of five members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. Members serve for terms of six years. The membership shall include at least one business executive, one representative of a nonpartisan voters' organization, one person with experience in public administration, and one representative of a labor organization. A member of the commission may not be employed by the state during the member's term and may not hold an elective state office during the term or within one year thereafter.

SECTION 15. POWERS AND DUTIES OF THE COMMISSION. Except for retirement benefits, which shall be established by general law applicable to all officers of the state, the commission shall establish the compensation of the governor, lieutenant governor, and members of the legislature, including their salaries, benefits, per diem, and allowances, if any. An order of the commission takes effect at the beginning of the next fiscal year of the state. The commission shall hold a public hearing in each judicial district before issuing an order that changes the compensation of an elected official. At least every two years, but not more frequently than every year, the commission shall review the compensation of elected officials. The commission shall issue an order with respect to salaries not later than thirty days before the end of the fiscal year.

SECTION 16. FINALITY OF ORDER. An order setting the compensation of an elected official is not subject to veto by the governor. An order of the commission is subject to initiative and referendum in the same manner as an act of the legislature. The legislature shall appropriate money to fund the orders of the commission.

* Sec. 4. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity

with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
tion laws of the state.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB161

Title: Commission on Compensation of Elected Officials

Sponsor: Josephson

Requestor:

Date of Request: March 1, 1985

FISCAL DETAIL

Agency Affected: Office of the Governor

Program Category Affected: Executive Operations

BRU, Program or Subprogram(s) Affected: Executive Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		8.9		9.7		
300 CONTRACTUAL		7.1		7.8		
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		16.0		17.5		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		16.0		17.5		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Assumptions: 1) One Commissioner appointed from Juneau, Fairbanks and Nome, 2 from Anchorage. 2) Two meetings held in Anchorage, 1 each in Nome, Juneau and Fairbanks.

Prepared By: Michael A. Nizich Phone: 465-3616

Division: Administrative Services Date: 3/5/85

Approved by Commissioner: Laura J. Herman Date: 3/6/85

Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

Contractual Services:

Advertising - 3 times in local paper for each meeting @ $130/day (5 1/4" x 5") = $1950.00

Room rentals - 1 @ $75/day = $ 75.00
2 @ $100/day = $200.00
3 @ $150/day = $450.00

$725.00

Secretarial and transcription services: $4340.00

Secretarial = $40/hour x 46 hours (2 4-hour mtgs + 4 8-hour mtgs + 1 hour each for set up and take down) = $1840.00

Transcription = $5/page x 500 = $2500.00

FY 88 estimated using 10% inflation factor.

ALASKA STATE SENATE

JOE P. JOSEPHSON
DISTRICT H — ANCHORAGE
1526 F STREET
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POUCH V
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OFFICE OF MINORITY WHIP

COMMITTEES
BUDGET & AUDIT
HEALTH, EDUCATION & SOCIAL SERVICES
RULES
TRANSPORTATION
SENATE CHAIR, ANCHORAGE CAUCUS

SB 161
SJR 15

February 13, 1985

Dear Colleague:

On Monday, February 18, I will introduce a bill and a resolution to establish, by constitutional amendment, the Commission on Compensation of Elected Officials.

I invite you to co-sponsor these measures. A copy of each is enclosed.

The measures have the following objectives:

First, they will take legislators out of the unseemly and misunderstood business of setting our own salaries. The measures are based on a very successful feature of the Anchorage Municipal Charter, where assembly and mayoralty salaries are set by the Commission on Salaries and Emoluments.

Second, they assure a public hearing process, in each judicial district, at least every other year on the issue of gubernatorial and legislative salary.

Third, they eliminate the twin dangers of the existing system -- on the one hand, the possibility of legislative decisions that might be selfish or self-serving; on the other hand, the possibility of attacks that are demagogical and politically motivated upon reasonable decisions regarding salary.

Under the measures, the proposed Commission members would be appointed for six-year terms and would not be removable during their terms. Thus, the Commission would have independence, once appointed, from the Governor and the Legislature.

As I see it, the enactment of these measures would not make moot the pending voter initiative proposition scheduled to be on the ballot in 1986. A decision by the voters to repeal the pay increase adopted in 1983 would be compatible with approval of the proposed constitutional amendment.

Such a decision, would be one of the factors which the members of the Commission could take into account in setting legislative salary. A decision by the voters not to adopt the initiative would also be compatible with passage of the constitutional amendment. One result would be to reduce public passions about the pay repeal initiative by offering a different, depoliticized method of setting salaries, hitherto an insoluble problem. Energies and attention can then be focused on other questions and the critical races that will be on the ballot.

Should you wish to co-sponsor these measures, please advise my office at 4525 this week. If you do not wish to co-sponsor, please give your support, or at least your open-minded consideration, as they proceed through the committee system. I hope you will join me in this effort.

Sincerely,

Joe P. Josephson

Joe P. Josephson

JPJ:rak
Enclosures

ALASKA STATE SENATE

JOE P. JOSEPHSON
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OFFICE OF MINORITY WHIP

COMMITTEES

BUDGET & AUDIT
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TRANSPORTATION

SENATE CHAIR, ANCHORAGE CAUCUS

M E M O R A N D U M

To: Senate State Affairs Committee members
From: Senator Josephson
Date: March, 6, 1985
Re: SB 161 and SJR 15 (Elected Officials Compensation Commission)

In order to provide information to the committee on the workings of the Municipality of Anchorage's Salary and Emoluments Commission, which SB 161 and SJR 15 are based on, I have gotten copies made of all Commission minutes since 1975. The minutes from the most recent meeting of the Commission are attached, and I would be glad to make the others available to any committee member.

Thank you for your consideration of these measures.

SALARY & EMOLUMENTS COMMISSION

MEETING OF SEPTEMBER 10, 1984

I. CALL TO ORDER:

The meeting of the Salary and Emoluments Commission was called to order by Chairperson Pamela Gotham at 4:15 p.m. in the Clerk's Conference Room, 4th floor, room 411, Municipal Hill Building.

II. ROLL CALL:

Present: Pamela Gotham, Robert Piazza, Connie Sipe.

Absent: Frank Turpin (excused), Dan Alex (unexcused).

III. MINUTES OF PREVIOUS MEETING:

A. Minutes of August 27, 1984 meeting.

Ms. Sipe moved, to approve the minutes of
Mr. Piazza seconded, August 27, 1984 as stated.
and it passed without
objection,

IV. OLD BUSINESS:

Chairperson Gotham stated that Old Business was the proposed salaries for mayor, assembly and school board.

Ms. Sipe asked if the order could be changed so they could take the school board first, assembly second and mayor last.

Chairperson Gotham agreed to the change and stated the proposed compensation changes would be effective January 1, 1985.

Chairperson Gotham then read Resolution 85-3 (see Attachment A).

Ms. Sipe moved, to adopt Resolution 85-3,
Mr. Piazza seconded,

Chairperson Cotham then opened the public hearing on school board compensation and asked if anyone wished to be heard.

Dr. THERESA OBERMEYER introduced herself and her husband, MR. TOM OBERMEYER. Dr. OBERMEYER stated that she does intend to seek School Board, Seat C (seat vacated by the death of Vi Schellenberg) and that she also ran for the school board in 1980. Dr. OBERMEYER stated she was present to discuss equities between assembly and school board, not so much salaries as reimbursements The ad in the newspaper, about the proposed salary changes, seemed to state a yearly salary for the mayor where assembly and school board salaries were expenses. She understood this compensation to be for expenses of driving to school board

meetings, driving to parent meetings, driving to work sessions and etc. She asked if this was the commission's philosophy that assembly and school board compensation be for expenses and not salaries or salaries for expenses of the work they do.

Chairperson Gotham stated the commission is not in a position to give a philosophy view. The commission deals with compensation levels for individual positions as stated in the Charter. Compensation as stated would be considered salary.

DR. THERESA OBERMEYER felt the basic issue was equity between the assembly and school board. She felt public service should not be for money at all. The word emoluments does mean profit and she felt there should be no profit for public service. She would serve on the school board if there was no reimbursement at all. The school board members run on an areawide basis and there is something like 144,000 registered voters and 244,000 residents in Anchorage. The assembly members are voted on by individual Assembly sections making their constituent level much smaller. The school board members, which there are seven (7), encompass a much broader area than assembly members, which are eleven (11). The municipality employs roughly 4,000 employees compared to 5,200 employees of the school district. There are 42,000 children in the Anchorage schools and this is continually changing. Additionally, the school board does not have the staff to deal with constituent inquiries and complaints.

MR. TOM OBERMEYER, expert in compensation and benefits, stated the issue is equity between school board members and assembly members. Although the nature of the problems presented to the bodies are different, the individual members are equally competent and qualified to deal with them. He believed the school district had become big business with a larger budget and more employees than the municipality. These facts are quantitative accountability factors which must be weighed when determining compensation. It costs more to run for school board than for the assembly. Being a school board member is very time consuming and compensation should be comparable with the assembly. The assembly consumes 5.6% of the municipality's operating budget, a part of which pays for staff support. There are no such identified costs in the school district budget. Both bodies deserve qualified people who are comparably paid. In response to Chairperson Gotham, he indicated the compensation for school board members should be the same as for the assembly.

DR. THERESA OBERMEYER suggested the board consider replacing expense moneys with medical benefits or retirement benefits rather than a salary increase.

Sue Lindemuth, Manager of Records and Benefits, explained that assembly members are eligible to participate in PERS. The assembly member pays the employee contribution and the

municipality pays the employer contribution. She was unsure whether the same situation existed in the school district.

Chairperson Gotham thank Dr. OBERMEYER for bringing up the point but felt the Salary and Emoluments Commission had no authority in the area of such benefits.

MR. RICHARD MARKEY opposed raises for elected officials. Most have paid to get the job they now hold knowing what the salary was. No one ran for office because of the salary.

MR. JOE GRAHAM, 4107 Minnesota, stated that we ought to pay for what we get. Because of the atrocities of Bartlett and Greuning schools, we should pull those responsible. Since the school board hasn't done such a great job recently, increasing the salary at this time is pure lunacy. It isn't necessary to have a great educational background or great accomplishments to be a good school board member. Most often the exercise of common sense will suffice. He felt school board members should run by district rather than areawide. That approach would decrease the cost of running for office and put the elected official closer to his constituency. The element of public service must be considered when determining compensation. Compensation for the school board members should be less than for the assembly because it is a subordinate body and paid on a per meeting basis with a total compensation of $500/month.

MR. TOM OBERMEYER felt it was important to attract qualified people to the school board, preferably persons with a background in education. That kind of experience is very valuable in making the kinds of decisions the board is asked to make. It would be nice if such qualifications could be built into the job description.

Chairperson Gotham called the question on the motion to approve the increase for school board (Resolution 85-3) members and it passed by a majority voice vote.

Resolution 85-2 (see Attachment B)

Ms. Sipe moved, seconded by Mr. Piazza,	that the commission adopt Resolution 85-2 establishing compensation for the Anchorage Assembly in the amount of $1,725 for the Chair and $1,400 for other assembly members.

Chairperson Gotham opened the motion for commission's comment.

Ms. Sipe pointed out the salaries for elected officials were last increased in 1981. If one considers the amount of increase over the three year period, it represents only 5% per year, at a time when the cost of living increased at a rate between 5% and 7%

each year. The commission seems to have established a pattern of considering raising salaries only every two to three years. If the pattern persists, the commission will not seriously consider another increase until 1987. If one spreads the increase of a six year period, the salary increase amounts to about a 2.5% increase per year, which at the most, just keeps pace with inflation.

Chairperson Gotham noted than under Proposition 24, any salary increases approved by the Salary and Emoluments Commission means some place somebody is losing those dollars. Public service is a short term commitment, not a long term money making commitment. She then opened the meeting to public comments.

MR. DAVID WALSH urged the commission to keep the assembly salary at the current level. Increasing the assembly members' salaries would mean cutting dollars elsewhere in the budget. Eventhough the increase might be justified, it is large for one year. Increasing the compensation to $20,000 per year makes it possible for a person to pay his bills, maintain his lifestyle and be totally involved in public service. That becomes the first step towards a full-time assembly. The workload is growing and the assembly may have to consider either becoming full time or adding significant staff support in the next few years. But the level of compensation really doesn't determine the level of dedication of the individual. None of the members are in it for the money. The money does provide minimal compensation for time away from family, expenses that go with the job and compensation for a job well done. If one wanted to set a figure equal to what the job is worth, the salary would be too high. To go to zero, really isn't recognizing the sacrifices people make in order to be a public official. The level should be set considering that (1) it is a part-time salary, and (2) budget constraints as a result of Proposition 24. The current salary level is adequate. In response to Ms. Sipe, he supported the additional money paid to the Chairman of the Assembly because of additional time required to do that job.

MR. TOM OBERMEYER commented according to his calculations, the average salary was $40,000 to $50,000 per year. Assembly members should not be short changed as a result of increases to other salaries. He agreed the public did not want full-time assembly members. But it is a consuming job and should be fairly compensated. He noted the cost of campaigning is reaching a point where the average citizen cannot run for assembly or school board.

MR. CHARLES BARCERON stated that being an assembly member is not a full time job. He felt a 15% increase was too much in one year. The public isn't aware the salaries have not been raised for three years. No figures have been presented which show the salaries of similar positions in similar sized cities. Without such information, it is difficult for the public to judge whether the compensation is fair.

ASSEMBLYMEMBER CAROL MASER, 2526 Glenwood, felt the people she represented would object to any of the raises being proposed. The public tends to view assembly members in the same light as the state legislators who recently increased their salaries. The people don't think it is time for raises. It is difficult to sit on the assembly and cut expenditures when the assembly has received an increase in its salary. Being an assembly member is a public service. The position is not sought because of the level of compensation for the job. People run because they feel they can return something to the community. The salary level does not compensate the members for the time spent on municipal affairs. It is important to realize the public does not support this salary increase at this time.

MR. JOE GRAHAM emphasized this is an area where the consumer needs protection. The assembly sets the mill level. The assembly used to sit as a Board of Equalization and set its own salary. Neither of those functions is performed by the assembly now. They are ducking their job. He suggested members be paid $200 per regular meeting and only for meetings attended. He questioned whether the public was getting its money's worth with the level of service provided by the assembly members, i.e., are packets being read? There are a lot of people who haven't received a raise in salary but that is not reported. Salary surveys often only consider salaries paid by large companies rather than a cross section of wages. He opposed increasing the assembly members' salaries.

MR. CHARLES BARGERON felt the commission should meet every year and consider increasing salaries rather than only consider increases once every three years which makes any increase proposed appear excessive and raise public ire.

MR. RICHARD MARKEY agreed with Mrs. Maser's comments.

Chairperson Gotham called the question on the motion to adopt Resolution 85-2 and it failed by a unanimous voice vote.

The meeting recessed at 5:05 p.m. and reconvened at 5:10 p.m.

Resolution 85-1 (see Attachment C).

Ms. Sipe moved, seconded by Mr. Piazza,	that the commission adopt Resolution 85-1 which establishes compensation for the Mayor of Anchorage in the amount of $80,500 per annum starting fiscal year 1985.

Chairperson Gotham opened the floor to discussion of the motion.

ASSEMBLYMEMBER CAROL MASER, 2526 Glenwood, felt people sought the position of mayor as a matter of community service. One does not serve the community well by expecting one's salary to continually

be increased. The public in general opposes increases in elected officials' salaries at this time. It is difficult to hold the spending line while accepting increases in pay.

MR. TOM OBERMEYER felt the mayor's salary should be kept in perspective of the average municipal salary. He personally didn't think this particular mayor required additional compensation. He thought the mayor had gone on public record as opposing this increase.

MR. RICHARD MARKEY opposed the pay raise. The morning newspaper reported Mayor Knowles would not accept a pay raise if one were approved by the commission. Mayor Knowles indicated he would give the increase to charity and that is not what the taxpayers have in mind when they pay someone.

MR. CHARLES BARGERON opposed the raise.

MR. TOM OBERMEYER added part of the cause of inflation is government spending on salaries of top government officials.

MR. JOE GRAHAM said the consumers were worried about the big figure increase proposed for the mayor. One shouldn't be overly concerned about the relation of salary strata to job strata. Government is not completely similar to industry. Recently published reports showed that several policemen were paid more annually than the Chief of Police. This decision comes on the heels of the dirty deal of General Motors and Ford Motor Company which gave large raises to executives after jockeying employees into contracts with concession and no pay raises. Government is getting on shaky ground with what it tries to extract from people. He didn't think people were getting what they paid for and the mayor didn't deserve a $10,000 raise.

MR. DAVID WALSH stated the job of mayor has changed since unification. It is a difficult job and worth the proposed amount of compensation. Traditionally, the mayor has received the highest salary in local government. The result has been salary compression. In the last administration, there were people who wanted to stay in public service but simply couldn't afford to stay. Government can't offer its top executives stock options or offer them very many PERKS at all. Perhaps a little more in salary could have kept those highly qualified people. On the other hand, if the top executive's salary goes up, we can expect the same percentage raise in pay of non-executives. The mayor's salary should go up but not as much as proposed. MR. WALSH felt that perhaps a 5% to 6% increase was reasonable.

Ms. Sipe noted the commission discussed at its last meeting salaries of municipal employees who because of longevity and other factors earn more than the mayor. She stated that Mr. Turpin had asked members of his industry to do an informal study of comparable positions and the results indicated the pay should

be at least $20,000 more than currently paid. The commission has attempted to look into what other people in similar jobs are paid.

MR. TOM OBERMEYER agreed that salary compression was an important factor to consider. Anchorage is in an escalator role with regard to salaries, especially government salaries. Salaries are not necessarily increasing in relation to other segments of society. There has been a disproportionate increase in government salaries which has created compression at higher levels which may or may not have forced some of the top people out. At some point there will have to be a cap put on salary increases.

MR. JOE GRAHAM agreed the problem of inflation was very bad. The one segment of society which can do something about it is government. Government had better do something about inflation soon.

Chairperson Gotham called the question on the motion to adopt Resolution 85-1 and it failed by unanimous voice vote.

Ms. Sipe moved, seconded by Mr. Piazza,	that the commission pass a resolution establishing compensation for the municipal mayor at an amount 5% above the current level or $73,500.

Chairperson Gotham opened the motion to discussion.

MR. RICHARD MARKEY commented a lot of money was spent running for the office of mayor. People don't run for the salary.

Mr. Piazza noted the mayor's salary had not been increased since 1981. Compensation for the position should take into account inflation and whether the amount is adequate for the responsibility regardless of the financial standing of the person who holds the position. Five percent after four years of no increase is on line.

MR. TOM OBERMEYER felt giving the mayor a raise at this time might have undesirable public repercussions especially in light of the budget constraints invoked by Proposition 24. The mayor has publicly stated he does not want an increase.

MR. JOE GRAHAM thought the public felt the budget was overloaded with positions paying $50,000 per year which are actually worth $25,000. Part of the job of getting a handle on rising costs of government belongs to the Salary and Emoluments Commission.

Chairperson Gotham called for the vote on the motion to increase the mayor's salary by 5% and it passed:

AYES: Sipe, Piazza.
NAYS: Gotham.

Chairperson Gotham announced the resolution would be numbered Resolution 85-4.

Ms. Sipe moved, seconded by Mr. Piazza, and it died, that consideration of each of the salaries be placed on next year's agenda for the Salary and Emoluments Commission.

MR. TOM OBERMEYER felt the commission should meet more often than once a year. The problem is so great it cannot be dealt with successfully unless the commission meets periodically throughout the year.

Chairperson Gotham pointed out the Charter provides the commission must meet every two years but prohibits more frequent meetings than every year. In order to change this, it would require a charter amendment approved by the voters. In response to MR. MARKEY, she outlined the Charter requirements for commission composition.

MR. TOM OBERMEYER felt it was important for salaries of elected officials to be reviewed on a frequent basis. In the current situation, very few people with very little information and time set very important salaries.

Ms. Sipe inquired of the Municipal Clerk whether meeting more frequently would work a hardship on the Clerk's office staff. The Charter says the commission cannot consider salaries more frequently than once a year but does not preclude more frequent meetings.

Chairperson Gotham suggested the question be tabled until the commission discussed this with the Municipal Clerk. Chairperson Gotham then ordered a meeting convene in one year and one of the topics of the meeting be consideration of the salaries of elected officials.

The meeting adjourned at 5:45 p.m.

Pamela Gotham, Chairperson

ATTEST:

Recording Secretary

ALASCOM

Telegram

09008 NL ANCHORAGE ALASKA 50 03-03 1225 AST
PMS

SENATOR MITCH ABOOD
POUCH V
JUNEAU AK

0047

RECEIVED
MAR 5 1985
3 PM 1 27

DEAR SIR,
I AM A 32-YEAR-OLD FULL-TIME STUDENT AT A.C.C. I LIVE IN HOUSE DISTRICT 11 AND I AM A STUDENT SEANTOR ON THE ACCSA. WE WOULD APPRECIATE YOUR SUPPORT OF SB17 AND SB165 AND WOULD GREATLY APPRECIATE YOUR SUPPORT TO DEFEAT HB161.

WILLIAM B. WEBB, STUDENT SENATOR, ACCSA
4113 COPE ST
ANCHORAGE AK 99503

T Please

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SB

1162

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY
FINANCE √

2/18/85

Date 3/13/85

Mr. President

The Committee on STATE AFFAIRS considered SB 162

relating to public records and certification of state vouchers; efd.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for SB 162 (SA)
[ ] new title
[ ] same title and recommends

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to Committee

MEMBERS SIGNING
DO PASS

Bill Kay
V. Fischer
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

March 11, 1985

Honorable Mitchell Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Attention: Catherine, A.A.

Re: CSSB 162 (public records and certification of government vouchers)

Dear Senator Abood:

Attached is the draft committee substitute for SB 162. Please note that we are proposing a title change to more accurately describe the contents of the bill. Dean Guaneli of our criminal division will appear on Tuesday, March 12, 1985 and explain the provisions of the proposed committee substitute.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: James L. Baldwin
James L. Baldwin
Assistant Attorney General

JLB:md

cc w/enc.: Hon. Bill Ray, Senator
Alaska State Legislature

Ken Bischoff, Dirctor
Div. of Finance
Dept. of Administration

Dean Guaneli, Asst. Atty. Gen.
Criminal Division
Dept. of Law

C32LH

latest CS for SB 162 from

DRAFT #1 2
Law 3/11/85 KN

Original sponsor: Rules/Governor

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 162 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to public records and certification of government vouchers; and providing for an effective date."

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

* Section 1. AS 11.56 is amended by adding a new section to read:

Sec. 11.56.815. TAMPERING WITH PUBLIC RECORDS IN THE FIRST DEGREE. (a) A person commits the crime of tampering with public records in the first degree if the person violates AS 11.56.820(a) with intent to obtain a benefit for that person or or any person or to injure or deprive another person of a benefit.

(b) Tampering with public records in the first degree is a class C felony.

* Sec. 2. AS 11.56.820 is amended to read:

Sec. 11.56.820. TAMPERING WITH PUBLIC RECORDS <u>IN THE SECOND DEGREE</u>. (a) A person commits the crime of tampering with public records <u>in the second degree</u> if the person [KNOWINGLY]

(1) <u>knowingly</u> makes a false entry in or falsely alters a public record; [OR]

(2) <u>knowingly</u> destroys, mutilates, suppresses, conceals, removes, or otherwise impairs the verity, legibility, or availability of a public record, knowing that the person lacks the authority to do so<u>; or</u>

reckless disregard of whether the claim is lawful, or that payment of the claim is not authorized in the budget of the government agency.

(b) In this section

(1) "certifies" means attesting to the existence, truth, or accuracy of facts, or that one holds an opinion, stated in a public record; the term includes the responsibilities for state officials set out in AS 37.10.030;

(2) "falsely alters" has the meaning ascribed to it in AS 11.46.580; and

(3) "makes a false entry" means to change or create a public record, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or by any other means, so that the record so changed or created states or implies a fact that the maker knows is not true, or states or implies an opinion that the maker does not hold.

(c) Tampering with public records in the second degree is a class A misdemeanor.

* Sec. 3. AS 37.10.030 is amended by adding a new subsection to read:

(b) In (a) of this section, an approval or certification of a voucher is effective when an authorized person uses a password assigned by the department if the certification or the voucher itself is prepared and recorded by using an electronic accounting device that is a part of the computerized state accounting systems.

* Sec. 4. AS 44.21.050 is repealed.

* Sec. 5. This Act takes effect July 1, 1985.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ *1031 W 4th AVENUE*
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ *1st NATIONAL CENTER*
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

☑ *POUCH K - STATE CAPITOL*
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

February 28, 1985

Hon. Mitchell Abood, Chairman
Senate State Affairs Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Re: Proposed CSSB 162(SA), public records and certification of state vouchers
Our file: 377-104-85

Dear Senator Abood:

Enclosed please find the proposed committee substitute for SB 162, which incorporates the changes requested by Ken Bischoff, director of the division of finance, Department of Administration. Ken discussed these changes with Jim Baldwin, Assistant Attorney General, who is that agency's representative in the Department of Law.

The two changes are as follows:

1. Page 2, line 7 -- 8: The clause "the term includes the responsibilities for state officials set out in AS 37.10.030" has been added.

2. Page 2, line 20: Correction of a typographical error, "an password" to "a password", was made.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By Art Peterson
Arthur H. Peterson
Assistant Attorney General

CONCUR: Kenneth E Bischoff
Kenneth Bischoff, Director
Division of Finance
Department of Administration

[redacted]

03-C5LH

AHP/pjg

Enc.

cc w/enc.: Hon. Lisa Rudd
Commissioner
Department of Administration

Ray Gillespie
Legislative Assistant
Governor's Office

Original sponsor: Rules/Governor

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 162 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to public records and certification of state vouchers; and providing for an effective date."

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

* Section 1. AS 11.56 is amended by adding a new section to read:

Sec. 11.56.815. TAMPERING WITH PUBLIC RECORDS IN THE FIRST DEGREE. (a) A person commits the crime of tampering with public records in the first degree if the person violates AS 11.56.820(a) with intent to obtain a benefit for that person or to injure or deprive another person of a benefit.

(b) Tampering with public records in the first degree is a class C felony.

* Sec. 2. AS 11.56.820 is amended to read:

Sec. 11.56.820. TAMPERING WITH PUBLIC RECORDS <u>IN THE SECOND DEGREE</u>. (a) A person commits the crime of tampering with public records <u>in the second degree</u> if the person [KNOWINGLY]

(1) <u>knowingly</u> makes a false entry in or falsely alters a public record; [OR]

(2) <u>knowingly</u> destroys, mutilates, suppresses, conceals, removes, or otherwise impairs the verity, legibility, or availability of a public record, knowing that the person lacks the authority to do so<u>; or</u>

<u>(3) certifies a public record setting out a claim against a government agency, or the property of a government agency, with</u>

DRAFT AK 162 from [illegible]

reckless disregard of the fact that the claim is not lawful, or that payment of the claim is not authorized in the budget of the government agency.

(b) In this section

(1) "certifies" means attesting to the existence, truth, or accuracy of facts, or that one holds an opinion, stated in a public record; the term includes the responsibilities for state officials set out in AS 37.10.030;

(2) "falsely alters" has the meaning ascribed to it in AS 11.46.580; and

(3) "makes a false entry" means to change or create a public record, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or by any other means, so that the record so changed or created states or implies a fact that the maker does not believe to be true, or states or implies an opinion that the maker does not hold.

(c) Tampering with public records in the second degree is a class A misdemeanor.

* Sec. 3. AS 37.10.030 is amended by adding a new subsection to read:

(b) In (a) of this section, an approval or certification of a voucher is effective when an authorized person uses a password assigned by the department if the certification or the voucher itself is prepared and recorded by using an electronic accounting device that is a part of the computerized state accounting systems.

* Sec. 4. AS 44.21.050 is repealed.

* Sec. 5. This Act takes effect July 1, 1985.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/~~Resolution No.~~: SB162
Title: An Act Relating to Public Records and certification of State Vouchers; and providing for an effective date
Sponsor:
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: All
Program Category Affected: All

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING	0	0	0	0	0	0
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0
POSITIONS:	0	0	0	0	0	0
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact will be incurred

Prepared By: Kenneth E. Bischoff KEB Phone: 465-2240
Division: Finance Date: February 7, 1985

Approved by Commissioner: Lisa Rudd Date: 2/8/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

[redacted] SB 162

Rev. 7/1/84
15/FORMS/FN

Sec. 37.10.030. Responsibility of officer or employee approving or certifying voucher. The officer or employee approving or certifying a voucher

(1) is responsible for the existence and correctness of the facts recited in the certificate or stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(2) shall give bond in the form and manner prescribed by AS 39.15 to the state, and approved by the Department of Administration, in an amount fixed by the head of the department, agency, or establishment concerned, under standards prescribed by the Department of Administration; the premium on the bond shall be paid from funds made available for the administrative costs of the department, agency, or establishment concerned; officers already bonded under other provisions of law for the faithful performance of their duties are not required to give additional bond; and

(3) shall be held accountable for and required to make good to the state the amount of an illegal, improper, or incorrect payment resulting from a false, inaccurate, or misleading certificate made by the officer or employee, or a payment prohibited by law or which does not represent a legal obligation under the appropriation or fund involved. (§ 12-3-3 ACLA 1949)

Revisor's notes. — Section 12-3-3 ACLA 1949 was repealed and re-enacted by § 38, ch. 133, SLA 1951. Section 1, ch. 24, SLA 1953 repealed ch. 133, SLA 1951 and § 2, ch. 24, SLA 1953 re-enacted § 12-3-3 ACLA 1949 as it appeared in ACLA 1949.

Sec. 37.10.040. Enforcement of liability. The liability of a certifying officer or employee is enforced in the same manner as provided by law with respect to enforcement of the liability of a disbursing and other accountable officer. (§ 12-3-4 ACLA 1949)

Article 2. Accounting.

Section
50. Accounting for state money and payment to Department of Revenue for deposit in proper fund
60. Department of Revenue to deposit money to state treasury

Sec. 37.10.050. Accounting for state money and payment to Department of Revenue for deposit in proper fund. (a) Each office, board, commission, or bureau authorized to collect or receive fees, licenses, taxes or other money belonging to the state shall account for and pay the fees, licenses, taxes or other money, less fees to which the collector is entitled by law, to the Department of Revenue at least once each month.

Bill Sheffield, Governor

DEPARTMENT OF ADMINISTRATION

DIVISION OF FINANCE

POUCH C
JUNEAU, ALASKA 99811
PHONE:

February 25, 1985

Honorable Mitch Abood
Chairman
Senate State Affairs Committee
Pouch V (MS 3100)
Juneau, AK 99811

Dear Mr. Chairman:

This letter is intended to provide you and the Senate State Affairs Committee a brief background on the need for Senate Bill Number 162 entitled: "An Act relating to public records and certification of State vouchers; and providing for an effective date." This bill is scheduled to be heard by your Committee on Thursday, February 28 at 8:30 a.m.

The passage of this bill is necessary to help establish an adequate system of internal controls in the processing and certification of state accounting and vendor payment transactions.

Introduction of this bill is being prompted by two events:

1. In order to improve vendor payment times and provide accurate, up-to-date accounting information, the new State accounting system (AKSAS) provides for data to be submitted electronically through computer terminals in remote locations throughout the state. State certifying officers are responsible for the propriety of all accounting transactions as defined by AS 37.10.030. Historically, the certification function was evidenced by an individuals hand written signature on a public document. In order to provide improved service to the public and to State agencies, accounting transactions will be certified on-line through computer terminals via electronic passwords which will uniquely identify the individual who authorized and released the transaction for processing. Section Three of this bill amends AS 37.10.030 to provide for the electronic certification feature.

2. Over the past several years there have been instances where State certifying officers and others have deliberately falsified public records. When these instances were referred to the Department of Law for review it was determined that falsification of public records needed to be better defined as a crime in order to be able to successfully prosecute such cases. Section One of this bill defines tampering with public records as a class C felony if the person who violates the law does so to obtain personal benefit or to

injure or deprive another person of a benefit. Section Two of this bill defines tampering with public records as a class A misdemeanor if the offense is committed without the intent to obtain personal benefit.

This is basically a housekeeping bill with no fiscal impact. This bill is necessary to provide for proper internal accounting control in our State financial systems and to provide for proper disciplinary action when these controls are violated.

It should be noted that Sections One and Two of the bill apply to all public records and not just to accounting transactions.

We are recommending one modification to the bill and that is to include in the definition of "certifies" contained in Section Two of the bill, the definition of the responsibilities of a State certifying officer as provided by AS 37.10.030.

Sincerely,

Kenneth E. Bischoff

Kenneth E. Bischoff
Director

KEB/sg
8/3D1/0225-05
cc: Commissioner Lisa Rudd
Department of Administration

Honorable Edna DeVries
Vice Chairman
Senate State Affairs Committee
Pouch V (MS 3100)
Juneau, AK 99811

Honorable Vic Fischer
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Honorable Tim Kelly
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Honorable Bill Ray
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Gerald L. Wilkerson, C.P.A.
Legislative Auditor
Legislative Affairs Agency
Legislative Finance Division
Pouch V (MS 3200)
Juneau, AK 99811

SB

172

COMMITTEE REPORT

SENATE

FINANCE

FURTHER:

2/21/85

Date March 12, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 172

extending the termination date of the Council on Domestic Violence and Sexual Assault; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING DO PASS	MEMBERS HAVING OTHER RECOMMENDATIONS
Lee Kay	

Chairman

Chairman recommendation

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

SB 172

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

The Council on Domestic Violence and Sexual Assault (hereafter referred to as Council) was established by the Legislature in 1981 (AS 18.66.010-18.66.900) as a result of grass roots efforts to provide services to victims of domestic violence and sexual assault. Among its duties, the Council was created to develop, implement, maintain and monitor programs; coordinate domestic violence and sexual assault services provided by state, community and private agencies; award grants and contracts and provide fiscal and technical assistance to programs and communities.

State funding was initially allocated to the Abused Women's Aid In Crisis shelter for battered women in Anchorage in 1977. At that time there were four other domestic violence and sexual assault programs in the state that received federal funds from the Law Enforcement Assistance Agency. Just as Alaskan communities began to recognize the extent of domestic violence and sexual assault problems, federal funding for programs was halted.

In 1981 the Network on Domestic Violence and Sexual Assault, which is a non-profit corporation composed of programs and individuals dedicated to addressing Alaska's domestic violence and sexual assault problems, led an effort to establish a mechanism in state government to disburse and monitor state funds to domestic violence and sexual assault programs. It was determined that the most effective means of accomplishing this was to establish the Council on Domestic Violence and Sexual Assault, a seven member policy making board located in the Department of Public Safety.

Four of the Council's members are the Commissioners or their designees from the Departments of Law, Health and Social Services, Public Safety and Education. The remaining three members are public members appointed by the Governor. Jana Varrati, public member from Anchorage is the Chair and James E. Fisher, Department of Law, the Vice Chair. Lola Tobuk from Nome and Peggy Ormasen from Haines are the other two public members. The departmental representatives are: James E. Fisher, Law; Connie Sipe, Health and Social Services; Jos Mapranath, Public Safety and Mary Hakala, Education.

The need for services to victims of domestic violence and sexual assault and their families as well as the need for additional coordination of services has increased. This is a result of enhanced public awareness of these crimes, victims realizing they have safe, supportive places to go and population increases in Alaska. The Council consistently has more requests for community based programs than it has had funds to distribute. Programs that plan to apply for funds submit letters of intent that estimate the amount to be requested. For FY86, the Council has received 37 letters of intent that total $6,456,932.

Position Paper, Dept Public Safety

The Council funded twenty-three domestic violence and sexual assault programs in FY85. Nineteen of the programs provide services that may include education, prevention, support, advocacy or counseling to child victims of abuse . Twelve of these programs provide safe and secure shelters and five have developed and coordinated confidential safe homes in their communities. These programs also provide emotional support and legal and medical assistance to victims. All but one of the programs also provide sexual assault crisis intervention and support services and five provide services to batterers. The Council also funds a batterers' program and a sexual assault program that are not associated with shelter programs; two crisis intervention programs that provide assistance and education to women who may not choose to stay in a shelter and two education programs.

The Council has effectively served the public in the provision of services to victims of domestic violence and sexual assault and their families. All programs funded by the Council are routinely monitored and provided with technical assistance, as requested. Communities without state funded services are provided assistance by the Council or its funded programs. Pamphlets, a child sexual assault curriculum, public service announcements and video tapes have been developed and distributed by the Council, and the Council maintains a film library to be used by people in the state. The Council has worked closely with the Network on Domestic Violence and Sexual Assault to encourage effective domestic violence and sexual assault legislation and has worked with Legislators and staff to develop legislation that best serves the needs of victims. The Council has carried out its functions in public and encourages public participation in meetings, decisions, policies and regulations. The Council has accomplished a great deal to alleviate the trauma suffered by victims of domestic violence and sexual assault.

In order to most effectively provide services, areas of extreme need and the most effective service delivery models must be determined. The Council has begun developing a five year plan to accomplish specific objectives to carry out its mandates to provide and coordinate services. Coordination efforts between agencies that serve victims of domestic violence and their families must be maintained and enhanced. Statewide prevention and education efforts need to be continued and funded programs should be monitored and receive technical assistance. The Council on Domestic Violence and Sexual Assault, with its configuration of state and public members, is the most effective means of insuring accountability of state funds and maintaining effective services to victims and their families; and therefore, it should be reinstated.

Robert J. Sundberg
Commissioner
Department of Public Safety

Abood

A PERFORMANCE REPORT ON THE DEPARTMENT OF PUBLIC SAFETY COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

July 13, 1984

Audit Control Number

12-1178-84-R

Commissioner, Department of Public Safety	Robert Sundberg

Members of the
Council on Domestic Violence and Sexual Assault

Chair	Peggy Ormasen
Public Member	Diane Carpenter
Public Member	Jana Varrati
Designee of the Commissioner, Department of Public Safety	Jos Mapranath
Designee of the Attorney General, Department of Law	James Fisher
Designee of the Commissioner, Department of Education	Alison Elgee
Designee of the Commissioner, Department of Health & Social Services	Michael Price

STATE OF ALASKA ... OFFICE OF THE AUDITOR

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STATE OF ALASKA ... LEGISLATIVE AUDIT

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

August 7, 1984

Members of the Legislative Budget
and Audit Committee:

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes, the attached report is submitted for your review.

A PERFORMANCE REPORT ON THE
DEPARTMENT OF PUBLIC SAFETY
COUNCIL ON DOMESTIC VIOLENCE
AND SEXUAL ASSAULT

July 13, 1984

Audit Control Number

12-1178-84-R

Gerald L. Wilkerson

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE AND SCOPE OF THE REPORT

Purpose

In accordance with the intent of Titles 24 and 44 (sunset legislation), we conducted an examination of the Department of Public Safety, Council on Domestic Violence and Sexual Assault (CDVSA), to determine if the Council has been operating in an efficient and effective manner and also if there is a public need for the program.

As required by legislative intent, this report shall be considered during legislative hearings in determining whether the CDVSA should be reestablished. Currently, the law specifies that this program will terminate as of June 30, 1985.

Scope

Our review consisted of evaluating the efficiency and effectiveness of the Council in (1) coordinating services provided by State and community agencies in response to domestic violence and sexual assault (DVSA) incidents; (2) developing, implementing, maintaining, and monitoring DVSA programs; (3) developing and implementing a standardized data collection system; (4) awarding grants and contracts; and (5) providing fiscal and technical assistance to grantee programs.

We reviewed the following sources of information:

1. Applicable statutes and legislative intent;
2. Budget documents;
3. Minutes of Council Meetings and attendance at the FY 85 funding meeting in June 1984;
4. Grantee performance and fiscal reviews prepared by Council and Public Safety personnel;
5. Interviews with various grantees;
6. Review of data collection forms and quarterly reports;
7. Interviews with various Council members; and
8. Office of the Ombudsman, State Equal Employment Opportunity Office, and the Human Rights Commission were contacted for information about complaints.

The policy and audit approach utilized by the Division of Legislative Audit for Performance Review can best be described as "audit by exception".

This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made, and little time is devoted to reviewing well-run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

ORGANIZATION AND FUNCTION

Title 18 of the Alaska Statutes gives the Department of Public Safety the authority to ". . . provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs." The Department has met these statutory duties by the establishment of the CDVSA.

A large part of the Council's responsibility is their directive to "receive and dispense State and Federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs." The Council is also responsible to provide technical assistance and monitor the activities of various contractors and grantees.

The Council consists of seven members, of which four are the commissioners, or their designees, of the Departments of Public Safety, Health and Social Services, Education, and Law. The balance of the Council is comprised of persons recommended by the Network on Domestic Violence and Sexual Assault (a non-profit, private organization), and appointed at the Governor's discretion.

As of the date of this report, the Council is staffed by an executive director, a project coordinator, and a secretary.

The Network on Domestic Violence and Sexual Assault is a federation of domestic violence shelters and counseling centers throughout the State. Prior to the creation of the Council by the 1981 Legislature, the Network provided much of the organizational structure of the State's domestic violence and sexual assault program.

The community programs, which make up the Network on Domestic Violence and Sexual Assault, provide a variety of services to the public. Most importantly, their efforts are directed toward providing the victim with a safe environment by use of shelter and safe home networks. In addition, the programs are involved in educating and counseling the victim about domestic violence and sexual assault issues.

The counseling approach used by the programs is described as "empowerment". Empowerment's objective is to acquaint the victim with the law and victim rights; the cycle of domestic violence; the availability of jobs, child care, food stamps, and medical assistance; and to support and encourage the victim while she is learning self-dependence. The goal of this counseling method is to change the victim's beliefs

about herself and to provide her with alternatives. It attempts to teach self-reliance.

Most recently, the Council has sponsored individual counseling programs for abusers which concentrate on reducing violent behavior. The community domestic violence and sexual assault programs, in cooperation with police and the court system, have implemented model projects in Dillingham and Anchorage that favor arrest, prosecution, sentencing, and counseling directed toward the batterer.

REPORT CONCLUSIONS

Policy Issues

This report contains policy issues raised as a result of our evaluation of various Council endeavors. The final policy decisions affecting these endeavors are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should consider the findings presented in this report so that the potential impact of policy changes can be evaluated.

Report Conclusions

In our opinion, the CDVSA should be reestablished. However, the Council should address the following issues in order to more effectively serve the public interest and perform its statutory duties.

1. The CDVSA should conduct their meetings in accordance with the State's public meeting law (see Recommendation No. 1).

2. The CDVSA should improve both the consistency and analysis of data collected from grantee programs (see Recommendation No. 2).

3. The CDVSA should develop and use coordinated, consistent, and comprehensive criteria in order to establish priorities for funding (see Recommendation No. 3).

4. The CDVSA should more actively promote a formal coordinated response by State agencies to the problems of domestic violence and sexual assault at both the State and local level (see Recommendation No. 4).

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Council on Domestic Violence and Sexual Assault (CDVSA) should conduct their meetings in accordance with the State's public meeting law.

On June 8, 1984, during the course of their funding meeting, CDVSA voted 5-1 to enter executive session. The stated reason for closing the meeting was to consider the impact of gubernatorial budget document language on grant funding decisions.

In addition to this most recent instance, our review of the minutes of the past CDVSA meetings indicated that CDVSA invoked executive session privileges on numerous occasions. Since October 9, 1982, CDVSA has entered executive session eight times. In two instances, the minutes do not reflect any stated reason for entering executive session.

AS 44.62.310(a) requires that all State agency meetings are to be open to the public with three exceptions set out in AS 44.62.310(c). These statutory exceptions allow executive sessions for discussion of the following topics:

1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and

3. Matters which by law, municipal charter, or ordinance are required to be confidential.

CDVSA's representative from the Department of Law advised that the Council's action on June 8, 1984, did not meet with these exceptions. Judicious use of executive session privileges not only assures compliance with the open meeting law, but also encourages public participation in the making of its regulations and decisions, which is a determinant of public need for CDVSA under the State's "sunset" statute (AS 44.66.050[c][5]).

Recommendation No. 2

The Council should improve both the consistency and analysis of data collected from grantee programs.

CDVSA is required by AS 18.66.050(a)(5) to develop and implement a standardized data collection system on domestic violence, sexual assault, and crisis intervention. In November 1981, CDVSA hired a Research Analyst to devise a system of data collection; to develop forms to standardize the system; and, to provide training to the various grantees in the use of the forms. The position was also responsible for the oversight and review of the system to ensure that the information being gathered was consistent, relevant, and valid.

However, due to the level of funding for personal services in the FY 84 budget, the Research Analyst was laid off in September 1983. Since that time, there has been limited review of the system and the data collected. As a result, much of the information being compiled is invalid and misleading.

The following examples show the problems with the data collection effort:

1. Definitions Inconsistently Applied

"Client Adult". The Council needs to decide what constitutes a client adult. This term refers to a person who has either witnessed an incident of domestic violence or sexual assault or is a relative or friend of a victim or perpetrator.

It appears that this term is overused as it does not seem reasonable to classify the following types of individuals as client adults:

a. Persons who report an incident and receive information on what services are offered by a CDVSA program, but have no other contact.

b. Teachers, medical professionals, or other like professionals, who may contact a program regarding a student or patient victim.

c. Persons who accompany a victim to a program who receive no service other than responses to inquiries on behalf of a victim, e.g., a person who inquires of legal remedies available to a victim is currently counted as "legal assistance".

"Medical Accompaniment". This term is being applied to count not only the victim requiring medical attention but also a friend or relative who may be accompanying the victim.

"Crisis Counseling". This term is being applied in cases where the victimization occurred as many as

twenty years prior to becoming a program client. It is also being applied in cases where a professional, such as a teacher, contacts the program for what would more reasonably be termed professional consultation.

2. Incidence Data (number of occurrences of victimization) vs. Client Data (number of clients served)

   Confusion exists on whether the aim of the data collection effort is to count incidences or count clients, which has resulted in overstated and misleading data.

   a. Individual clients who were victimized on more than one occasion (some many years previous) are being counted, in at least one grantee program, once for each incident in which they are involved.

   b. Individual clients who were victimized by more than one perpetrator are being counted, in some cases, once for each perpetrator.

3. Separation of Services

   CDVSA grantees often offer a wide range of services from various funding sources. Reports submitted by grantee programs often include not only domestic violence or sexual assault, but all services provided by the grantee, which tends to overstate the data.

4. Compilation and Reporting of Data

   Since September 1983, the burden of compiling the data into a quarterly report has shifted to the individual grantees. The time expended on this statistical function results in less time being spent on the provision of direct services. The grantees also cannot be expected to employ individuals with statistical or data management expertise, yet they are being relied on as data managers. The grantee programs submit their data forms to CDVSA on a monthly or quarterly basis. CDVSA stores the documents without review or analysis.

Many of the problems with the data system could have been rectified if proper review and oversight had occurred. In this instance, simply stating that lack of funding was the reason for laying off the research analyst is insufficient. The lack of funding is due in part, to the CDVSA not following Legislative intent in FY 82 when the Council was first formed.

The Fiscal Note that accompanied the CDVSA legislation in FY 82 intended that employees of CDVSA be paid at the following levels:

1. Project Coordinator, range 18
2. Research Analyst, range 16
3. Clerk - typist, range 7

However, CDVSA chose to reclassify and hire at the following levels:

1. Executive Director, range 24
2. Program Coordinator, range 20
3. Research Analyst, range 16
4. Secretary, range 10

Since FY 82, the Legislature has either increased or held constant the funding for personal services. Consequently, prior position reclassification decisions made by CDVSA appear to have been largely responsible for the budgetary constraints that resulted in the loss of the research analyst.

However, the data collection function remains an important aspect of CDVSA efforts, and we feel that the lack of consistency in applying the terms; the lack of a consistent aim of collecting incident or client data; and the absence of evaluation and analysis, is producing irrelevant and unreliable information. Without reliable data, CDVSA and the Legislature do not know the true extent of the problems nor the success of the treatment method.

In order for CDVSA to effectively comply with their statutory responsibility to implement a reliable data collection system on which Legislative decisions can be based, the Council should revise and monitor the current system.

Recommendation No. 3

CDVSA should develop and use coordinated, consistent, and comprehensive criteria in order to establish priorities for funding.

CDVSA's most visible and important activity is its allocation of appropriated grant funds among the various community nonprofit agencies that provide services related to domestic violence and sexual assault. The types of services and the service delivery organizational structure vary by locale. In order to sort through the demands made on the available grant funding, CDVSA must establish priorities and develop funding criteria that reflect those priorities.

We do not believe that CDVSA has effectively established a well coordinated and comprehensive approach for making decisions. It was our observation at the most recent funding meeting (June 7-9, 1984) that Council members seemed to shift emphasis among various criteria during the three day

deliberations. Grantees that we interviewed also expressed dismay with the process, commenting that they felt that the decision-making criteria used differed from the criteria stated in CDVSA's request for grant proposals.

For the FY 85 grants, the CDVSA staff reviewed all grant applications and made funding level recommendations to the Council. The Executive Director stated at the meeting that the staff recommendations were based on the following general CDVSA policy precepts:

1. Priority is given to programs who provide safety to victims of domestic violence and sexual assault.

2. Priority is given to ongoing programs over requests from new start-up programs.

3. Among new community or regional requests, priority is given to areas that demonstrate a viable, active volunteer commitment to domestic violence and sexual assault victims.

It appears to us that little consideration was given to the staff recommendations. A major reason for the limited use of staff recommendations seemed to be an increased emphasis on intent language contained in the Governor's budget request. The Executive Director had not considered that budgetary intent when formulating her recommendations, yet CDVSA members began relying on it heavily after they were reminded of its existence half-way through the three day funding meeting.

The criteria used to develop the staff recommendations and the budgetary intent language essentially differed in degree of detail. However, the Council members apparently did not know of the Governor's intent for CDVSA's FY 85 budget until the funding meeting and only then started making funding decisions in that context. We feel that CDVSA would have made better use of their resources and would have made better coordinated and consistent funding decisions had they given the staff more direction. CDVSA could have had staff use the more specific gubernatorial intent (and by approval of the budget request, implicit legislative intent) when staff reviewed grant requests in preparing recommendations.

We feel that the rather disjointed, ad hoc approach that CDVSA ultimately used in making funding decisions resulted in decisions that were inconsistent with stated CDVSA policy, legislative intent, and sound grant funding management.

The following are some examples of funding inconsistencies:

1. Men's Support Network (MSN) - MSN provides prevention through education series in the Anchorage area. The program includes community presentation on the changing roles of men in today's society and crisis and group counseling to men in transition. MSN, however, does not counsel men involved in violent relationships. Batterers are referred for counseling to the men's program at the Abused Women's Aid in Crisis (AWAIC) shelter. During the third quarter of FY 84, MSN received one crisis call and was involved in four counseling sessions.

   Staff recommended the Council either defund MSN, due to the lack of funds to fully support the shelter programs, or to fund the program at the level at which it could effectively operate. MSN in FY 84 had been funded at $17,500, an amount insufficient to run this type of program effectively. In fact, the FY 84 grant was perceived as a phase-out grant. The Council ignored staff options and funded MSN at $18,300 for FY 85, an increased of $800, seemingly prolonging the phase-out period for another year.

   We feel the staff recommendation to defund MSN in a year of limited funding would have been more appropriate, especially since this program does not counsel batterers but refers them to AWAIC for services. In our opinion, the Council did not follow its stated criteria nor the intent expressed in the budget process when funding MSN.

2. Kodiak Women's Resource and Crisis Center (KWRCC) - The Kodiak program was subject to severe internal strife in February 1984, resulting in terminations of essentially the entire staff and resignations of at least one member of the KWRCC Board of Directors. According to the CDVSA program evaluation, the safety of victims residing in the shelter was in question. Similarly, the most recent program evaluation stated the program was in turmoil and unable to provide the quality of services required by CDVSA.

   Staff recommended maintenance funding plus $2,000 for rural outreach. This would have increased funding 1% over FY 84 grant level to $177,000. However, the Council funded Kodiak at $187,500, an increase of 14.3%. We feel that staff recommendations expressed a more appropriate funding level, especially when viewed within the context of victim safety. Until a follow-up evaluation of the Kodiak program was performed, we feel it would have been more prudent to follow the staff recommendation.

3. Men Emerging Now (MEN) - Juneau's MEN program received a FY 85 grant of $107,500 which represented a 7.5% increase over their FY 84 $100,000 grant. MEN provides counseling to men who batter.

CDVSA staff had recommended that MEN receive no increased funding. Of the seven shelter programs that received less of a percentage increase than MEN, six of them received less than or the same as the staff recommendations.

We feel that the staff recommendations were more in line with legislative intent that shelters and safe homes receive priority in funding over men's counseling programs (SJR 6, SLA 1982). CDVSA, by seemingly rejecting those recommendations, was not in accordance with legislative intent and CDVSA's guidelines to give priority to programs providing immediate safety to victims.

Recommendation No. 4

CDVSA should actively promote a formal coordinated response by State agencies to the problems of domestic violence and sexual assault at both the State and local level.

CDVSA is statutorily responsible for coordination of services provided by the Departments of Law (DOL), Education (DOE), Public Safety (DPS), Health and Social Services (DHSS), and other State or community groups dealing with domestic violence, sexual assault, and crisis intervention and prevention (AS 18.66.060[a][4]).

CDVSA has stressed to local community grantees the importance of developing cooperative working relationships with police, district attorneys, judges, and education, social service, and medical service agencies. However, we found through interviews with grantee managers that oftentimes the degree of cooperation in the community depends on the attitude and commitment of the individuals involved. As a result, cooperation and coordination is sometimes lacking and must be continually reestablished as individuals in the various positions change.

A contributing factor to this disjointed local coordinative effort is lack of clear and established statewide policy by affected agencies. For example, various DHSS offices in the local community should be able to look to their respective division directors for policy and guidance about how to coordinate service delivery with local domestic violence and sexual assault agencies. A more formal coordinated policy regarding domestic violence and sexual assault services from each affected State agency would help promote continuity,

increasing both the efficiency and effectiveness of service delivery to victims.

Besides providing better direction at the local level, various State agencies need to adopt a formal policy agreement at the State level. CDVSA, together with the Criminal Justice Working Group with DOL, has been involved with developing a Child Sexual Assault Agreement between DOL, DPS, DHSS, and the Department of Corrections. This agreement has been in progress for three years and has yet to be signed by all Departments, although we are told an agreement is near.

However, no policy has been drafted to develop guidelines for a coordinated approach to domestic violence issues. This is due in part to the difficulty of defining and agreeing to the limits of domestic violence. Most people will agree that any sexual approach to a child is morally and legally wrong. It is not as easy to gain a consensus of opinion on the moral and legal limits of domestic violence affecting adults.

Although we recognize the difficulties CDVSA has and will encounter in coordinating these services, more emphasis needs to be placed on formulating guidelines to deal with domestic violence. CDVSA has made some progress in their efforts to coordinate service delivery in Alaska, but much more effort is needed on the State and local level in order to fulfill CDVSA's statutory obligations.

AUDITOR'S COMMENTS

The following is a discussion of two recent studies that point out the importance of coordinated intervention in DVSA cases. The Duluth, Minnesota project was spearheaded by Minnesota Program Development, Inc. and titled Domestic Abuse Intervention Project (DAIP). The Minneapolis Domestic Violence Experiment was funded by the National Institute of Justice, the Minneapolis Police Department, and the Police Foundation, and was limited to assessing the effect of arrest on the occurrence of violence.

Domestic Abuse Intervention Project (DAIP)

The DAIP makes a strong case for a coordinated, comprehensive intervention program which emphasizes arrest, prosecution, sanctions, and counseling directed toward the batterer. The intervention methods used in violent cases in this project were not unique to DAIP, the primary difference was the cooperation of nine agencies when responding to DVSA cases. After six months, the project team evaluated the results of the program and found the following:

1. For those suspects arrested with the officer as the complainant instead of the victim, 70% pled guilty;

2. With the no drop policy, suspects were prosecuted and sentenced;

3. Counselors were convinced that treating the violence instead of the relationship was conducive to reducing violent behavior; and

4. Recurrences of violence between DAIP couples dropped 26%.

The DAIP intervention strategy was built around the following policy changes:

1. Police - Full utilization of the liberalized probable cause arrest law in domestic violence situations. Officer discretion for arrest would no longer be based on the reasons for the violence but strictly on whether there was probable cause to believe an assault had occurred. When responding to DVSA calls involving cohabiting adults, the officer would arrest if three conditions were met:

    a. The alleged assault occurred within four hours of the officer's arrival and

b. There are visible signs of injury or physical impairment on the victim and

c. Based on the statement of the parties and the officer's observations, the officer has probable cause to believe an assault had occurred.

2. Prosecution - The police officer, rather than the victim, would become the complaining witness; an advocate would be assigned to each victim to educate her about the court procedures and to encourage prosecution; and, a policy was adopted against dropping charges when the victim requested.

3. Court - If found guilty, the Court would have three choices for sentencing. Sentencing would be preceded by an investigation to determine which option would be most appropriate.

   a. Jail sentence with no probation;

   b. Suspended sentence with the abuser required to attend DAIP counseling and education program; and

   c. Any combination of jail and counseling.

4. Counseling - The approach would be shifted from focusing on improving or ending the relationship to focusing on the violence. Hopefully, this switch would make the batterer realize that regardless of what events led to the assault, the use of violence was unacceptable and illegal.

5. Women's Shelter - The shelter staff would be required to advocate with the victim for mandatory arrest and prosecution of the suspects. Previously, shelters had supported the victim's decision when she wanted charges dropped. Also, the shelter would be required to send an advocate to the victim's home following an arrest and to maintain contact with the victim during and after batterers' counseling.

The results of the study strongly suggest that arrest, prosecution, sentencing, and counseling when used as a coordinated response directed toward the batterer, do reduce violent incidents.

The Minneapolis Domestic Violence Experiment

In Minneapolis, the passage of a more liberalized arrest law paved the way for a new approach to domestic violence cases. This experiment was designed to test three police responses to determine which would have the most effect in reducing violence. When police received calls concerning domestic

violence, they were required to alternate between three options as follows:

1. Arrest when there is probable cause to believe an assault occurred;

2. Counsel both parties; or

3. Send the assailant away for several hours.

The results of the Minneapolis study strongly suggest that arrest is the best approach to domestic violence. In addition, when the police officer offered to listen and showed interest in the victim's side of the story, the effectiveness of arrest was enhanced.

After six months the study team evaluated the effectiveness of each of the three methods and found the following:

1. The percent of suspects repeating violence, based on 314 official police records:

   a. arrest - 10%
   b. advise - 19%
   c. send suspect away - 24%

2. The percent of suspects repeating violence, based on 161 victim interviews:

   a. arrest - 19%
   b. advise - 37%
   c. send suspect away - 33%

3. The percent of suspects repeating violence when police listened to victim and arrested based on 194 victim interviews

   a. arrest and listening - 9%
   b. arrest only - 26%
   c. advise - 35%

Previously, the traditional police response to cases of domestic violence had been to do as little as possible because police believed the offenders would not be punished by the Courts if arrested. This study, on the other hand, suggests that arrest alone has some deterrent even without prosecution and court sanctions.

Implications for Alaska

We believe these studies have important implications for the intervention programs in Alaska. With passage of a liberal arrest law in 1983, the road is open to implement a strong, coordinated response to domestic violence. In fact, two

areas in Alaska, Dillingham and Anchorage, have already implemented procedures which favor arrest, prosecution, sentencing, and counseling of the batterer. Although the approaches differ somewhat, each city has emphasized the importance of arrest, prosecution, and cooperation.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses show both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive but to address those areas we were able to cover in our review.

I. The extent to which the Council has operated in the public interest.

A. The Council has developed and distributed several educational films and curriculum addressing the issues of domestic violence and sexual assault. Among these are "Village to Village", a film about domestic violence in rural Alaska; and "It's Okay to Say No", a film for children about their personal safety. These films are available to all interested persons, and the children's film has been used in several primary and secondary schools in Alaska.

B. The Council, by disregarding the open meeting law three times since October 1982, has left itself open to criticisms of not operating in the public interest (see Recommendation No. 1).

II. The extent to which the operation of the Council has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resources, and personnel matters.

A. The Council staff, through its program evaluations, and financial reviews, have provided valuable technical assistance to grantees. The Council, through these reviews, not only safeguards State funds but also ensures the quality of services to the public.

B. The Council is in the process of developing a statewide plan for growth of domestic violence and sexual assault programs to ensure that services are available where they are most necessary. Implementation of this plan will enhance the operation of the Council.

C. The Council has not developed an adequate data collection system as required by AS 18.66.050 (a)(5) (See Recommendation No. 2).

III. The extent to which the Council has recommended statutory changes which are generally of benefit to the public interest.

A. The Council aided in the passage of the following:

1. AS 18.68 - Sexual assault investigations. Provides for a uniform sexual assault examination kit; protocols governing the use and distribution of the kit; and training in the protocols and use of the kits.

2. AS 18.65 - Police training about new domestic violence (DV) laws. How to handle DV incidents; and notification of the victim of rights and services provided by the State.

3. AS 12.25.030 - Arrests of perpetrators of domestic violence on the charge of fourth degree assault. The police officer needs only reasonable cause to arrest on fourth degree assault.

4. AS 11.41 - Various definitions and grades of sexual assault.

5. AS 22.15.100 and AS 25.35 - Broadens the powers of a judge and the uses of the injunctive relief orders (or temporary restraining order). Also reaffirms the consequences to the perpetrator of disregarding a restraining order. Restraining orders allow the victim to remain in the home in relative safety for a limited time.

IV. The extent to which the Council has encouraged interested persons to report to it concerning the effects of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

A. The Council encourages interested parties to comment on its decision or regulations by publicly announcing its meetings. The Council also encourages input about its policies from the Alaska Network on Domestic Violence and Sexual Assault.

V. The extent to which the Council has encouraged public participation in the making of its regulations and decisions.

A. The Council has made extensive efforts to inform the public about domestic violence and sexual assault issues. A teleconference in December 1983, was preceded by mailing notices statewide to interested parties. In addition, the Council organized a teleconference between Alaska and the U.S. Family Violence Task Force in Washington, D.C.

B. The Council has encouraged participation in the making of its regulations by working closely with the Network on Domestic Violence and Sexual Assault. Preliminary drafts of regulations were disseminated to DVSA programs statewide for comments.

C. However, improper use of executive session at public meetings suggest a certain disregard to encouraging public participation in making Council decisions (see Recommendation No. 1).

VI. The efficiency with which public inquiries or complaints regarding the activities of the Council filed with it, with the department to which the Council is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

A. We found no problems in this area.

VII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the Council to its own activities and the area of activity or interest.

A. We found no problems in this area.

VIII. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the Council to better serve the interests of the public and to comply with the factors enumerated in this subsection.

A. It is the opinion of all of the grantees we interviewed and at least one Council member, that the composition of the Council should be changed. Most of the grantees' agreed on the following suggestions:

1. Appointment of representatives from more geographical regions of Alaska. At present five of the seven members reside in Southeast Alaska.

2. Appointment of an Alaskan native, who understands the complexities of providing services to rural Alaskans.

3. Appointment of a Council member who is involved in law enforcement.

4. Appointment of more public members.

B. See Recommendations No. 1 through 4 for further discussion.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE:
465-4356

October 1, 1984

Gerald L. Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

OCT 02 1984
LEGISLATIVE AUDIT

Dear Mr. Wilkerson:

Thank you for the preliminary audit report, dated July 13, 1984. A committee of the Council on Domestic Violence and Sexual Assault (Council) developed the following response to your recommendations:

Recommendation #1: The Council on Domestic Violence and Sexual Assault should conduct their meetings in accordance with the State's public meeting law.

The Council agrees that their meetings should be conducted in accordance with the State's public meeting law and will continue to adhere to the requirements of the statute. This recommendation addresses two issues: a) the calling for an executive session at the Council's June 8, 1984 meeting; and b) the lack of clear statements in certain minutes regarding purposes for executive sessions. The Council will respond to each of these issues.

a) Regarding the executive session at the June 8, 1984 meeting: the public meeting statute was read during the meeting and the Council determined that the discussion concerning the letters from the Governor's office could affect the funding process in motion and therefore have an adverse affect upon the finances of the governmental unit. AS 44.62.310(C)(3) was the stated reason for holding an executive session with additional language regarding the letters added as clarification. The Council considered the input of the representative of the Department of Law and made the decision to go into executive session in good faith and with good cause.

b) As can be documented in recent minutes, the Council has taken action to remedy the lack of clarity, in previous minutes, of reasons to call for executive sessions. This remedial action occurred prior to the Legislative audit. Within the last year, the reasons for executive sessions were clearly stated at meetings and accurately reflected in Council minutes. According to a Council member present at the October 9, 1982 meeting, the two executive sessions in which the October 9, 1982 minutes do not state a reason for holding the sessions, were to discuss the embezzlement of funds in the Women In Crisis - Counseling Assistance program. Executive sessions were required because confidential police reports and personalities were discussed.

The Council will (guided by AS 44.63.310(c)) continue to use executive sessions with discretion, clearly state the reasons and accurately reflect the reasons in the minutes.

12-L2LH

2. Appointment of an Alaskan native, who understands the complexities of providing services to rural Alaskans.

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B. See Recommendations No. 1 through 4 for further discussion.

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Recommendation #2: The Council should improve both the consistency and analysis of data collected from grantee programs.

The Council agrees that its data collection effort should be improved. In fact, the auditors were requested by the Executive Director to explore data collection as an area of concern. The Council understands the need for accurate data and has taken steps to accurately explain and use the information provided by its data.

A half-time Data Processing Clerk II has been hired and data processing equipment is in the FY 85 budget. The half-time position and new equipment should enable the Council office to compile, review and analyze data submitted by its funded programs. The securing of the additional personnel and equipment will allow the Council to alleviate the following shortcomings identified in the audit report:

1. Individual clients victimized more than once being counted more than once (Rec.2-2a). Each client receives only one ID number, so the Council will be able to delete duplicates when the system is automated.

2. Compilation of data (Rec.2-4). As soon as the system has been implemented, the Council will be able to compile the program data from individual client data forms. The Data Processing Clerk II is now on staff and has begun to review data forms for errors and inconsistencies.

3. Definitions inconsistently applied (Rec.2-1). The Data Processing Clerk II will check the client intake forms to assure that data is consistently and correctly applied throughout the programs. The Council agrees that an individual reporting an incident or a professional receiving consultation does not meet the definition of "client adult". The Council provided programs with a data dictionary that defines client adult as a "person 18 years of age and over admitted into a program for treatment and/or intervention as a result of a domestic violence and/or sexual assault incident directed towards another person who is a relative, neighbor, friend, etc."

4. Separation of Services - The Council will monitor data to assure that data reflects only the Council sponsored portion of the program.

Besides enhancing office capabilities, the Council, its planning committee, and staff will take a thorough look at the purpose, use and collection of data and make appropriate revisions in the system. Admittedly, there are aspects of the data forms and definitions that could be enhanced, clarified, and/or deleted.

Some items discussed in the data section are inaccurate and require further explanation:

"Definitions Inconsistently Applied"

Medical Accompaniment and Legal Assistance

It is consistent with the Council's definition of a client, for programs

to give legal and medical advocacy to client adults. Often a victim is so traumatized she/he cannot understand legal options, so the person who accompanies the victim receives the services in order to be able to assist the victim at a later time. Also, a person who is concerned and traumatized by a loved one's sexual assault and accompanies the victim to the hospital requires support and advocacy in her/his encounter with the medical system. The crisis advocate is often required to go back and forth between the victim and client adult explaining procedures and the medical process and intervening for both parties with medical personnel. In some cases, a program assigns two advocates to a sexual assault crisis call.

Crisis Counseling - In many cases, it is appropriate to consider a victim's disclosure about victimization as crisis counseling even if the disclosure occurs long after the sexual assault. Victims often try to bury and deny a sexual assault, particularly if it occurred when they were children. At the point a person stops denying the incident or recognizes the trauma and pain she/he has suffered, she/he is often in emotional crisis.

Council Office - A previous audit conducted in 1982 cited the Council for hiring above intent as stated in a fiscal note accompanying the Council's legislation effective in October 1981. The Council responded that staff were hired commensurate with responsibilities and with staff in other agencies in state government. It should be noted that neither the Council nor the Department of Public Safety classified these positions. Titles and ranges of positions were determined by the Department of Administration. In FY 82 and 83, the Council had four full-time positions: the Executive Director, Program Coordinator, Research Analyst and Secretary. There was insufficient funding in FY 84 to maintain these positions. In FY 85, the Council office has three and a half positions: Executive Director (Range 24), Program Coordinator (Range 20), Secretary (Range 10) and Data Processing Clerk, 1/2 time (Range 9).

Recommendation #3: CDV/SA should develop and use coordinated, consistent, and comprehensive criteria in order to establish priorities for funding.

The Council agrees that allocation of appropriated grant funds is an important activity and will continue to work toward improving the system. The Council developed and utilized the following priorities in making grant funding decisions for FY 85:

1. Programs which do not have minimum funding levels to operate safely and legally.

2. Programs which provide essential crisis intervention services.

3. Programs which address the needs of child victims or children of victims.

4. Existing programs will have priority over new programs.

5. Programs in regional centers which provide prevention and education services to a larger geographic area.

6. Areas of extreme or special need (e.g. sudden influx of workers in small community, rapid increase in violent crime, withdrawal of other resources, etc.).

7. Programs which have been providing shelter through local or other state funds, but which are without operating funds.

8. Programs providing services to male batterers and/or sex offenders.

Also used in the review process and presented in the grant application were the attached criteria.

The process of distributing limited resources for such important functions was very difficult. Although the process may have appeared disjointed to some, it manifested the need for the Council to gather and process a great deal of complicated information in order to make rational decisions. The process may have been a clear reflection of the complexity and sensitivity of the issues the Council is empowered to handle. Intent language in the Governor's budget concerning the Council's funding of certain grants was an important issue and probably should have been considered earlier. It must be pointed out that budget documents were prepared from Council documents and were consistent with priorities and criteria established by the Council. They did not conflict with stated Council priorities.

In response to the observation that little consideration was given to staff recommendations for funding grants, the Council submits that staff recommendations were considered and utilized along with a significant number of other considerations such as criteria established by the Council, program testimony at the meeting, funding availability, legislative concerns and statutory responsibilities.

Regarding the specific awards made, which the preliminary audit report states were inconsistent with stated Council policies, legislative intent and sound grant funding management, the Council has the following response:

a. The FY 85 budget did not include a legislative intent. However, legislative intents in prior years specified that shelters and safe homes were the highest priority. This is consistent with the Council's first priority, safety. The Council adequately funded viable shelter and safe home programs.

b. Men's Support Network (MSN) - The Council decided to fund MSN at $18,300 which was $800 above maintenance. The $800 was to meet FICA requirements not budgeted for in FY 83. The Council felt that the program, the only one of its kind, is a vital aspect of the prevention of domestic violence and sexual assault. However, due to funding constraints and other Council priorities, there were insufficient funds to provide funding for a full-time position. The Council determined that MSN, which received some funds from the Municipality of Anchorage,

could operate effectively on $18,300. Staff recommended either to defund the MSN program or to fully fund the program. The staff option to defund MSN was not "due to lack of funds to fully support shelter programs", but because it was not as high a priority as other applicants.

c. Kodiak Women's Resource and Crisis Center (KWRCC) - The Council determined KWRCC's grant award based on a maintenance budget, with an increase of $8,000 for FICA (not budgeted in FY 83) and a need for increased rural outreach. The staff recommendation was $177,000 with additional money to be added for FICA, if there were sufficient funds. The Council put $2500 more in rural outreach than the staff had recommended because the need was apparent, and it was consistent with the Council's FY 85 budget document. The Council had discussed the Kodiak program at length during its May meeting and requested periodic program reports. In the short time before the funding meeting, the program had hired a new director and stabilized considerably. There were no indications that problems would continue at the same level. Step ad been taken by KWRCC before the funding meeting to assure client safety.

d. Men Emerging Now, Inc. (MEN) - The MEN's program received an additional $7,500 above staff recommendation as matching for a Jesuit volunteer's position. For that minimal additional funding, the program will be able to increase and improve rural outreach. The MEN's program in Juneau is the only free standing batterers' program in the state. It is recognized that rural areas need services provided by the program, and the Council decided that increasing funds for this program was an extremely cost effective means of providing rural outreach.

Recommendation #4: CDV/SA should actively promote a formal coordinated response by State agencies to the problems of domestic violence and sexual assault.

The Council takes the responsibility to coordinate domestic violence and sexual assault services seriously. In the recent year, it has taken strong action to identify services provided by other agencies in order to facilitate and direct coordination. All appropriate departments were sent letters in March, 1984, asking them to provide the Council with information concerning the domestic violence and sexual assault services they provide. The Council realizes that this is the first step in determining specific plans for coordination. Also, for the past year, the Council has met with various representatives from programs that impact domestic violence and sexual assault services: Division of Family and Youth Services, Displaced Homemakers Program, Department of Corrections, Women's Mini-Cabinet, Governor's Office, etc. The Council and the Department of Corrections has developed a memo of agreement for an RSA in which the Council administers Corrections' funds for batterers' programs in correctional institutions. The Council has had a $5,000 RSA from the Division of Public Health for the last two years to provide sexual assault training and information. Council staff has met often with representatives from the Department of Health and Social Services to discuss coordination efforts.

It should be noted that the Child Sexual Assault agreement, mentioned in the preliminary audit report, was originally written in 1982 by the Council member who represented the Department of Law. The agreement was not signed in 1982 by all parties. It was at the

Council's instigation that the agreement was resurrected in 1984. The agreement has recently gone through a revision process that involved all affected agencies and has been signed (a copy of the agreement is attached).

As stated in the preliminary audit report, it is difficult to coordinate domestic violence services. However, a major aspect of coordination has already been addressed in Alaska statutes which require police officers to inform victims of domestic violence of the nearest shelter and other available services. Police officers' responses and referrals are key to successful domestic violence programming. The Council agrees that the Duluth and Minneapolis studies have important implications for Alaska. In order to assure that the most effective system is developed, the Council needs to determine the most appropriate response for Alaska. The Council has developed a draft plan to identify specific needs and strategies for coordination. In the meantime, Council members and staff will continue to be aggressive in coordination efforts.

The Council has further comments about the remainder of the report.

Organization and Function

It is not clear in the discussion of the Alaska Network on Domestic Violence and Sexual Assault (Network) how the Council relates to Network programs. The Council funds, monitors and provides technical assistance to twenty-three domestic violence and sexual assault programs in FY 85. Of the twenty-three programs, twenty-one Council funded programs belong or have expressed the intent to join the Network. It is not mandatory that Council funded programs belong to the Network, a non-profit corporation. The programs the Council funds provide the services you mention on page 3 and 4 as well as these additional services: crisis intervention for adult and child sexual assault and domestic violence victims, victim advocacy with medical and law enforcement, development and implementation of school curricula on sexual assault and domestic violence, counseling for non-offending parents as well as victims of child sexual assault; community education and training; training in domestic violence and sexual assault for other professionals; and transportation for victims, which often includes flights from rural areas.

In the discussion of empowerment, the major philosophical premise of empowerment was not stated; that is to give a victim the power to make her own decisions. Programs are careful not to make decisions for a victim, but as was stated, provide her with alternatives.

Analyses of Public Need

I. The extent to which the Council has operated in the public interest.

The major area in which the Council operates in the public interest is in funding, monitoring and providing technical assistance to community domestic violence and sexual assault programs. These programs provide services to victims, their families and communities to reduce and prevent the trauma associated with domestic violence and sexual assault.

IA. The Council has developed a child sexual assault curriculum called "Preventing Sexual Abuse of Children" that has two accompanying video tapes: "Aware Not Afraid" and "Its OK to Say No". The Council sent one copy of the curriculum to each school district, put PSA's on LearnAlaska and distributes additional copies of the curriculum upon request. As was stated in the preliminary audit, it is being used in several primary and secondary schools in Alaska. "Village to Village" is a video tape which has a manual that accompanies it. The Council provides copies of these materials to its programs as well as other people who request it. The Council has also produced the following documents and video materials that it disbributes as widely as possible, within fiscal constraints:

"Sexual Assault Training Manual: A Guide for Trainers"
"Domestic Violence: A Curriculum for Officer Trainers"
"Someone You Know" a video documentary on Domestic in Alaska
Human Services and Law Enforcement Training Video tapes.
Domestic Violence and Sexual Assault PSAs

IB. See response to Recommendation Number 1.

II. The extent to which the operation of the Council has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resources, and personnel matters.

IIB. The Council has developed a draft plan which has been distributed to Council funded programs for input.

IIC. See response to Recommendation Number 2.

IV. The extent to which the Council has encouraged interested persons to report to it concerning the effects of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

IV. The Council also provides time at meetings for public comments and sends major documents, such as its plan, to interested people.

V. The extent to which the Council has encouraged public participation in the making of its regulations and decisions.

VC. See response to Recommendation Number 1.

VIII. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the Council to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Four of the five members of the Council that reside in Southeast are designees of the Commissioners of Public Safety, Law, Education and Health and Social Services. Although they live in Juneau, they do not represent Southeast. They represent their departments' statewide perspectives.

A new Council member, Lola Tobuk was recently appointed to fill the position left vacant by Diane Carpenter of Bethel. Ms. Tobuk is an Alaskan Native from Nome.

The Council met with the Network on September 13, 1984 and discussed the Network's concerns with the Council's composition. The Network recommended adding public members. The Council feels that enlarging the Council would make it an unwieldy size and require additional travel funds and staff support. The Council also discussed specific appointments made by Commissioners. The Council feels that, since the agency is so new, it is important to have policy makers as members so they can speak for their department. Each Council member represents their total department. The representative from the Department of Public Safety represents all interests of the department, including law enforcement.

The Department of Public Safety and the Council on Domestic Violence and Sexual Assault are committed to directing Alaska's domestic violence and sexual efforts, so that violence will be reduced and quality services are provided to the people we serve. We are pleased to work cooperatively with you in this effort. If you have any questions about this response, please contact Barbara Miklos, Executive Director of the Council on Domestic Violence and Sexual Assault, at 465-4356.

Sincerely,

Robert J. Sundberg
Commissioner

cc: Members, Council on Domestic Violence and Sexual Assault

NOTE: The attachment, referred to in this response, can be obtained from the Department of Public Safety.

An Annual Report to Governor Bill Sheffield

and

The Alaska State Legislature

By the Council on Domestic Violence and Sexual Assault

For the period: January 1984 - December 1984

State of Alaska
Department of Public Safety
Robert J. Sundberg, Commissioner

COUNCIL MEMBERS AND STAFF

COUNCIL MEMBERS:

Peggy Ormasen, Chair, Haines (Public Member)
Jana Varrati, Vice-Chair, Anchorage (Public Member)
Lola Tobuk, Nome (Public Member)
Alison Elgee, Department of Education
James Fisher, Department of Law
Jos Mapranath, Department of Public Safety
Michael Price, Department of Health & Social Services

COUNCIL STAFF:

Barbara Miklos, Executive Director
Diane LeResche, Program Coordinator
Pat Wheaton, Data Processing Clerk
Ginger Piper, Secretary

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INTRODUCTION

According to the FBI's "Crime in the United States", in 1983 Alaska's rate of reported rapes was 101.5 per 100,000 residents. This was an 18.9% increase over 1982. The rate of rape in Alaska was the highest in the nation and over three times the national rate of 33.7. Alaska also has one of the highest rates of homicide per capita. In 1983 it was 13.8 per 100,000, compared to the national rate of 8.3. In Alaska, 23% of the homicides in 1983 were against a family member, compared to 19% nationally. National studies have shown that the incidences of child sexual assault are increasing. Reports of child sexual abuse in Alaska are skyrocketing. In FY80 the Division of Family and Youth Services had 185 suspected and adjudicated cases of child sexual assault; in FY84 there were 992 comparable cases.

These alarming statistics document Alaska's need for services to victims of domestic violence and sexual assault. There are compelling reasons to assure that these services are particularly sensitive to a victim's plight. Society often places a stigma upon a victim of sexual assault because of the nature of the crime. Added burdens are also placed upon victims of family violence because they care for or depend upon the perpetrators. U.S. Assistant Attorney General Lois Haight Herrington sums it up well:

> "To be abused by a spouse, a parent, a trusted adult or by one's own child or to witness such abuse carries with it a particular agony. Victims wrestle with feelings of fear, loyalty, love, guilt and shame. In this they often face conflicts not experienced by those attacked by strangers. Adults will be torn between the desire to shield and help a loved one and their responsibility toward their own safety or others in the household. Children often face alone the terrible truth that those who should protect them are, in fact, a source of harm. Anyone who lives in a violent home experiences an essential loss. The one place on earth where they should feel safe and secure has become instead a place of danger.
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> These victims are often uniquely isolated. Friends who might otherwise be a source of support hesitate to intrude on the privacy of family matters or choose sides. Reporting violence to authorities carries its own risks. All too often police, prosecutors or judges minimize or ignore the problem and the victim is left alone to face an attacker who may respond with anger at being reported".

In FY 85 the Council on Domestic Violence and Sexual Assault (hereafter called Council) funded twenty-three community based programs to provide shelter, crisis intervention, support, advocacy and prevention/education services for victims, their families and communities. It is these programs that keep victims safe, provide emotional support during times of extreme trauma after a rape or beating, and help them get their lives together when it seems they have no place to turn. These programs have taught batterers mechanisms to stop their violence and to adopt alternative behaviors. They have also coordinated with school systems to teach children about their right to say no to an adult who is abusing them and how they can report abuse and get assistance. These programs train police officers, advocate

MAJOR COUNCIL INITIATIVES IN 1984

The Council conducted numerous activities throughout 1984 as mandated by AS 18.66.010-18.66.900. Following is a synopsis of Council initiatives:

1. Planning of services for victims of domestic violence or sexual assault, their families and perpetrators of domestic violence and sexual assault.

   The Council has developed a draft five-year plan to project and best meet the needs for domestic violence and sexual assault services in the state. The draft plan includes the following sections: Administrative and Legislative Responsibilities; Coordination; Prevention; Intervention; Treatment and Rehabilitation Services. The Council is cognizant that implementation of the plan must be accomplished with limited resources but is dedicated to finding the means by which to do so.

2. Public Meetings and Hearings.

   The Council held 6 meetings in 1984. Council meetings are advertised and open to the public.

   In January the Council co-sponsored with State Senator Jalmar Kerttula and the Alaska Network on Domestic Violence and Sexual Assault a special teleconference between Alaska and the U.S. Attorney General's Task Force on Family Violence. The U.S. Family Violence Task Force held hearings in six major cities in order to learn about family violence and recommend solutions. The Alaskan teleconference was the only one of its kind in the country. Senator Kerttula opened the teleconference and thirty-three people testified, including U.S. Senator Ted Stevens from Washington. One hundred and one people listened from sites throughout Alaska and in Washington, D.C.

   The Council held a statewide teleconference in November to discuss coordination issues. Eleven people testified from ten sites throughout Alaska. The teleconference participants identified the following needs:

   * Cross-training between such service providers as alcohol and mental health programs, Division of Family and Youth Services and domestic violence and sexual assault programs
   * Trooper and local police training in domestic violence
   * Fund printing of the Council's child sexual assault curriculum
   * Inform programs of the Division of Family and Youth Services' philosophy of treatment for children who have been sexually abused
   * Services to violence prone youth
   * Administrative members of the Council to work for better cooperation within their departments and to better coordinate services for mutual clients
   * Mental health crisis service in Kenai/Soldotna

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for victims and coordinate with district attorneys, mental health centers, alcohol programs and social workers to better serve victims and their families. It is these programs that have helped Alaskans face the tragic reality of domestic violence and sexual assault.

The Council on Domestic Violence and Sexual Assault serves as a funding and coordinating agency for domestic violence and sexual assault services. This report outlines the accomplishments of the Council from January 1984 to December 1984, describes Council funded programs and identifies issues of concern and solutions.

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The Council conducted numerous activities throughout 1984 as mandated by AS 18.66.010-18.66.900. Following is a synopsis of Council initiatives:

1. Planning of services for victims of domestic violence or sexual assault, their families and perpetrators of domestic violence and sexual assault.

   The Council has developed a draft five-year plan to project and best meet the needs for domestic violence and sexual assault services in the state. The draft plan includes the following sections: Administrative and Legislative Responsibilities; Coordination; Prevention; Intervention; Treatment and Rehabilitation Services. The Council is cognizant that implementation of the plan must be accomplished with limited resources but is dedicated to finding the means by which to do so.

2. Public Meetings and Hearings.

   The Council held 6 meetings in 1984. Council meetings are advertised and open to the public.

   In January the Council co-sponsored with State Senator Jalmar Kerttula and the Alaska Network on Domestic Violence and Sexual Assault a special teleconference between Alaska and the U.S. Attorney General's Task Force on Family Violence. The U.S. Family Violence Task Force held hearings in six major cities in order to learn about family violence and recommend solutions. The Alaskan teleconference was the only one of its kind in the country. Senator Kerttula opened the teleconference and thirty-three people testified, including U.S. Senator Ted Stevens from Washington. One hundred and one people listened from sites throughout Alaska and in Washington, D.C.

   The Council held a statewide teleconference in November to discuss coordination issues. Eleven people testified from ten sites throughout Alaska. The teleconference participants identified the following needs:

   * Cross-training between such service providers as alcohol and mental health programs, Division of Family and Youth Services and domestic violence and sexual assault programs
   * Trooper and local police training in domestic violence
   * Fund printing of the Council's child sexual assault curriculum
   * Inform programs of the Division of Family and Youth Services' philosophy of treatment for children who have been sexually abused
   * Services to violence prone youth
   * Administrative members of the Council to work for better cooperation within their departments and to better coordinate services for mutual clients
   * Mental health crisis service in Kenai/Soldotna

* Legal options for victims on the Kenai Peninsula.

Positive coordination models in Juneau (the Youth Network), Valdez, Nome and Homer were also discussed.

3. Staffing and Budget.

The Council has maintained a full time Executive Director, Program Coordinator and Secretary throughout 1984 and added one half time Data Entry Clerk in July, 1984.

In FY84, the Council expended the following:

Personnel for the Council Office	$ 164,500
Travel to fund program evaluations, and Council Meetings (seven Council members and staff)	19,200
Contractual Services to fund basic telephone, printing, word processing and copying, etc.	28,600
Supplies and Materials to purchase Council office supplies and films and domestic violence and sexual assault pamphlets for distribution	2,800
Grants to community based programs	$3,917,300

4. Capital Grants.

In 1984, the Council reassumed administration of the state contract for $1,100,000 to build a new shelter in Juneau. The money had been originally appropriated through the Council in 1981 and transferred to the Department of Community and Regional Affairs to administer. The Council reassumed administration of the grant because it felt that capital construction was tied closely to program operations, and it was more accountable to have capital and operating grants administered by the same agency. In FY85, the Legislature appropriated an additional $200,000 for the shelter. One hundred thousand passed through the Council and $100,000 through the City and Borough of Juneau. Completion of the Juneau shelter is projected for March, 1985.

In FY85, the Council received and administered three other capital projects. Abused Women's Aid In Crisis, Anchorage received $82,000 for equipment and building security features. Women In Crisis-Counseling and Assistance, Fairbanks received $60,000 to retrofit the shelter and $205,000 for a facility addition.

5. Develop educational materials on the cause, prevention and treatment of domestic violence and sexual assault.

The Council developed a sexual assault curriculum for K-6 and 7-12 in 1983. The curriculum consists of a manual "Preventing Sexual Abuse of Children" and two video tapes "Aware not Afraid" and "It's OK to Say No". Because of lack of funds, the manual and tapes have been printed in limited quantity. Beginning in January 1984, manuals were distributed to each school system, Council funded programs and to any person in Alaska requesting copies. Copies of the tapes were made by the Department of Public Safety Media Center or the State Film Library.

The Council made its film library available, upon request, to any agency in Alaska and distributed pamphlets and other information.

6. Data System.

The Council developed and implemented a statewide data collection system for its funded programs in July 1982. See Program Data on page 20.

The Council has taken steps to accurately explain and use the information provided by its data. The instructions for collecting data have been revised to alleviate inconsistencies. The half-time Data Processing Clerk reviews and corrects forms and compiles data statewide. The Council has explored computer and software systems available. When the appropriate equipment and software is operational, the Council office will be able to compile data from forms filled out by programs.

7. Regulations.

In September 1984, Program Standards Regulations became effective. Council funded programs have two years to comply with these program standards.

Already in place, since 1983, were Grant Regulations which describe the required application and review process and grant management requirements.

8. Evaluations and Audits.

The Council staff monitored all funded programs through written quarterly fiscal and narrative reports. On-site comprehensive program evaluations were conducted for 18 programs in 1984.

Evaluations of programs funded by the Council were conducted by the Program Coordinator or the Executive Director and averaged 2 1/2 days per program. Each evaluation included interviews with program staff, relevant community agencies, program volunteers, clients and the

governing board. The program's policy and procedures manuals, client files, and other materials pertinent to compliance with State regulations and grant award conditions were reviewed. As a result of each on-site visit, a report outlining findings and making recommendations for changes was written. The general topics in each report included community relations, management and administration, staffing, facility and services.

9. Coordination.

The Council placed a high priority on coordination with other agencies. The Council has four state members representing the Departments of Law, Education, Public Safety and Health and Social Services. The makeup of the Council encourages coordination through discussions at Council meetings and facilitation of communication with these departments.

In September, the Council and the Department of Corrections signed a Reimbursable Services' Agreement for the Council to fund anger control programs in correctional institutions. The Council funded three programs: Men, Inc. to provide services at the Juneau Correctional Center; Bering Sea Women's Group to provide services at the Nome Correctional Center; and Women In Crisis - Counseling Assistance to provide services in the Fairbanks Correctional Center. The programs in the prisons are targeted toward batterers and/or victims of domestic violence and sexual assault. These programs provide skills and counseling to assist in stopping violent behavior. An evaluation will be conducted to determine the efficacy of prison services.

In September of 1984, the Governor signed a statewide child sexual abuse agreement to coordinate investigations among troopers, Division of Family and Youth Services and the Department of Law. The Council played a major role in initiating and writing the agreement and will provide technical assistance, as requested, to communities in implementing a coordinated approach in working with child sexual abuse victims.

The Council and its staff also participated in the following highlighted coordination activities:

* Provided information to District Attorneys and troopers about child sexual assault curricula.

* Met with staff from the Department of Law and the Network on Domestic Violence & Sexual Assault to discuss issues and facilitate coordination.

* Printed the Council's Child Sexual Assault Curriculum and provided sexual assault training for program staff through a Reimbursable Services Agreement from the Division of Public Health, Department of Health and Social Services.

* Worked with the Network on Domestic Violence and Sexual Assault (Network) on program planning, coordination and legislation. Council representatives attended Network meetings and a Network report is part of every Council meeting.

* Met with Division of Family and Youth Services and Department of Community and Regional Affairs staff to coordinate co-funding of programs.

* Requested all appropriate departments to send the Council a description of services provided to victims and perpetrators of domestic violence and sexual assault and developed a synopsis of services.

* Testified at the U.S. Attorney General's Family Violence Task Force hearings.

* Worked with the Department of Education to coordinate distribution of child sexual assault curricula.

* Active in the Governor's Human Services Mini Cabinet and Agency Steering Committee on grants to standardize grant applications to non-profit corporations.

* Met with Emergency Medical Regional Supervisors and discussed development of domestic violence and sexual assault training and guidelines for Emergency Medical Technicians.

* Co-sponsored and provided fiscal and planning support for the First Annual Institute on Family Violence coordinated by the University of Alaska, Center for Alcohol and Addiction Studies.

10. Provide technical assistance to community groups.

The Council coordinated training and assistance to interested communities without funded domestic violence and sexual assault programs: Naknek, Hooper Bay, Seward, Wrangell and Whittier.

11. Fund Programs.

In November 1984, the Council adopted an improved grant review process and revised Council criteria and priorities for funding for FY86.

COUNCIL FUNDED PROGRAMS

The Council on Domestic Violence and Sexual Assault funded twenty-three programs beginning in July, 1984 for a total of $4,310,800. This is an increase of four programs over FY84, when $3,926,200 was available for grants.

Since the funds available did not meet the needs for all program requests in Alaska, the Council developed and used the following priorities to make FY 85 funding decisions:

1. Programs which do not have minimum funding levels to operate safely and legally.

2. Programs which address the needs of child victims or children of victims.

3. Existing programs will have priority over new programs.

4. Programs in regional centers which provide prevention and education services to a large geographic area.

5. Areas of extreme or special need (e.g. sudden influx of workers into a small community, rapid increase in violent crime, withdrawal of other resources, etc.).

6. Programs which have been providing shelter through local or other state funds, but which are without operating funds.

7. Programs providing services to male batterers and/or sexual offenders.

Domestic Violence and Sexual Assault programs funded by the Council provide many services to victims of domestic violence, their families, batterers and the communities, in general. Shelters and safe homes provide safety for victims in life threatening situations. Crisis lines and crisis counseling assist victims in dealing with the immediate trauma caused by violence. However, these safety and crisis services do not sufficiently address the problems of domestic violence and sexual assault experienced by victims, their children, their families and the communities. Victims of domestic violence and sexual assault also need support when they go to the hospital or when they interact with the criminal justice system. These experiences are often overwhelming, particularly for people who have recently undergone a major trauma. Many victims do know about available resources to assist them in reshaping their lives. They need information about, referrals to and often advocacy in getting financial and other support. They also need ongoing emotional support to allow them to gain self-esteem and strength.

Providing safety and crisis services and assisting and supporting victims is crucial, but it is not enough to stop the cycle of violence. Children's programs are needed, so children can learn that aggression is not an appropriate pattern of behavior. Programs for batterers are needed or the ongoing violence will increase in severity and frequency. Even if the victim leaves a domestic violence relationship, the offender will carry the

pattern of violence to the next relationship unless new behaviors are learned.

Victims of child sexual assault and non-offending family members need intervention to help them with the crisis when abuse has been disclosed. They also need ongoing support during an investigation or trial as well as long term treatment to reduce the trauma of abuse.

Communities as a whole must be educated to realize that domestic violence and sexual assault are totally unacceptable. People in all situations should understand the underlying causes of domestic violence and sexual assault and work toward eradicating all behaviors that contribute to these problems. Helping agencies and law enforcement entities need to be informed of the dynamics and causes of domestic violence and sexual assault and be informed of appropriate techniques for intervention and prevention.

Domestic violence and sexual assault programs in Alaska provide these services to victims, their families and communities. Following is a list of programs funded by the Council in FY 85 along with a comparison of FY 84 funding and a synopsis of each program's services.

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT
GRANT AWARDS

PROGRAM	FY 84 GRANT AMOUNT	FY 85 GRANT AMOUNT	SERVICES PROVIDED
ANCHORAGE			
ABUSED WOMEN'S AID IN CRISIS (AWAIC)	$530.0	$551.2	shelter, crisis line, client advocacy, prevention/education, domestic violence victim counseling, childrens program, batterers' counseling
ALASKA WOMEN'S RESOURCE CENTER (AWRC)	115.0	118.0	crisis intervention, information/referral, prevention/education, rural outreach, legal advocacy
STANDING TOGETHER AGAINST RAPE (STAR)	215.8	236.3	sexual assault: counseling and advocacy, prevention/education, crisis line, child sexual assault education and prevention
MEN'S SUPPORT NETWORK (MSN)	17.5	18.3	prevention/education for men
BARROW			
ARCTIC WOMEN IN CRISIS (AWIC)	269.5	269.5	shelter, crisis line, client advocacy, victim counseling, prevention/education, rural outreach
BETHEL			
SW COUNCIL PREVENTION OF CHILD SEXUAL ABUSE (SWCPCSA)	-0-	10.0	education in rural villages on child sexual abuse
TUNDRA WOMEN'S COALITION (TWC) AND EMMONAK WOMEN'S SHELTER (EWS)	376.8	412.8	shelter, DV/SA counseling: prevention/education, rural outreach, childrens' programs, crisis line, sexual assault crisis intervention, batterers' counseling
CORDOVA			
CORDOVA WOMEN'S RESOURCE CENTER (CWRC)	-0-	30.0	safe homes, crisis line, public education, advocacy
DILLINGHAM			
SAFE AND FEAR FREE ENVIRONMENT (SAFE)	90.0	110.0	safe homes, dv/sa counseling, client advocacy, prevention/education and community outreach, rural outreach, crisis line
FAIRBANKS			
WOMEN IN CRISIS-COUNSELING AND ASSISTANCE (WIC-CA)	400.0	445.0	shelter, crisis line, sexual assault crisis intervention and counseling, domestic violence counseling, batterers' counseling, client advocacy, rural outreach, childrens' programs prevention/education
TANANA CHIEFS COUNCIL (TCC)	-0-	10.0	training for workers in rural areas on domestic violence and sexual assualt
HOMER			
SOUTH PENINSULA WOMEN'S SERVICES (SPWS)	90.0	103.0	safe homes, crisis line, prevention/education, rural outreach, dv/sa counseling
JUNEAU			
AIDING WOMEN FROM ABUSE AND RAPE EMERGENCIES (AWARE)	375.0	396.0	shelter, dv/sa counseling for adults and children, client advocacy, childrens programs, rural outreach, crisis line, prevention/education, crisis intervention
JUNEAU WOMEN'S RESOURCE CENTER (JWRC)	55.0	52.0	crisis intervention, information/referral services, prevention/education
MEN, INC. (MEN)	100.0	107.5	batterers' counseling, prevention/education
KENAI/SOLDOTNA			
WOMEN'S RESOURCE AND CRISIS CENTER (WRCC)	141.3	200.4	safe homes, crisis line, client advocacy, dv/sa counseling, prevention/education
KETCHIKAN			
WOMEN IN SAFE HOMES (WISH)	300.3	300.3	shelter, domestic violence & sexual assault counseling and crisis intervention, batterers' counseling, client advocacy, prevention/education, rural outreach, childrens' programs, crisis line
KODIAK			
WOMEN'S RESOURCE AND CRISIS CENTER (KWRCC)	175.0	187.5	shelter, dv/sa counseling, childrens' programs, client advocacy, prevention/education, rural outreach, crisis line
NOME			
BERING SEA WOMEN'S CROUP (BSWG)	290.0	307.5	shelter, crisis line, client advocacy, domestic violence/sexual assault counseling, batterers' counseling, prevention/education, childrens' programs, rural outreach
SITKA			
SITKAN'S AGAINST FAMILY VIOLENCE (SAFV)	130.0	137.0	shelter, domestic violence/sexual assault counseling client advocacy, prevention/education, childrens' programs, crisis line
UNALASKA			
UNALASKAN'S AGAINST SEXUAL ASSAULT AND FAMILY VIOLENCE (USAFV)	-0-	30.0	counseling, crisis intervention, information referral, education
VALDEZ			
ADVOCATES FOR VICTIMS OF VIOLENCE (AVV)	90.0	106.0	shelter, prevention/education domestic violence/sexual assault counseling, crisis line
WASILLA			
VALLEY WOMEN'S RESOURCE CENTER (VWRC)	165.0	172.5	shelter, domestic violence/sexual assault counseling, client advocacy, childrens programs, crisis line, prevention/education

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS
FUNDED JULY 1, 1983 - JUNE 30, 1984

Janet Kowalski, Acting Director
Abused Women's Aid In Crisis
100 West 13th
Anchorage, Alaska 99501
279-9581

Dana Cassidy, Director
Standing Together Against Rape
P.O. Box 10-3356
Anchorage, Alaska 99510
276-7279

* Clara Kelly, Director
SW Council Prevention of Child Sexual Abuse
P.O. Box 1948
Bethel, Alaska 99559
543-3994

* Don Shircel, Director
Tanana Chiefs Conference
201 First Avenue
Fairbanks, Alaska 99701
452-8251

Caren Robinson, Director
Aiding Women from Abuse & Rape Emergencies
P.O. Box 809
Juneau, Alaska 99801
586-6623

Floyd Richmond, Director
Women In Safe Homes
Box 6552
Ketchikan, Alaska 99901
225-9474

Vicky Horton, Director
Bering Sea Women's Group
Box 1596
Nome, Alaska 99762
443-5491

Carolyn Dallinger, Director
Advocates for Victims of Violence
P.O. Box 524
Valdez, Alaska 99686
835-2999

Carol Richards, Director
Alaska Women's Resource Center
241 E. 5th, #203
Anchorage, Alaska 99501
276-0528

Cheryl Fraley-Finley, Director
Arctic Women in Crisis
P.O. Box 69
Barrow, Alaska 99723
852-3999

* Bonnie Honkola, Director
Cordova Women's Resource Center
Box 18
Cordova, Alaska 99574
424-7308

Ruth Lister, Director
Women In Crisis-Counseling and Assistance
702 Tenth
Fairbanks, Alaska 99701
452-2293

Sandy Harris, Acting Director
Juneau Women's Resource Center
110 Seward Street
Juneau, Alaska 99801
586-2977

Janet Carter, Director
Kodiak Women's Resource & Crisis Center
P.O. Box 2111
Kodiak, Alaska 99615
486-6171

Dawn Barrer, Director
Sitkan's Against Family Violence
P.O. Box 1573
Sitka, Alaska 99835
747-3370

Leslie Bogda, Director
Valley Women's Resource Center
Box 871518
Wasilla, Alaska 99687
376-4080

Rick Romito, Director
Men's Support Network
P.O. Box 1071
Anchorage, Alaska 99510
272-4822

Liz Illg, Director
Tundra Women's Coalition
P.O. Box 1537
Bethel, Alaska 99559
543-3455

Mary Grisco, Director
Safe and Fear Free Environment
P.O. Box 94
Dillingham, Alaska 99576
842-2316

Jayne Andreen, Director
South Peninsula Women's Service
P.O. Box 2328
Homer, Alaska 99603
235-7712

Walter Majoros, Director
Men Emerging Now, Inc.
222 Seward St., Suite #202
Juneau, Alaska 99801
586-6260

Joanne Lopez, Director
Women's Resource & Crisis Center
529 Main
Kenai, Alaska 99611
283-9497

* Susan Magone, Director
Unalaskan's Against Sexual Assault and Family Violence
P.O. Box 36
Unalaska, Alaska 99685
581-1374

* Newly funded by the Council in FY85

DOMESTIC VIOLENCE/SEXUAL ASSAULT

ISSUES OF CONCERN

Planning

The Council has begun a statewide planning process to identify areas of need and to develop specific objectives for the operation of the Council, its staff and funded programs. The initial product will primarily be an internal document to be used to effectively allocate the Council's limited administrative resources.

One of the objectives will be to develop a comprehensive statewide plan for services. This plan will establish minimum levels of domestic violence and sexual assault services by community and region; identify where services are needed; encourage development of service providers in areas of need; and obtain and provide funds for services. When the plan is completed, the Council will work with local communities to develop needed resources.

Rural Services

Many people who live in rural areas do not have access to domestic violence and sexual assault programs. There are also fewer other resources to serve victims of domestic violence and sexual assault in rural areas than in larger communities. Police protection may be limited or nonexistent, and there are few trained health and social service professionals. The plight of victims of rape in a rural area is increased because of the difficulty of conducting investigations. Battered women do not always have the refuge of family and friends because they fear for other people's safety or they feel shame in letting other people know of their problems. Children who are victims of sexual assault do not have the necessary resources to help them deal with the trauma of the assault, legal process and after effects.

A rural delivery model should be established. Council funded programs already provide outreach services to some communities, and the Council has established a rural shelter pilot project in Emmonak. However, the best and most cost effective methods of providing services and most appropriate agencies to deliver services have yet to be determined.

Child Sexual Assault

A Child Sexual Abuse Agreement was signed by Governor Sheffield, the Attorney General, and the Commissioners of Public Safety, Health and Social Services and Corrections in September, 1984. The purpose of this agreement is to "establish mutual cooperation between the signatories in their response to reported instances of child sexual abuse."

The primary goals of the agreement are:

1. to provide protection, treatment and continuing support for child sexual abuse victims and their family members;
2. to ensure that child sexual abuse cases are immediately and properly investigated and, if appropriate, effectively prosecuted;
3. to increase reporting of child sexual abuse cases; and
4. to provide treatment, when appropriate, to offenders.

The Council on Domestic Violence and Sexual Assault is strongly committed to a team approach in cases of child sexual assault. If professionals, including social workers and law enforcement officers, do not coordinate efforts, it is possible that a victim would be interviewed many times by different people. Also, without specific interviewing skills that are needed with children, interviewers may be uncomfortable or make the child uncomfortable. A beneficial side effect of a coordinated team approach is that it maximizes the use of limited professional resources. Although some training in child sexual assault has been conducted in the state, the focus of the training is rarely across disciplines, and it is often not targeted to all appropriate community people. Therefore, training is needed that brings diverse groups together and focuses on a team approach.

Council funded programs have provided technical assistance to school districts in providing sexual assault information to students and made presentations to students in classrooms. A few school systems offer child sexual assault information on a routine basis in the schools (Anchorage, Juneau, Sitka, Matanuska-Susitna Borough). A concerted effort must be made to implement child sexual assault curricula statewide and train teachers how to present information about child sexual assault, identify abused children, talk to a child who has disclosed abuse and how and to whom an abused child should be referred.

Criminal Justice System

Coordination between domestic violence and sexual assault programs and the Criminal Justice System needs to be ongoing. Police officers routinely work with domestic violence programs, and that effort should be maintained. Examples of additional criminal justice issues that need to be explored are:

* coordination between the courts and domestic violence/sexual assault agencies;
* arresting perpetrators even when victims are not willing to follow through with charges; and
* incarceration and treatment of sex offenders
* training police officers how to handle domestic violence and sexual assault situations.

Prevention/Education

Although many people recognize that domestic violence and sexual assault are major problems in Alaska, there continues to be a great deal of denial of these problems, particularly in communities that do not have formal

domestic violence/sexual assault programs. People and communities must be made aware of the problems and accept responsibility in addressing them.

It is also important to understand the underlying causes of domestic violence and sexual assault. For a long time, we have denied the extent of the problem or the seriousness of the consequences. Attitudes that encourage or work against solving the problem must be changed. People should understand that rape is not a crime of passion but of violence, and a man's home is not just his castle; it should be a safe haven for all members of the family. Children should be taught that it is their right to be safe and that violence is not an acceptable expression of anger.

The increased understanding of the extent of domestic violence and sexual assault problems, their consequences and the changes that need to be made in systems throughout Alaska will take a great deal of resources. These activities must be planned for and recognized as important by the State.

U.S. Task Force on Family Violence

In September of 1984, the U.S. Attorney General's Task Force on Family Violence released a report of findings and recommendations based upon testimony in six cities by nearly 300 participants, written testimony submitted and staff research. The report contains discussions and excellent recommendations for law enforcement agencies, prosecutors and judges in the areas of victim assistance, prevention and awareness education and training, research, data collection and legislation.

Alaskan legislation and systems that respond to family violence are some of the best in the nation; however, the report contains excellent recommendations for things that still need to be accomplished in Alaska. Recommendations from the Task Force are included in this report as Appendix B.

Pay Equity

The Council is concerned about the need for pay equity in the programs that it funds. These programs pay lower wages than other agencies requiring similar expertise and having comparable duties. The majority of front line staff people in Council funded programs are paid $17,000 - 21,000/year. Workers who receive these wages are required to work with rape and domestic violence victims in crises. This job, which requires skills in crisis intervention and counseling, is highly stressful and certainly deserves a higher wage. Recruitment and retainment of staff, which affects services to clients, is very difficult because of low wages. Both private and public sector employees can offer higher salaries, so personnel are lost to agencies that pay adequate salaries. Wages must be made comparable to the worth of services. Right now, in Alaska, cooks, secretaries and clerical workers have higher average salaries than these crisis workers. A comparison of workers in domestic violence programs with other social service workers, shows that Council funded programs pay on an average $4,600 - 7,300 less per position than comparable agencies.

Legislative Issues

The Council has identified the following issues as important for future legislative exploration:

To re-establish the Council on Domestic Violence and Sexual Assault. The Council is due to sunset June 30, 1985 unless re-authorization is legislated.

To allow hearsay evidence in grand jury proceedings for child sexual assault. Disclosing abuse can be very painful, particularly in a court room setting. Child victims should be protected as much as possible during the criminal justice process.

To change the definition of domestic violence in the statutes to include parents and grandparents, not living with the perpetrators, so they are eligible to receive a temporary restraining order. Incidences of violence have occurred between parents and adult children in which parents are afraid for their safety yet, they have little legal protection if they do not live with the perpetrator.

To eliminate the spousal defense in sexual assault cases. Marital status should not determine whether or not a crime has been committed.

To designate that municipal police officers serve domestic violence petitions in areas of their jurisdiction. Currently, State Troopers serve all petitions unless designated by a court. Domestic violence petitions should be served as soon as possible by the police officers most accessible to a victim.

To encourage and train policy makers and professionals in a coordinated team approach to child sexual assault investigations. A team approach would limit the number of interviews a child must undergo, maximize resources and sensitize professionals to best work with victims.

To reinstate the Children's Code Task Force to investigate, revise and reform laws pertaining to children. Runaways and children guilty of crimes are often victims of domestic violence or sexual assault. Day care and pre-school provider laws and child sexual assault statutes need to be reviewed based upon the increased knowledge about the child sexual assault problem in Alaska.

To develop a legislative mandate to provide services and protection to child sexual assault victims of non-family members. Recent studies show that child sexual abuse is most often committed by a non-immediate family member or someone known to the child. Yet, there are no legislative provisions to support and treat children whose abuse was not a result of a family situation.

DOMESTIC VIOLENCE AND SEXUAL ASSAULT

LEGISLATION IN ALASKA

The State of Alaska has taken a leadership role in reducing the trauma and pain associated with domestic violence and sexual assault. The Legislature and Executive Branch have enacted innovative legislation and policies to address these problems.

Following is a summary of many of the laws enacted in Alaska that are related to domestic violence and sexual assault.

AS 18.66.010-18.66.900. DOMESTIC VIOLENCE/SEXUAL ASSAULT PROGRAMS was enacted to establish the Council on Domestic Violence and Sexual Assault in the Department of Public Safety to provide for planning and coordination of services to victims of domestic violence or sexual assault, their families and the perpetrators and to provide for crisis intervention and prevention programs. The Council and its enabling legislation were established through the efforts of many dedicated parties, particularly the Alaska Network on Domestic Violence and Sexual Assault, which is a professional organization of domestic violence/sexual assault program directors.

The Council's mandates are to:

- develop, implement, maintain and monitor domestic violence, sexual assault and crisis intervention and prevention programs including educational films and school curricula on the cause, prevention and treatment of domestic violence and sexual assault;

- coordinate domestic violence/sexual assault services among the Departments of Law, Education, Public Safety, Health and Social Services and other state and community agencies and provide technical assistance, as requested;

- develop and implement a standardized data collection system;

- conduct public hearings and studies on issues relating to violence and crisis intervention and prevention;

- receive and dispense state and federal money to qualified local community entities for domestic violence, sexual assault and crisis intervention and prevention programs;

- oversee and audit domestic violence, sexual assault and crisis intervention and prevention programs; and

- adopt regulations to carry out the purposes of the law.

AS 11.41.410. SEXUAL ASSAULT IN THE FIRST DEGREE. Sexual assault in the first degree is the most serious and can be committed in one of two ways: 1) by engaging in sexual penetration without consent of the victim (commonly referred to as rape); 2) by attempting to engage in sexual

penetration without consent of the victim and causing serious physical injury. First degree sexual assault is an unclassified felony.

AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE is: 1) sexual contact without consent; or 2) sexual penetration by the defendant with a person he knows is mentally incompetent or is incapacitated. Second degree sexual assault is a class B felony.

AS 11.41.434-440. SEXUAL ABUSE OF A MINOR. There are four degrees of sexual abuse of a minor depending on the type of conduct prohibited. Sexual abuse of a minor in the first degree can be committed in one of two ways: 1) when a person who is 16 years of age or older engages in sexual penetration with someone under 13 years of age or induces or causes a person under 13 to engage in sexual penetration with another person; 2) when a person 18 years of age or older engages in sexual penetration with a son or daughter who is under 18 years of age or someone under 18 years of age who is entrusted to the offender's care by authority of law. Sexual abuse of a minor in the first degree is an unclassified felony.

Sexual abuse of a minor in the second degree is: 1) when a person who is 16 or older engages in sexual penetration with a person who is 13, 14, or 15 and who is at least 3 years younger than the offender; 2) sexual contact between a person 16 or older and a person under 13 or a person 16 or older who induces a person under 13 years of age to engage in sexual contact with another; 3) sexual contact between a person 18 or older and a son or daughter under 18 or a person who has been entrusted to the offender's care by authority of law; or 4) a person 16 or older aids, induces or causes a person under 16 to engage in prohibited sexual acts in sex exploitation media. Sexual abuse of a minor in the second degree is a Class B felony.

Sexual abuse of a minor in the third degree is: sexual contact between an offender 16 or older and a victim 13, 14, or 15 who is at least 3 years younger than the offender.

Sexual abuse of a minor in the fourth degree is: sexual penetration or contact between an offender under 16 and victim under 13 who is at least 3 years younger than the offender.

AS 11.41.445. GENERAL PROVISIONS. In a prosecution for a sexual offense it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant, unless: 1) the spouses were living apart; 2) the defendant caused physical injury to the victim.

AS 11.41.450. INCEST. A person commits incest if, being 18 or older, the person engages in sexual penetration with a person who is related.

AS 11.41.455. UNLAWFUL EXPLOITATION OF A MINOR. Exploitation includes using a child under 18 as the subject of pornographic material.

AS 11.41.460. INDECENT EXPOSURE. If the offender intentionally exposes the offender's genitals to another with reckless disregard for the effect that act has on others, it is considered indecent exposure.

AS 12.10.020(c). LIMITATIONS FOR PROSECUTION. Even if the general time limitation has expired, a prosecution under AS 11.41.410 - 11.41.460 for an offense committed against a person under 16 may be commenced one year after the crime is reported to a peace officer or the person reaches the age of 16, whichever occurs first.

AS 12.25.030. GROUNDS FOR ARREST BY PRIVATE PERSON OR PEACE OFFICER WITHOUT WARRANT. A peace officer without a warrant may arrest a person when the officer has reasonable cause for believing that the person has committed a crime under AS 11.41, 11.46.330, 11.61.120 against a member of the person's household or someone who previously lived in a spousal relationship with the person who committed the crime.

AS 12.30.040. RELEASE AFTER CONVICTION. A person may not be released on bail after conviction of an unclassified or Class A felony, pending an appeal or sentencing.

AS 12.45.045. EVIDENCE OF PAST SEXUAL CONDUCT. In trials of rape and assault with intent to commit rape, evidence of the alleged victims' previous sexual conduct is not admissible nor shall reference be made to it except when a defendant applies for an order of the court. The court shall conduct a hearing in camera to determine if value of evidence outweighs undue prejudice, confusion of the issues or invasion of the victim's privacy.

AS 12.45.047. VIDEOTAPING OF TESTIMONY BY YOUNG VICTIMS OF SEXUAL OFFENSES. Videotaping of testimony by victims 16 years or younger shall be permitted, upon application, by the prosecuting attorney and notice to defendant. The trial judge shall preside and the defendant shall be offered all rights of trial. The trial judge shall determine who else may be present besides the prosecuting attorney, the defendant and the defendant's attorney.

AS 12.45.048. EXCLUSION OF PUBLIC FROM TRIAL DURING TESTIMONY OF YOUNG VICTIM OF SEXUAL OFFENSE. Upon application by the State, the court shall grant an order to exclude the public from the testimony of an alleged victim of child sexual assault who is 16 years of age or younger.

AS 12.61.010-020 and AS 33.15 and 33.30. VICTIMS' RIGHTS. Delineates victims' rights regarding trials, pre-sentence reports, sentencing, cooperation with law enforcement, compensation, medical assistance, notification and comment upon prisoner parole, etc.

AS 12.62.035. ACCESS TO CERTAIN CRIME INFORMATION. An employer may request from the Department of Public Safety records of all convictions of contributing to the delinquency of a minor and any sex crimes of a person who holds or applies for a position in which the person has or would have supervisory or disciplinary power over a minor.

AS 18.65.510. DOMESTIC VIOLENCE TRAINING. Requires that each established police training program in the state shall provide training that acquaints police officers with: 1) laws and rules of criminal procedure relating to domestic violence; 2) techniques for handling domestic violence incidences to promote the safety of the victim and officer and reduce the likelihood of recurrence; 3) organizations in the state that offer aid or shelter to

victims; 4) injunctive relief orders; and 5) the notification to be given to victims under AS 18.65.520.

AS 18.65.520. NOTIFICATION TO VICTIMS. Requires police officers responding to a domestic violence offense to inform the victim of services and the victim's rights as listed in this statute. Services include shelter programs, temporary restraining orders, victim/witness programs.

AS 18.67.010. VIOLENT CRIMES COMPENSATION BOARD. Permits payment of compensation to victims of crime including personal injury or death. Among other requirements to receive compensation, the applicant must have cooperated with law enforcement to further prosecution. Sections disallowing compensation if the victim was a relative of the offender or living or maintaining a sexual relationship with the offender were repealed in 1983.

AS 18.68.010-030. SEXUAL ASSAULT EXAMINATION KITS, INVESTIGATION PROTOCOLS AND TRAINING. The Departments of Public Safety and Law shall develop and distribute uniform sexual assault examination kits; develop a manual of protocols governing the distribution and use of the examination kits and develop and implement training in the use of protocols and kits.

AS 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND MAGISTRATE. Each district judge and magistrate has the power to issue a temporary restraining order (TRO) for emergency injunctive relief in cases involving domestic violence as provided in AS 25.35.020.

AS 25.20.090. FACTORS FOR CONSIDERATION IN AWARDING SHARED CHILD CUSTODY. A history of violence between parents is a factor to be used in determining whether to award shared custody of a child.

AS 25.35.010. INJUNCTIVE RELIEF IN CASES INVOLVING DOMESTIC VIOLENCE. A person who is subjected to domestic violence may petition for injunctive relief to restrain the infliction of further domestic violence. This order may include additional provisions that direct the respondent to leave the petitioner's home, pay child support, pay medical expenses of the respondent and engage in personal or family counseling. An order remains in effect for ninety days but may be extended by petition to the court.

AS 25.35.020. EMERGENCY INJUNCTIVE RELIEF. If it appears that there is a substantial likelihood of immediate danger from the respondent, an emergency injunctive relief order may be filed. An emergency injunctive relief order may be filed without notice to the respondent. The order is in effect not to exceed 20 days unless extended by the court for good cause.

AS 25.35.040. SERVICE OF PROCESS. Injunctive relief orders shall be promptly served and executed. If a state trooper is not available, the court may designate any other peace officer to serve and execute the process.

AS 25.35.050. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. The court shall send a copy of the injunctive relief order to the appropriate law enforcement agency. Police officers shall use every reasonable means to enforce an order issued.

APPENDIX A

PROGRAM DATA

The data presented in this section is from July 1, 1983 to June 30, 1984. Programs that receive Council funds were required to submit quarterly statistical compilations based on individual client and service forms. Programs use three forms to record data: Client Intake form to describe domestic violence, sexual assault and crisis intervention clients; Services Provided form to record all services provided for or given to clients and Resource Contact/Services form to record services to persons not clients of the programs.

Some definitions may help you in interpreting the charts:

Advocacy - a program working on behalf of or with a client; directed support to another agency.

Client - a person who receives direct services from a program and is given a client identification number.

Client Adult - a person 18 years of age and over admitted into the program for treatment and/or intervention as a result of a domestic violence and/or sexual assault incident directed towards another person who is a relative, neighbor, friend, etc.

Client Services Provided - the numbers signify the number of contacts with clients for a certain service. Each time a service is provided of a specific type, it is recorded.

Continuing Client - a client who may have been to the program at any time in the past. The numbers of continuing clients may include a person counted more than once.

Counseling - providing information and personal support which may include assistance in clarifying options and determining future goals.

Minor Child - a person 17 or under who is admitted into the program for treatment and/or intervention as a result of a domestic violence and/or sexual assault incident directed towards another person who is a relative, neighbor, friend, etc.

New Client - a client who has not been to a specific program in the past.

Perpetrator - a person admitted into the program for treatment and/or intervention due to a domestic violence and/or sexual assault incident the individual directed towards another person.

Resource Contact Services - the numbers represent different services provided to people who have not been given client identification numbers.

Victim - person admitted into the program for treatment and/or intervention as a result of a domestic violence and/or sexual assault incident directed towards that individual.

The following charts describe programs' clients, the services provided to clients and services provided to individuals who are not formal clients of the programs.

Number of Client Nights in
SHELTERS AND SAFE HOMES
(and Shelter beds)
By Program
July 1983 - June 1984

PROGRAM	1st QTR	2nd QTR	3rd QTR	4th QTR	TOTAL
Abused Women's Aid in Crisis Anchorage (50 beds)	2440	3279	3462	2595	11776
Arctic Women In Crisis Barrow (6 beds)	278	353	277	295	1203
Tundra Women's Coalition Bethel (18 beds)	625	1126	1371	987	4109
Safe and Fearfree Environment Dillingham	4	21	13	7	45
Women In Crisis-Counseling and Assistance, Fairbanks (23 beds)	1218	1222	971	1385	4796
South Peninsula Women's Service Homer	16	27	46	1	90
Aiding Women From Abuse & Rape Emergencies, Juneau (25 beds)	1405	1219	1247	1605	5476
Women's Resource & Crisis Center Kenai/Soldotna	4	13	26	11	54
Women In Safe Homes Ketchikan (16 beds)	577	755	290	515	2137
Kodiak Women's Resource & Crisis Center, Kodiak (12 beds)	262	362	303	282	1209
Bering Sea Women's Group Nome (12 beds)	536	591	981	874	2982
Sitkan's Against Family Violence Sitka (10 beds)	299	252	34	486	1071
Advocates for Victims of Violence Valdez (10 beds)	82	54	11	411	558
Valley Women's Resource Center Wasilla (20 beds)	291	235	254	252	1032
TOTALS: (202 beds)	8037	9509	9286	9706	36538

Number of New Clients
by Program and Client Type
FY84

PROGRAM	VICTIMS *	MINOR CHILDREN	PERPETRATORS	CLIENT ADULTS	CRISIS INTERVENTION CLIENTS	TOTAL
ANCHORAGE						
AWAIC	333	273	161	7	0	774
AWRC	299	3	0	5	240	547
STAR	482	153	0	416	9	1060
BARROW						
AWIC	109	52	29	26	25	241
BETHEL						
TWC	134	67	29	9	56	295
DILLINGHAM						
SAFE	65	67	48	6	18	204
FAIRBANKS						
WICCA	491	147	43	47	26	754
HOMER						
SPWS	58	11	0	10	37	116
JUNEAU						
AWARE	299	116	3	31	57	506
JWRC	79	0	1	0	189	269
MEN	1	31	147	67	0	246
KENAI/SOLDOTNA						
WRCC	151	8	0	35	36	230
KETCHIKAN						
WISH	147	88	52	40	14	341
KODIAK						
KWRCC	125	22	127	6	3	283
NOME						
BSWG	92	87	77	13	0	269
SITKA						
SAFV	62	33	16	28	0	139
VALDEZ						
AVV	56	27	6	25	0	114
WASILLA						
VWRC	131	26	61	12	36	266
TOTAL	3114	1211	800	783	746	6654

* Includes domestic violence and sexual assault victims, adult incest survivors and child incest victims

Number of New Domestic Violence and Sexual Assault Clients
Served by Council Funded Programs
by Race and Age
FY 84

TOTAL NUMBER OF VICTIMS: 2811*

AGE		RACE	
0-17...	331	Alaska Native....	736
18-35...	1850	Asian.....	43
35-50...	374	Black.....	87
50+.....	61	Caucasian.....	1653
Unknown.	195	Other.....	84
		Unknown.....	208

TOTAL NUMBER OF PERPETRATORS: 800

AGE		RACE	
0-17....	38	Alaska Native.....	222
18-35....	464	Asian.....	6
35-50....	160	Black.....	28
50+.....	19	Caucasian.....	405
Unknown..	119	Other.....	25
		Unknown.....	114

* Does not include Adult Incest Survivors or Child Incest Victims

Number of Continuing Clients*
by Program and Client Type
FY84

PROGRAM	VICTIMS**	MINOR CHILDREN	PERPETRATORS	ADULT CLIENTS	CRISIS INTERVENTION CLIENTS	TOTAL
ANCHORAGE						
AWAIC	90	110	568	7	0	775
AWRC	27	0	0	0	0	27
STAR	374	43	0	120	0	537
BARROW						
AWIC	242	80	64	82	145	613
BETHEL						
TWC	284	147	35	31	151	648
DILLINGHAM						
SAFE	80	41	38	1	8	168
FAIRBANKS						
WICCA	508	170	105	5	0	788
HOMER						
SPWS	150	11	0	12	32	205
JUNEAU						
AWARE	651	267	1	26	69	1014
JWRC	9	0	0	0	128	137
MEN	0	1	55	59	0	115
KENAI/SOLDOTNA						
WRCC	29	3	0	7	12	51
KETCHIKAN						
WISH	311	159	139	45	11	665
KODIAK						
KWRCC	68	5	57	4	0	134
NOME						
BSWG	119	48	58	21	0	246
SITKA						
SAFV	9	2	5	5	0	21
VALDEZ						
AVV	95	29	5	22	0	151
WASILLA						
VWRC	14	0	5	1	8	28
TOTAL	3060	1116	1135	448	564	6323

* An individual client may be counted more than one time

** Includes domestic violence and sexual assault victims, adult incest survivors and child incest victims

The following tables reflect the kinds of services offered by Council funded programs in FY 84 and the number of each kind of service by program. This information was taken from the Client Service forms and Resource Contact forms.

Client Services are to individuals who received formal intakes and were assigned client identification numbers.

Resource Contact Services are to individuals and/or agencies who were not given domestic violence/sexual assault identification numbers because they did not receive ongoing specialized services.

SERVICE STATISTICS
NUMBER OF SERVICES PROVIDED
FY84

ALL PROGRAMS

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	872	Group	9244
Transportation	3166	Crisis Counseling	3728
All Other Advocacy	7682	Counseling Other	21964
LEGAL ASSISTANCE:			
Temporary Restraining Order	1326	FOLLOWUP	2279
Divorce/Dissolution	640	Safety Checks	657
Court Services (includes accompaniment & representation)	2030	Other	3559
Advocacy to Law Enforcement	1074		
All Other Legal Assistance	2474		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	13447	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	1725	Self	4175
Domestic Violence	4327	Court System	143
Incest	565	State Agency	117
Other Services and Assistance	14316	DV/SA Agency	111
		Law Enforcement	331
TRANSPORTATION	377	Medical	126
INDIVIDUAL COUNSELING	2442	All Other	1400
CRISIS COUNSELING	2274	Number to:	
GROUP COUNSELING	504	DV/SA Agency	681
		Mental Health Agency	532
		Dept. of H&SS	471
		All Other	7391

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

ABUSED WOMEN'S AID IN CRISIS (Anchorage)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	21	Group	4367
Transportation	97	Crisis Counseling	63
All Other Advocacy	285	Counseling Other	3295
LEGAL ASSISTANCE:			
Temporary Restraining Order	65	FOLLOWUP	34
Divorce/Dissolution	21	Safety Checks	262
Court Services (includes accompaniment & representation)	53	Other	2193
Advocacy to Law Enforcement	30		
All Other Legal Assistance	117		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	3093	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	88	Self	244
Domestic Violence	2048	Court System	
Incest	2	State Agency	
Other Services and Assistance	1988	DV/SA Agency	5
		Law Enforcement	9
TRANSPORTATION	215	Medical	4
INDIVIDUAL COUNSELING	1007	All Other	38
CRISIS COUNSELING	1264	Number to:	
GROUP COUNSELING	12	DV/SA Agency	73
		Mental Health Agency	40
		Dept. of H&SS	40
		All Other	639

ALASKA WOMEN'S RESOURCE CENTER (Anchorage)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	12	Group	390
Transportation	9	Crisis Counseling	122
All Other Advocacy	180	Counseling Other	565
LEGAL ASSISTANCE:			
Temporary Restraining Order	100	FOLLOWUP	31
Divorce/Dissolution	106	Safety Checks	16
Court Services (includes accompaniment & representation)	33	Other	
Advocacy to Law Enforcement	18		
All Other Legal Assistance	159		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	3312	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	44	Self	226
Domestic Violence	391	Court System	11
Incest	39	State Agency	6
Other Services and Assistance	3661	DV/SA Agency	11
		Law Enforcement	3
TRANSPORTATION	16	Medical	1
INDIVIDUAL COUNSELING	643	All Other	83
CRISIS COUNSELING	333	Number to:	
GROUP COUNSELING	172	DV/SA Agency	102
		Mental Health Agency	5
		Dept. of H&SS	5
		All Other	289

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

STANDING TOGETHER AGAINST RAPE (Anchorage)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	129	Group	243
Transportation	61	Crisis Counseling	638
All Other Advocacy	57	Counseling Other	1401
LEGAL ASSISTANCE:			
Temporary Restraining Order		FOLLOWUP	591
Divorce/Dissolution		Safety Checks	18
Court Services (includes accompaniment & representation)	18	Other	16
Advocacy to Law Enforcement	123		
All Other Legal Assistance	96		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	428	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	411	Self	711
Domestic Violence	7	Court System	3
Incest	68	State Agency	21
Other Services and Assistance	526	DV/SA Agency	8
		Law Enforcement	45
TRANSPORTATION	2	Medical	59
INDIVIDUAL COUNSELING	22	All Other	135
CRISIS COUNSELING	51	Number to:	
GROUP COUNSELING	10	DV/SA Agency	87
		Mental Health Agency	214
		Dept. of H&SS	126
		All Other	1863

MEN'S SUPPORT NETWORK (Anchorage)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment		Group	
Transportation		Crisis Counseling	
All Other Advocacy		Counseling Other	
LEGAL ASSISTANCE:			
Temporary Restraining Order		FOLLOWUP	
Divorce/Dissolution		Safety Checks	
Court Services (includes accompaniment & representation)		Other	
Advocacy to Law Enforcement			
All Other Legal Assistance			

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	227	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	17	Self	
Domestic Violence	53	Court System	
Incest		State Agency	
Other Services and Assistance	80	DV/SA Agency	
		Law Enforcement	
TRANSPORTATION	13	Medical	
INDIVIDUAL COUNSELING	58	All Other	
CRISIS COUNSELING	13	Number to:	
GROUP COUNSELING	10	DV/SA Agency	
		Mental Health Agency	
		Dept. of H&SS	
		All Other	

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

ARCTIC WOMEN IN CRISIS (Barrow)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	72	Group	85
Transportation	171	Crisis Counseling	202
All Other Advocacy	230	Counseling Other	809
LEGAL ASSISTANCE:			
Temporary Restraining Order	86	FOLLOWUP	63
Divorce/Dissolution	23	Safety Checks	8
Court Services (includes accompaniment & representation)	78	Other	
Advocacy to Law Enforcement	55		
All Other Legal Assistance	34		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	208	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	35	Self	119
Domestic Violence	53	Court System	4
Incest		State Agency	6
Other Services and Assistance	142	DV/SA Agency	2
		Law Enforcement	44
TRANSPORTATION	11	Medical	6
INDIVIDUAL COUNSELING	36	All Other	70
CRISIS COUNSELING	155	Number to:	
GROUP COUNSELING	18	DV/SA Agency	12
		Mental Health Agency	13
		Dept. of H&SS	55
		All Other	251

TUNDRA WOMEN'S COALITION (Bethel)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	45	Group	683
Transportation	440	Crisis Counseling	167
All Other Advocacy	1867	Counseling Other	2235
LEGAL ASSISTANCE:			
Temporary Restraining Order	72	FOLLOWUP	116
Divorce/Dissolution	17	Safety Checks	79
Court Services (includes accompaniment & representation)	228	Other	407
Advocacy to Law Enforcement	62		
All Other Legal Assistance	300		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	750	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	704	Self	70
Domestic Violence	923	Court System	13
Incest	179	State Agency	22
Other Services and Assistance	1279	DV/SA Agency	9
		Law Enforcement	24
TRANSPORTATION	1	Medical	15
INDIVIDUAL COUNSELING	51	All Other	54
CRISIS COUNSELING	16	Number to:	
GROUP COUNSELING	111	DV/SA Agency	6
		Mental Health Agency	13
		Dept. of H&SS	27
		All Other	38

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

SAFE AND FEAR FREE ENVIRONMENT (Dillingham)

CLIENT SERVICES PROVIDED

ADVOCACY:	
Medical Accompaniment	9
Transportation	135
All Other Advocacy	340
LEGAL ASSISTANCE:	
Temporary Restraining Order	57
Divorce/Dissolution	4
Court Services (includes accompaniment & representation)	241
Advocacy to Law Enforcement	37
All Other Legal Assistance	242

COUNSELING:	
Group	13
Crisis Counseling	156
Counseling Other	285
FOLLOWUP	230
Safety Checks	47
Other	9

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	111
INFORMATION, SERVICES & ASSISTANCE:	
Sexual Assault	24
Domestic Violence	62
Incest	9
Other Services and Assistance	95
TRANSPORTATION	1
INDIVIDUAL COUNSELING	19
CRISIS COUNSELING	9
GROUP COUNSELING	4

REFERRALS:	
Number from:	
Self	16
Court System	5
State Agency	
DV/SA Agency	9
Law Enforcement	37
Medical	6
All Other	11
Number to:	
DV/SA Agency	49
Mental Health Agency	18
Dept. of H&SS	4
All Other	76

WOMEN IN CRISIS-COUNSELING ASSISTANCE (Fairbanks)

CLIENT SERVICES PROVIDED

ADVOCACY:	
Medical Accompaniment	21
Transportation	42
All Other Advocacy	161
LEGAL ASSISTANCE:	
Temporary Restraining Order	256
Divorce/Dissolution	135
Court Services (includes accompaniment & representation)	219
Advocacy to Law Enforcement	211
All Other Legal Assistance	523

COUNSELING:	
Group	1010
Crisis Counseling	429
Counseling Other	1739
FOLLOWUP	84
Safety Checks	62
Other	669

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	99
INFORMATION, SERVICES & ASSISTANCE:	
Sexual Assault	8
Domestic Violence	84
Incest	1
Other Services and Assistance	194
TRANSPORTATION	3
INDIVIDUAL COUNSELING	36
CRISIS COUNSELING	17
GROUP COUNSELING	3

REFERRALS:	
Number from:	
Self	
Court System	
State Agency	
DV/SA Agency	
Law Enforcement	
Medical	
All Other	
Number to:	
DV/SA Agency	
Mental Health Agency	
Dept. of H&SS	
All Other	

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

SOUTH PENINSULA WOMEN'S SERVICES (Homer)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	7	Group	20
Transportation	298	Crisis Counseling	124
All Other Advocacy	199	Counseling Other	296
LEGAL ASSISTANCE:			
Temporary Restraining Order	56	FOLLOWUP	
Divorce/Dissolution	35	Safety Checks	10
Court Services (includes accompaniment & representation)	65	Other	184
Advocacy to Law Enforcement	28		
All Other Legal Assistance	58		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	151	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	22	Self	31
Domestic Violence	28	Court System	6
Incest	16	State Agency	5
Other Services and Assistance	273	DV/SA Agency	5
		Law Enforcement	9
TRANSPORTATION	3	Medical	4
INDIVIDUAL COUNSELING	5	All Other	40
CRISIS COUNSELING	8	Number to:	
GROUP COUNSELING	8	DV/SA Agency	19
		Mental Health Agency	20
		Dept. of H&SS	11
		All Other	97

MEN, INC. (Juneau)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment		Group	826
Transportation		Crisis Counseling	26
All Other Advocacy		Counseling Other	692
LEGAL ASSISTANCE:			
Temporary Restraining Order		FOLLOWUP	9
Divorce/Dissolution		Safety Checks	
Court Services (includes accompaniment & representation)		Other	
Advocacy to Law Enforcement			
All Other Legal Assistance			

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	113	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	2	Self	35
Domestic Violence	11	Court System	47
Incest		State Agency	2
Other Services and Assistance	7	DV/SA Agency	6
		Law Enforcement	1
TRANSPORTATION		Medical	
INDIVIDUAL COUNSELING		All Other	46
CRISIS COUNSELING	6	Number to:	
GROUP COUNSELING		DV/SA Agency	1
		Mental Health Agency	4
		Dept. of H&SS	
		All Other	10

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

AIDING WOMEN FROM ABUSE AND RAPE EMERGENCIES (Juneau)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	78	Group	1187
Transportation	430	Crisis Counseling	554
All Other Advocacy	1967	Counseling Other	5221
LEGAL ASSISTANCE:			
Temporary Restraining Order	292	FOLLOWUP	50
Divorce/Dissolution	131	Safety Checks	23
Court Services (includes accompaniment & representation)	655	Other	227
Advocacy to Law Enforcement	195		
All Other Legal Assistance	478		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	418	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	5	Self	24
Domestic Violence	25	Court System	1
Incest	50	State Agency	
Other Services and Assistance	545	DV/SA Agency	6
		Law Enforcement	3
TRANSPORTATION	3	Medical	3
INDIVIDUAL COUNSELING	9	All Other	5
CRISIS COUNSELING	14	Number to:	
GROUP COUNSELING	5	DV/SA Agency	
		Mental Health Agency	
		Dept. of H&SS	
		All Other	

JUNEAU WOMEN'S RESOURCE CENTER

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	3	Group	34
Transportation	5	Crisis Counseling	232
All Other Advocacy	389	Counseling Other	533
LEGAL ASSISTANCE:			
Temporary Restraining Order		FOLLOWUP	30
Divorce/Dissolution	11	Safety Checks	1
Court Services (includes accompaniment & representation)	1	Other	
Advocacy to Law Enforcement			
All Other Legal Assistance	23		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	1495	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	22	Self	110
Domestic Violence	53	Court System	
Incest	9	State Agency	4
Other Services and Assistance	1031	DV/SA Agency	14
		Law Enforcement	2
TRANSPORTATION	25	Medical	2
INDIVIDUAL COUNSELING	201	All Other	33
CRISIS COUNSELING	47	Number to:	
GROUP COUNSELING	8	DV/SA Agency	14
		Mental Health Agency	23
		Dept. of H&SS	10
		All Other	246

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

KENAI/SOLDOTNA WOMEN'S RESOURCE & CRISIS CENTER

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	18	Group	20
Transportation	145	Crisis Counseling	173
All Other Advocacy	243	Counseling Other	405
LEGAL ASSISTANCE:			
Temporary Restraining Order	59	FOLLOWUP	109
Divorce/Dissolution	42	Safety Checks	19
Court Services (includes accompaniment & representation).	53	Other	
Advocacy to Law Enforcement	52		
All Other Legal Assistance	59		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	329	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	11	Self	1
Domestic Violence	111	Court System	
Incest	8	State Agency	
Other Services and Assistance	576	DV/SA Agency	2
		Law Enforcement	2
TRANSPORTATION	24	Medical	1
INDIVIDUAL COUNSELING	58	All Other	1
CRISIS COUNSELING	95	Number to:	
GROUP COUNSELING	1	DV/SA Agency	
		Mental Health Agency	6
		Dept. of H&SS	
		All Other	11

WOMEN IN SAFE HOMES (Ketchikan)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	112	Group	140
Transportation	704	Crisis Counseling	250
All Other Advocacy	953	Counseling Other	549
LEGAL ASSISTANCE:			
Temporary Restraining Order	26	FOLLOWUP	235
Divorce/Dissolution	12	Safety Checks	32
Court Services (includes accompaniment & representation)	132	Other	19
Advocacy to Law Enforcement	87		
All Other Legal Assistance	91		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	99	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	24	Self	179
Domestic Violence	32	Court System	19
Incest	8	State Agency	35
Other Services and Assistance	79	DV/SA Agency	
		Law Enforcement	12
TRANSPORTATION		Medical	3
INDIVIDUAL COUNSELING	31	All Other	102
CRISIS COUNSELING	72	Number to:	
GROUP COUNSELING	62	DV/SA Agency	201
		Mental Health Agency	11
		Dept. of H&SS	40
		All Other	300

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

KODIAK WOMEN'S RESOURCE & CRISIS CENTER

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	304	Group	
Transportation	35	Crisis Counseling	203
All Other Advocacy	104	Counseling Other	1396
LEGAL ASSISTANCE:			
Temporary Restraining Order	120	FOLLOWUP	323
Divorce/Dissolution	25	Safety Checks	1
Court Services (includes accompaniment & representation)	113	Other	13
Advocacy to Law Enforcement	69		
All Other Legal Assistance	139		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	629	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	47	Self	2233
Domestic Violence	47	Court System	11
Incest	114	State Agency	2
Other Services and Assistance	749	DV/SA Agency	2
		Law Enforcement	78
TRANSPORTATION	5	Medical	10
INDIVIDUAL COUNSELING	52	All Other	713
CRISIS COUNSELING	40	Number to:	
GROUP COUNSELING		DV/SA Agency	23
		Mental Health Agency	52
		Dept. of H&SS	48
		All Other	3312

BERING SEA WOMEN'S GROUP (Nome)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	14	Group	189
Transportation	38	Crisis Counseling	64
All Other Advocacy	24	Counseling Other	544
LEGAL ASSISTANCE:			
Temporary Restraining Order	17	FOLLOWUP	43
Divorce/Dissolution	10	Safety Checks	69
Court Services (includes accompaniment & representation)	29	Other	
Advocacy to Law Enforcement	25		
All Other Legal Assistance	28		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION		REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	2	Self	31
Domestic Violence	4	Court System	17
Incest	3	State Agency	10
Other Services and Assistance		DV/SA Agency	13
		Law Enforcement	23
TRANSPORTATION	3	Medical	5
INDIVIDUAL COUNSELING	2	All Other	16
CRISIS COUNSELING	7	Number to:	
GROUP COUNSELING	18	DV/SA Agency	44
		Mental Health Agency	22
		Dept. of H&SS	27
		All Other	34

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

SITKAN'S AGAINST FAMILY VIOLENCE

CLIENT SERVICES PROVIDED

ADVOCACY:	
Medical Accompaniment	
Transportation	36
All Other Advocacy	30
LEGAL ASSISTANCE:	
Temporary Restraining Order	43
Divorce/Dissolution	13
Court Services (includes accompaniment & representation)	35
Advocacy to Law Enforcement	4
All Other Legal Assistance	9

COUNSELING:	
Group	11
Crisis Counseling	63
Counseling Other	1015
FOLLOWUP	5
Safety Checks	10
Other	6

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	39
INFORMATION, SERVICES & ASSISTANCE:	
Sexual Assault	8
Domestic Violence	22
Incest	4
Other Services and Assistance	99
TRANSPORTATION	
INDIVIDUAL COUNSELING	12
CRISIS COUNSELING	13
GROUP COUNSELING	1

REFERRALS:	
Number from:	
Self	17
Court System	1
State Agency	3
DV/SA Agency	17
Law Enforcement	7
Medical	2
All Other	20
Number to:	
DV/SA Agency	31
Mental Health Agency	17
Dept. of H&SS	18
All Other	91

ADVOCATES FOR VICTIMS OF VIOLENCE (Valdez)

CLIENT SERVICES PROVIDED

ADVOCACY:	
Medical Accompaniment	14
Transportation	107
All Other Advocacy	229
LEGAL ASSISTANCE:	
Temporary Restraining Order	8
Divorce/Dissolution	4
Court Services (includes accompaniment & representation)	55
Advocacy to Law Enforcement	59
All Other Legal Assistance	21

COUNSELING:	
Group	
Crisis Counseling	134
Counseling Other	733
FOLLOWUP	110
Safety Checks	
Other	

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	
INFORMATION, SERVICES & ASSISTANCE:	284
Sexual Assault	86
Domestic Violence	61
Incest	21
Other Services and Assistance	276
TRANSPORTATION	
INDIVIDUAL COUNSELING	73
CRISIS COUNSELING	13
GROUP COUNSELING	

REFERRALS:	
Number from:	
Self	15
Court System	4
State Agency	1
DV/SA Agency	2
Law Enforcement	26
Medical	4
All Other	33
Number to:	
DV/SA Agency	12
Mental Health Agency	50
Dept. of H&SS	36
All Other	134

SERVICE STATISTICS BY PROGRAM
NUMBER OF SERVICES PROVIDED
FY84

VALLEY WOMEN'S RESOURCE CENTER (Wasilla)

CLIENT SERVICES PROVIDED

ADVOCACY:		COUNSELING:	
Medical Accompaniment	13	Group	26
Transportation	413	Crisis Counseling	128
All Other Advocacy	481	Counseling Other	251
LEGAL ASSISTANCE:			
Temporary Restraining Order	69	FOLLOWUP	32
Divorce/Dissolution	51	Safety Checks	
Court Services (includes accompaniment & representation)	22	Other	
Advocacy to Law Enforcement	19		
All Other Legal Assistance	97		

RESOURCE CONTACT SERVICES - NUMBER OF SERVICES:

AGENCY & COMMUNITY INFORMATION	2080	REFERRALS:	
INFORMATION, SERVICES & ASSISTANCE:		Number from:	
Sexual Assault	167	Self	113
Domestic Violence	316	Court System	1
Incest	37	State Agency	
Other Services and Assistance	2716	DV/SA Agency	
		Law Enforcement	6
TRANSPORTATION	55	Medical	
INDIVIDUAL COUNSELING	129	All Other	
CRISIS COUNSELING	108	Number to:	
GROUP COUNSELING	79	DV/SA Agency	7
		Mental Health Agency	24
		Dept. of H&SS	24
		All Other	

APPENDIX B

Recommendations from the U.S. Attorney General's Task Force on Family Violence

RECOMMENDATIONS FOR THE JUSTICE SYSTEM

1. Family violence should be recognized and responded to as a criminal activity.
2. Law enforcement officials, prosecutors, and judges should develop a coordinated response to family violence.
3. Communities should develop a multi-disciplinary team to investigate, process and treat all incidents of family violence, especially cases of physical and sexual abuse of children.

RECOMMENDATIONS FOR LAW ENFORCEMENT

1. All law enforcement agencies should publish operational procedures that establish family violence as a priority response and require officers to file written reports on all incidents. In addition, the operational procedures should require officers to perform a variety of activities to assist the victim.
2. Consistent with state law, the chief executive of every law enforcement agency should establish arrest as the preferred response in cases of family violence.
3. Law enforcement officials should maintain a current file of all protection orders valid in their jurisdiction.
4. Law enforcement officers should respond without delay to calls involving violations of protection orders.
5. Forms for obtaining protections orders should be available at all police stations and sheriffs' offices.
6. When responding to disturbance calls, law enforcement officers should document violations of pre-trial release conditions. The report should verify the facts and circumstances necessary for the prosecutor to request revocation of the release.

RECOMMENDATIONS FOR PROSECUTORS

1. Prosecutors should organize special units to process family violence cases and wherever possible should use vertical prosecution.
   * The units should work closely with victim assistance providers.
   * The units should review all law enforcement reports involving incidents of family violence whenever possible.
2. The victim should not be required to sign a formal complaint against the abuser before the prosecutors files charges, unless mandated by state law.
3. Whenever possible, prosecutors should not require family violence victims to testify at the preliminary hearing.
4. Prosecutors should adopt special policies and procedures for child victims. These should include:
   * Presenting hearsay evidence at preliminary hearings so the child is not required to testify in person;

* Presenting, with consent of counsel, the child's trial testimony on videotape;
* Use of anatomically correct dolls and drawings to describe abuse; and
* Limiting continuances to an absolute minimum.

5. If the defendant does not remain in custody and when it is consistent with the needs of the victim, the prosecutor should request the judge to issue an order restricting the defendant's access to the victim as a condition of setting bail or releasing the assailant on his own recognizance. If the condition is violated, swift and sure enforcement of the order and revocation of release are required.

RECOMMENDATIONS FOR JUDGES

1. A wide range of dispositional alternatives should be considered in cases of family violence. In all cases, prior to sentencing, judges should carefully review and consider the consequences of the crime on the victims.
2. Judges should treat incest and molestation as serious criminal offenses.
3. Judges should adopt special court rules and procedures for child victims. These should include:
   * The use of hearsay evidence at preliminary hearings;
   * Appointment of a special volunteer advocate for children, when appropriate;
   * A presumption that children are competent to testify;
   * Allowing the child's trial testimony to be presented on videotape with agreement of counsel;
   * Flexible courtroom settings and procedures; and
   * Carefully managed press coverage.
4. Protection orders should be available on an emergency basis in family violence cases.
5. Judges should establish guidelines for expeditious handling of family violence cases.
6. Judges should admit hearsay statements of family violence victims at the preliminary hearing.
7. Expert witnesses should be allowed to testify in family violence cases to familiarize the judge and jury with the dynamics of violence within the family.
8. In granting bail or releasing the assailant on his own recognizance, the judge should impose conditions that restrict the defendant's access to the victims and strictly enforce the order.

RECOMMENDATIONS FOR VICTIM ASSISTANCE

1. Communities should develop and provide a variety of services for family members that include:
   * Family life centers
   * Batterers programs
   * Drop-in crisis centers
   * Crisis nurseries
   * Respite day-care centers
   * In-home services
   * Shelters
   * Safe home networks

2. Shelter policies and practices should accommodate the diverse backgrounds of the residents.

3. The Department of Housing and Urban Development should adopt policies that:

* Place victims of family violence on priority listings for public housing and section 8 certificates;
* Consider only those assets to which the victims has access; and
* Require local Public Housing Authorities (PHAs) to permit transfers of residents who are victims of family violence, when safety is an issue.

4. State-level victims compensations programs should include, where possible, family violence victims as beneficiaries.

5. Because of the criminal nature of family violence, the federal government should establish a National Family Violence Resource Center within the Department of Justice.

6. States should establish Coordinating Councils to assess the needs of family violence victims and to coordinate the use of federal and state funds for family violence victims assistance programs.

7. Local governments and community service groups should assess the needs of family violence victims and cooperate in the development of victims assistance services.

8. Volunteers and the private sector should play a key role in meeting the needs of the victims of family violence.

9. The federal government should provide financial incentives and encouragement to the states to train criminal justice personnel, to conduct a family violence prevention and awareness campaign, and to maintain temporary residential facilities for victims of family violence.

10. States should use creative funding approaches for financing programs that support victims of family violence.

RECOMMENDATIONS FOR PREVENTION AND AWARENESS

1. The federal government should, in conjunction with the private sector, develop a national family violence prevention and awareness campaign.

2. As victims assistance resources become available, states, in conjunctions with private organizations, should sponsor 24-hour toll-free hotlines for victims of family violence and publicize it as part of a public information campaign.

3. Hospitals, health facilities, and pediatricians should offer instruction and information about family violence and should work with self-help groups to include prevention information.

4. Schools should ensure that all teachers are familiar with family violence prevention and that a special curriculum is part of every child's school experience.

5. The media should publicize local family violence treatment and service programs and provide substantive stories, articles, and programming, educating the public about the problem.

RECOMMENDATIONS FOR EDUCATION AND TRAINING

1. The curriculum of all relevant professional schools should include courses that offer instruction on the causes, consequences, and prevention of family violence and the appropriate methods of intervention. Special

curricula should be developed especially for doctors, nurses, lawyers, social workers, teachers, ministers and psychologists.

2. Federal, state, and local government agencies should train relevant personnel to diagnose and appropriately intervene in family violence cases.

3. National professional organizations and community service groups should educate their members on the nature and extent of family violence, appropriate methods of intervention, and the importance of public awareness and prevention efforts.

4. Schools and hospitals should train their staffs to recognize the early warning signs of family violence.

RECOMMENDATIONS FOR DATA COLLECTION AND REPORTING

1. The Uniform Crime Reports of the Federal Bureau of Investigation should be revised to collect and publish data that:

* Indicate the age of the victims and the relationship of the victims to the offender for crimes of aggravated assault, simple assault, rape, sex offenses (except prostitution), and offenses against the family and children; and
* Record incidents of family violence crimes, regardless of whether an arrest is made.

2. The National Crime Survey efforts to more accurately measure the extent of family violence in American, especially the physical and sexual abuse of children and abuse of the elderly, should be continued and supported.

3. Federal statues and regulations for alcohol and drug abuse treatment programs should not conflict with state laws that require reporting of all instances of child abuse, neglect, and molestation.

4. Professionals currently required to report child abuse should be required to report elder abuse.

RECOMMENDATIONS FOR RESEARCH

1. All federally-funded research on family violence should be coordinated with the Department of Justice.

2. National research efforts should be directed in several areas.

RECOMMENDATIONS FOR STATE LEGISLATIVE ACTION

1. States should enact laws to extend the statute of limitations in criminal cases of child sexual assault.

2. States should enact laws to permit law enforcement officers to make warrantless arrests for misdemeanor offenses involving family violence when the officer has probable cause to believe a crime has occurred and the safety of the family is in jeopardy.

3. States should enact legislation making the violation of a protection order issued in a family violence case a criminal offense.

4. States should enact legislations that permits overnight incarceration of persons arrested for incidents of family violence in appropriate cases.

5. States should enact legislation to enable businesses and organizations to have access to sexual assault, child molestation or pornography arrest or conviction records of job applicants whose work will bring them in regular contact with children.

6. States should enact laws to require professionals currently required to report child abuse, to report elder abuse.

RECOMMENDATIONS FOR FEDERAL EXECUTIVE AND LEGISLATIVE ACTION

1. Federal regulations should require criminal history backgrounds on all volunteers or employees working for agencies receiving federal funding and providing care, training, supervision, entertainment or otherwise dealing with children.
2. To recognize the importance of the family and the values it sustains and to continue to relieve the financial pressures on the family, the federal income tax deduction for dependents should be increased.
3. Confidentiality statues and regulations for federal alcohol and drug abuse treatment programs should be amended to require compliance with state laws on mandatory reporting of child abuse, neglect and molestation.
4. The federal government should provide financial incentives and encouragement to the states to train criminal justice personnel, to conduct a family violence prevention and awareness campaign, and to maintain temporary residential facilities for victims of family violence.

RECOMMENDATIONS FOR THE MILITARY

1. Military officials should be encourage to continue their responsiveness to ending violence and abuse within military families and should continue to work cooperatively with state and local governments in addressing the problem. Specifically, military offices should:
   * Make the issue of family violence a command priority;
   * Coordinate their activities with and make use of local service providers;
   * Provide adequate training to all personnel involved in family violence issues; and
   * Share information and resources regarding family violence cases with state and local officials.

RECOMMENDATION FOR GRANDPARENTS' RIGHTS

1. In the event of family dissolution or dysfunction, grandparents or other members of the extended family should be considered as possible guardians for the children.

RECOMMENDATION ON VIOLENCE IN THE MEDIA

1. The Task Force places major responsibility for reducing and controlling the amount of violence shown on television on the networks, their affiliates, and cable stations.
2. The motion picture industry should reevaluate its rating standards to make the ratings more specific and informative.

RECOMMENDATIONS ON PORNOGRAPHY

1. The Task Force endorses the creation of the National Commission on Pornography.

SB

173

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

2/21/85

Date 2/21/85

Mr. President

The Committee on STATE AFFAIRS considered SB 173

relating to political campaign contributions by an individual who is under the age of majority.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 173 (SA)

[ ] new title

[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Ed Kelly

Vi Fischer

Tim Keeley

MEMBERS HAVING
OTHER RECOMMENDATIONS

Walt Hood
Chairman

Jo Ford
Chairman recommendation

14-0692
Bradley
2/18/85 ✓

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to political campaign contributions by an individual who is under the age of majority."

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

* Section 1. AS 15.13.070 is amended by adding a new subsection to read:

(i) The contribution of an individual under the age of majority is considered to have been made by a parent or guardian of the individual under the age of majority. This subsection does not apply to an individual under the age of majority whose disabilities have been removed under AS 09.55.590 or who is married and has reached the marriageable age of consent.

NOTES TO DECISIONS

The statutes of Alaska remove certain disabilities which at common law attend the wife during her coverture. Decker v. Kedly, 148 F. 681 (9th Cir. 1906).

The married woman's common-law disability to bring suit was ended by a series of acts referred to as the Married Woman's Acts. The requirement that suit be brought by the husband when the wife was injured in order that redress be available was thereby ended. Schreiner v. Fruit, Sup. Ct. Op. No. 1003 (File No. 1949), 519 P.2d 462 (1974).

But the statutes do not mean that the husband is answerable to the wife in damages for failure to supply her with the necessaries of life, or for any other act or failure of duty connected with or arising from the marital relation. Decker v. Kedly, 148 F. 681 (9th Cir. 1906).

Wife has independent right to sue for loss of consortium. — See Schreiner v. Fruit, Sup. Ct. Op. No. 1003 (File No. 1949), 519 P.2d 462 (1974).

The basis for recovery is no longer the loss of services, but rather the injury to the conjugal relation. Therefore, the claim for relief for loss of consortium, in both husband and wife, should be given recognition in Alaska. Schreiner v. Fruit, Sup. Ct. Op. No. 1003 (File No. 1949), 519 P.2d 462 (1974).

The interest to be protected is personal to the wife, for she suffers a loss of her own when the care, comfort, companionship, and solace of her spouse is denied her. Schreiner v. Fruit, Sup. Ct. Op. No. 1003 (File No. 1949), 519 P.2d 462 (1974).

Quoted in Cramer v. Cramer, Sup. Ct. Op. No. 135 (File No. 260), 379 P.2d 95 (1963).

Chapter 20. Parent and Child.

Section
10. Age of majority
20. Arrival at majority upon marriage
30. Duty of parent and child to maintain each other
40. Maintenance and education of minor out of income of the minor's property
45. Legitimacy of children conceived by artificial insemination
50. Legitimation by subsequent marriage, acknowledgment in writing or adjudication
60. Custody of the child
70. Temporary custody of the child
80. Mediation of child custody matter
90. Factors for consideration in awarding shared child custody
100. Denial of shared child custody
110. Modification of child custody or visitation
120. Closure of custody proceedings and records
130. Access to records of the child

Collateral references. — 10 Am. Jur. 2d, Bastards, § 1 et seq.; 42 Am. Jur. 2d, Infants, §§ 1-5, 28-57; 59 Am. Jur. 2d, Parent and Child, § 1 et seq.

43 C.J.S., Infants, § 1-30; 67A C.J.S., Parent and Child, § et seq.

Sec. 25.20.010. Age of majority. A person is considered to have arrived at majority at the age of 18, and thereafter has control of the person's own actions and business and has all the rights and is subject to all the liabilities of citizens of full age, except as otherwise provided by statute. (§ 20-1-1 ACLA 1949; am § 1 ch 37 SLA 1959; am § 5 ch 63 SLA 1977)

NOTES TO DECISIONS

Legislation amending several provisions of the Children's Act was part of an omnibus age-law bill which resolved ambiguities in several codes and generally harmonized all Alaska Statutes with the policy of a 19-year (now 18-year) age of majority. Davenport v. McGinnis, Sup. Ct. Op. No. 1049 (File No. 1942), 522 P.2d 1140 (1974).

This section does not carry a broad negative implication. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Nor imply that infants are incompetent in all things. — The age of majority statute does not imply a legislative judgment that infants are incompetent in all things; it means only that persons above the statutory age minmum are competent in all things except as otherwise provided. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971); Quick v. State, Sup. Ct. Op. No. 1921 (File Nos. 3298, 3462, 3463), 599 P.2d 712 (1979).

Regulation prohibiting persons under 19 years from knowingly consuming alcoholic beverages. — Since an administrative regulation prohibiting any person under the age of 19 years from knowingly consuming alcoholic beverages is authorized by statute [see now AS 04.06.090], the regulation comes within the " except as otherwise provided by statute" exception to this section, which gives the age of majority as 18 years. Michael v. State, Sup. Ct. Op. No. 1714 (File No. 3881), 583 P.2d 852 (1978).

Support beyond age of majority. — Superior court's order requiring husband to pay support beyond the ages of minority of his children, if they were enrolled in school, was not erroneous. Hinchey v. Hinchey, Sup. Ct. Op. No. 2312 (File No. 3528), 625 P.2d 297 (1981).

Stated in L.A.M. v. State, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

Collateral references. — Statutory change of age of majority as affecting pre-existing status or rights, 75 ALR3d 228.

Sec. 25.20.020. Arrival at majority upon marriage. A person arrives at the age of majority upon being married according to law, unless the person is under the marriageable age of consent as defined in AS 25.05.171(a), in which case the person reaches majority upon reaching the marriageable age of consent. (§ 20-1-2 ACLA 1949; am § 100 ch 127 SLA 1974)

NOTES TO DECISIONS

Cited in RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Sec. 25.20.030. Duty of parent and child to maintain each other. Each parent is bound to maintain the parent's children when poor and unable to work to maintain themselves. Each child is bound to maintain the child's parents in like circumstances. (§ 21-3-1 ACLA 1949)

Cross references. — For persons liable for support and burial, see AS 47.25.230.

Validity of release of prospective right to wrongful death action, 92 ALR3d 1232.

Judgment in death action as precluding subsequent personal injury action by potential beneficiary of death action, or vice versa, 94 ALR3d 676.

Employer's right of action for loss of services or the like against third person tortiously killing or injuring employee, 4 ALR4th 504.

Effect of death of beneficiary upon right of action under death statute, 13 ALR4th 1060.

Propriety of taking income tax into consideration in fixing damages in personal injury or death action, 16 ALR4th 589.

Effect of anticipated inflation on damages for future losses — modern cases, 21 ALR4th 21.

Effect of settlement with and acceptance of release from one wrongful death beneficiary upon liability of tortfeasor to other beneficiaries or decedent's personal representative, 21 ALR4th 275.

Article 7. Removal of Disabilities of a Minor.

Section

590. Removal of disabilities of minority

Collateral references. — 42 Am. Jur. 2d, Infants, §§ 3-5.

43 C.J.S., Infants, §§ 115-119.

Evidence of emancipation of child so as to permit parent or representative to maintain tort action against minor child, 60 ALR2d 1293.

What voluntary acts of child, other than marriage or entry in military service, terminate parent's obligation to support, 32 ALR3d 1055.

Parent's obligation to support unmarried minor child who refuses to live with parent, 98 ALR3d 334.

Sec. 09.55.590. Removal of disabilities of minority. (a) A minor who is a resident of this state and is at least 16 years of age, who is living separate and apart from the parents or guardian of the minor, capable of self-support and of managing one's own financial affairs, may petition the superior court to have the disabilities of minority removed for limited or general purposes.

(b) A minor may institute this petition under this section in the name of the minor.

(c) The petition for removal of disabilities of minority must state:

(1) the name, age, and residence address of the petitioner;

(2) the name and address of each living parent;

(3) the name and address of the guardian of the person and the guardian of the estate, if any;

(4) the reasons why removal would be in the best interest of the child; and

(5) the purposes for which removal is sought.

(d) The petitioner must obtain the consent of each living parent or guardian having control of the person or property of the petitioner. If the person who is to consent to the petition is unavailable or the whereabouts of that person are unknown, or if a parent or guardian unreasonably withholds consent, the court, acting in the best interest of petitioner, may waive this requirement of consent as to that parent or guardian.

(e) The court may appoint an attorney or a guardian ad litem to represent the interests of the petitioner at the hearing.

(f) The court may remove the disabilities of minority as requested in the petition if found to be in the best interest of the petitioner, after a hearing. The removal may be for general purposes or the limited purposes specified in the decree.

(g) Except for specific constitutional and statutory age requirements for voting and use of alcoholic beverages, a minor whose disabilities are removed for general purposes has the power and capacity of an adult, including but not limited to the right to self-control, the right to be domiciled where one desires, the right to receive and control one's earnings, to sue or to be sued, and the capacity to contract. (§ 2 ch 233 SLA 1976)

Sec. 09.55.600 — 09.55.640. [Renumbered as AS 25.35.010 — 25.35.060.]

Chapter 60. Costs.

Section

10. Costs allowed prevailing party
15. Attorney fees in small tort actions
20. Liability of guardian ad litem for costs
30. Guardian's responsibility for allowance against infant plaintiff
40. Costs where party is a representative
50. Costs awarded against state, borough, city or other public agencies
60. Security for costs where plaintiff a nonresident or foreign corporation

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Collateral references. — 20 Am. Jur. 2d, Costs, § 1 et seq.

20 C.J.S., Costs, § 1 et seq.

Allowance of costs in litigation by beneficiary respecting trust, on theory that fund was created or preserved, 9 ALR2d 1150.

Allowance of costs in litigation by beneficiary for partition of trust property, 9 ALR2d 1219.

Actual payment of costs as a condition to dismissal under rule or statute providing for voluntary dismissal without prejudice upon such terms and conditions as court deems proper, 21 ALR2d 633.

Allowance of fees for guardian ad litem appointed for infant defendant, as costs, 30 ALR2d 1148.

Costs in action for removal of trustee of voting trust, 34 ALR2d 1142.

Unsuccessful litigant's payment of costs as barring his right to appeal from judgment on merits, 39 ALR2d 194.

Appealability of order or judgment awarding or denying costs but making no other adjudication, 54 ALR2d 927.

Depositions, costs and fees as affected by Rule 30(b) of the Federal Rules of Civil Procedure, and similar state statutes and rules, relating to preventing, limiting, or terminating the taking of, 70 ALR2d 758.

Liability of state, or its agency or board, for costs in civil action to which it is a party, 72 ALR2d 1379.

Taxation of costs and expenses in proceedings for discovery or inspection, 76 ALR2d 953.

Liability for costs in action against lessee for breach of covenant as to repairs, 80 ALR2d 1032.

Constitutionality, construction, and application of statutes, requiring bond or security for costs and expenses in taxpayers' action, 89 ALR2d 333.

Allowance as costs, of such items as maps, models, wall charts, photographs, and the like, 97 ALR2d 138.

Validity and construction of statute or rule allowing attorneys' fees to out-of-state defendant successfully defending suit brought in state, 51 ALR3d 1336.

Right of indigent to proceed in marital action without payment of costs, 52 ALR3d 844.

Alaska State Legislature

INTERIM OFFICE
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IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
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Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

SECTIONAL ANALYSIS

Senate State Affairs Penalties Bill

Sections 1,2,& 3

These sections contain the same language that was passed out of committee in CSSB 87 (SA). They were included in this bill to preclude problems if this penalties bill passes and CSSB 87 (SA) doesn't.

Section 4

(a) States that a violation of AS 15.13.110 is subject to a civil penalty and describes the process to appeal an assessed penalty.

(b) Establishes the same civil penalty for delinquent 30 day and 10 day reports:

$50 per day for the first two days delinquent and each day thereafter 1% per day of the total monetary contributions received

example: A report which was 8 days late would accumulate a penalty of $100 plus 6% of the total monetary contributions received

(c) Establishes a civil penalty for delinquent 7 day reports (due 7 days before an election). It is a cumulative penalty based on a percentage of the total monetary contributions received.

example: A report which was 6 days late would accumulate a penalty of 15% of the total monetary contributions received (1% the first day, plus 2% the second day, plus 3% for each additional day up to the sixth day).

(d) Establishes a civil penalty of $50 for each day that the year end report is late.

(e) Establishes a civil penalty for delinquent 24 hour reports. (Any contribution in excess of $250 which is received within 10 days of an election must be reported to the commission within 24 hours of receipt.) The penalty is a percentage of the unreported contribution.

(f) Establishes a civil penalty for unreported or inaccurate contributions or expenditures on required reports.

14-0609
Bradley
2/18/85

DRAFT

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to state election campaigns."

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

* Section 1. AS 15.13.110(a) is amended to read:

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the due date of the report. The report shall be filed at the following times:

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

(2) one week before the election;

(3) 10 [TEN] days after the election; and

(4) 31 days after the end [DECEMBER 31] of each year for expenditures and contributions received which were not reported that year.

* Sec. 2. AS 15.13.110(b) is amended to read:

(b) Each contribution received that [OR EXPENDITURE WHICH] exceeds $250 and that [WHICH] is received [MADE] within 10 days [ONE WEEK] of the election shall be reported to the commission by date, amount, and contributor [OR RECIPIENT] within 24 hours of receipt [OR EXPENDITURE] by the candidate or campaign officer [TREASURER]. Each person making an independent expenditure in the amount of $1,000 or

more that is made within 30 days of an election shall report to the commission the date, amount, and purpose of the expenditure within 72 hours of the expenditure and shall identify the name of the person or group that made the expenditure.

* Sec. 3. AS 15.13.120(a) is amended to read:

(a) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year or by a fine of not more than $5,000. A violation includes but is not limited to any of the following acts or omissions:

(1) failing to make a statement or report required to be made under this chapter, or failing to make a statement or report at the time the statement or report is required to be made under this chapter;

(2) making a campaign contribution or expenditure which exceeds the limitations of AS 15.13.070 [AS 15.13.070(f)];

(3) making a false statement or report under this chapter or failing to report in whole or in part a contribution or expenditure required to be reported under this chapter;

(4) giving or furnishing money to another person or group for the purpose of making a contribution or expenditure anonymously, in a fictitious name, or in the name of another, or contributing in violation of AS 15.13.070(d);

(5) making a communication to support or defeat a candidate without identification of sponsorship, in violation of AS 15.13.090;

(6) knowingly accepting a contribution in violation of AS 15.13.070;

(7) knowingly expending funds from a contribution made unlawful by this chapter.

* Sec. 4. AS 15.13.125 is repealed and reenacted to read:

Sec. 15.13.125. CIVIL PENALTY FOR LATE FILINGS OF REQUIRED REPORTS. (a) A candidate or group that fails to file a properly completed report within a time stated in AS 15.13.110 is subject to a civil penalty assessed under this section for each day the delinquency continues as determined by the commission. A candidate or group against whom a civil penalty is assessed by a decision of the commission under this section may appeal the decision to the superior court. An affidavit stating facts in mitigation may be submitted to the commission by a candidate or group against whom a civil penalty is assessed under this section. The imposition of a penalty does not excuse the candidate or group from filing a report required by this chapter.

(b) A candidate or group that fails to file a properly completed report 30 days before the election as required under AS 15.13.110(a)-(1) or 10 days after the election as required under AS 15.13.110(a)(3) is subject to cumulative civil penalties of $50 for each of the first two days that the report is delinquent. In addition to any other penalty required under this subsection, a candidate or group that fails to file a properly completed report within the first two days after the report is delinquent accumulates a daily penalty of one percent of the total monetary contributions received by the candidate or group during the calendar year through the period ending three days before the due date of the report.

(c) A candidate or group that fails to file a properly completed report one week before the election as required under AS 15.13.110(a)-(2) shall be assessed a penalty of a percentage of the total monetary contributions received by the candidate or group during the calendar year through the period ending three days before the due date of the

report

(1) on the first day the report is delinquent, one percent of the total monetary contributions received;

(2) on the second day the report is delinquent, three percent of the monetary contributions received;

(3) on the third day that the report is delinquent, six percent of the total monetary contributions received;

(4) on the fourth and each succeeding day that the report is delinquent, an additional three percent of the total monetary contributions received for each day the report is delinquent in addition to the amount stated in (c)(3) of this section.

(d) A candidate or group that fails to file a properly completed report 31 days after the end of each year as required under AS 15.13.110(a)(4) is subject to cumulative civil penalties of $50 for each day that the report is delinquent.

(e) A candidate or group that fails to file a properly completed report for a contribution that exceeds $250 and that was received 10 days before the election as required under AS 15.13.110(b) is subject to a civil penalty of

(1) 10 percent of the amount of the unreported contribution on the first day that the report is delinquent;

(2) 30 percent of the amount of the unreported contribution on the second day that the report is delinquent;

(3) 60 percent of the amount of the unreported contribution on the third day that the report is delinquent; and

(4) 100 percent of the amount of the unreported contribution on the fourth day that the report is delinquent.

(f) In addition to the civil penalties established in (b) - (e) of this section, a candidate or campaign treasurer filing a report

required under AS 15.13.110 who fails to report a contribution or expenditure or who reports a portion but not the entire amount of the contribution or expenditure is liable to the state for a civil penalty in an amount equal to three times the amount or the value of the contribution or expenditure that was omitted from the report.

Notes to PENALTIES BILL

Any violation of the elections statutes (Title 15) is a misdemeanor and is punishable by imprisonment for not more than one year or by a fine of not more than $5,000 (Sec. 15.13.120). Presently, late or incomplete reports have civil fines, but any other violation of Title 15 may only be prosecuted as a misdemeanor. The burden of proof is much greater in a criminal proceeding (beyond a reasonable doubt) than in a civil one (a preponderance of the evidence). Realistically, few if any violations of Title 15 will be pursued if they have to be prosecuted under the criminal code as a misdemeanor. At a time when the courts are backed up with felonies they are not too anxious to expedite a misdemeanor case where someone gave $100 over the allowed amount to a candidate. This would suggest that civil penalties should be established for all violations of Title 15. Any major transgressions of the law could still be prosecuted in a criminal proceeding as a misdemeanor.

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

(2) one week before the election;

(3) ten days after the election; and

(4) December 31 of each year for expenditures and contributions received which were not reported that year.

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

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

(d) Within 30 days after each election, each supplier shall make a full report to the commission in accordance with AS 15.13.040. Within 60 days after each election, the commission shall prepare a summary by candidate or group of the transactions and make the summaries public.

(e) A group formed to sponsor an initiative, a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter each group shall report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter until reports are due under (a) of this section. (§ 1 ch 76 SLA 1974; am § 24 ch 189 SLA 1975; am § 2 ch 133 SLA 1977)

Effect of amendments. — The 1977 amendment added subsection (e).

As the rest of the section was not affected by the amendment, it is not set out.

NOTES TO DECISIONS

Stated in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 15.13.120. Penalty; limitations on actions. (a) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year or by a fine of not more than $5,000. A violation includes but is not limited to any of the following acts or omissions:

(1) failing to make a statement or report required to be made under this chapter, or failing to make a statement or report at the time the statement or report is required to be made under this chapter;

Sen Fishers Amendment

Amendment #1 to PENALTIES BILL

CSSB 87 (State Affairs) requires that independent expenditures of $1000 or more made within 30 days of an election must be reported to A.P.O.C. within 72 hours. The following is a proposed amendment to the penalties bill and provides a civil penalty for violation of the required independent expenditures report.

15.13.125 is amended by adding a new section to read:

A person who fails to file a properly completed and certified report of independent expenditures within the time required by AS 15.13.110(b) is subject to a civil penalty of:

Options

1. $??? per day the report is delinquent

2. ? percent of the amount of the expenditure

3. different penalties for the violation:
   a. one penalty for late reports for independent expenditures on behalf of or in opposition to candidates
   b. another penalty for late reports for independent expenditures on behalf of or in opposition to a ballot proposition

NOTES

The independent expenditure reporting requirement is aimed at providing better public disclosure and preventing last minute smear campaigns by unknown parties. A late report by a group supporting or opposing a ballot proposition is not as detrimental to the public's right to know as a late report (possibly a smear campaign) supporting or opposing a candidate. High fines might be appropriate for late reports dealing with candidates while late reports for ballot propositions might warrant more lenient penalties.

year.

* Sec. 17. AS 15.13.110(b) is amended to read:

(b) Each contribution received that [OR EXPENDITURE WHICH] exceeds $250 and that [WHICH] is received [MADE] within 10 days [ONE WEEK] of the election shall be reported to the commission by date, amount, and contributor [OR RECIPIENT] within 24 hours of receipt [OR EXPENDITURE] by the candidate or campaign officer [TREASURER]. Each person making an independent expenditure in the amount of $1,000 or more that is made within 30 days of an election shall report to the commission the date, amount, and purpose of the expenditure within 72 hours of the expenditure and shall identify the name of the person or group that made the expenditure.

* Sec. 18. AS 15.13.110(c) is amended to read:

(c) Each candidate and group shall file the reports required by this chapter [THE REPORTS OF CANDIDATES SHALL BE FILED] with the commission's central office and each report is [. ALL REPORTS REQUIRED BY THIS CHAPTER SHALL BE KEPT] open to public inspection. After [WITHIN 30 DAYS AFTER] each election, the commission shall, upon request, prepare a summary of each report which shall be made available to the public at cost [UPON REQUEST]. Each summary shall use uniform categories of reporting.

* Sec. 19. AS 15.13.130 is amended by adding a new paragraph to read:

(8) "independent expenditure" means the disbursement of funds made to support or oppose the election of a candidate or the passage or defeat of a ballot proposition or question that is not made with the cooperation, consent, or at the request of a candidate, the campaign committee or controlled group of a candidate, or a group that is supporting or opposing the candidate or ballot proposition or question for which the funds are disbursed.

Amendment #2 to PENALTIES BILL

This amendment would establish a civil penalty for exceeding the $1000 contribution limit. Currently only criminal penalties exist for this violation.

AS 15.13 is amended by adding a new section to read:

Sec. 15.13.128 Civil Penalties For Violations Of This Chapter. (a) A person, candidate, or group who makes or accepts a campaign contribution of more than $1000 in violation of AS 15.13.070 is subject to a civil penalty equal to two times the amount of the contribution exceeding $1000. The amount of the contribution exceeding $1000 shall be returned to the contributor.

Amendment #3 to PENALTIES BILL

This amendment would establish a civil penalty for missing or improper disclaimers on campaign communications. Currently only criminal penalties exist for this violation.

AS 15.13.128 is amended by adding a new section to read:

(b) A person, candidate or group that makes a communication to support or defeat a candidate or ballot proposition without proper identification in violation of AS 15.13.090 shall be assessed a civil penalty of:

Penalty left to discretion of committee

Amendment #4 to PENALTIES BILL

This amendment takes advantage of the language in AS 15.13.125 Civil Penalties For Late Reports. By defining a properly completed report the section on penalties for late reports will also cover incomplete, inaccurate, and false reports.

AS 15.13.130 is amended by adding a new subsection to read:

(8) "properly completed report" means a report that includes all required details and whose details are accurate.

SB

186

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

2/22/85

Date 02/28/85

Mr. President

The Committee on STATE AFFAIRS considered SB 186

authorizing the governor to loan up to $3,400,000 from the disaster relief fund for a breakwater failure on St. Paul Island; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Introduced: 2/22/85
Referred: State Affairs and Finance

IN THE SENATE BY ZHAROFF AND COGHILL

SENATE BILL NO. 186

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act authorizing the governor to loan up to $3,400,000 from the disaster relief fund for a breakwater failure on St. Paul Island; and providing for an effective date."

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

* Section 1. The governor is authorized to ~~loan~~ lend up to $3,400,000 to the Department of Administration, division of risk management, from the assets of the disaster relief fund (AS 44.19.048) to alleviate the effects of a breakwater failure on St. Paul Island.

* Sec. 2. A loan made under the authority of sec. 1 of this Act shall be made on the condition that the Department of Administration, division of risk management, repay to the disaster relief fund the proceeds of insurance payments received as a result of the breakwater failure on St. Paul Island.

* Sec. 3. The authority given by sec. 1 of this Act terminates June 30, 1985.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.-10.070(c).

SB ~~103~~ 180

CITY OF ST. PAUL
BOX 29
ST. PAUL ISLAND, ALASKA
99660
(907) 546-2331

December 3, 1984

MEMORANDUM

FROM: CITY MANAGER

TO: DISTRIBUTION LIST

SUBJ: BREAKWATER SITUATION REPORT NO. 1

1. Due to the large number of inquiries the City is receiving for information on progress made to assess the damage to the Phase I Breakwater under construction at the Port of Saint Paul, the City will present periodic situation reports which will circulate general information about the assessment now underway. The information does not represent the official actual situation but rather attempts only to characterize the activity as a means of sharing information. The only official information will be released following the completion of the assessment now underway.

2. A storm in the Bering Sea on Tuesday and Wednesday, November 13 and 14, 1984 may have contributed to the damage of the Phase I Breakwater structure. The breakwater had been constructed to the 868-foot mark when terminated for the season by the City through agreement with the Contractor.

3. It is obvious that the damage is rather extensive and the City has received information which indicates that parts of the breakwater may not have been constructed to specification.

4. On Thursday, November 15, 1985, Members of the City Council who were in Anchorage on business, including Mayor Mike Zacharof and Deputy Mayor John R. Merculief, together with Designer Eric Norgaard and Project Engineer Frank Carson flew to Saint Paul to personally inspect the damage.

5. Upon return from Saint Paul Thursday night, the inspection party met for several hours to review what had been seen and to develop plans for moving forward with the repairs.

6. On Friday morning, November 16, 1984 the inspecting party met with representatives of the State of Alaska with included Deputy Commissioner of the Department of Transportation and Public Facilities David Haugen and Grants Administrator Margaret E. Holland. City Attorney Tony Smith joined the group for this meeting. The following points were taken-up:

- o A review was thought to be necessary. It probably should include examination of weather conditions, technical assessments of the design, model testing, and other technical data, and examination of construction management and construction execution.

- o The Saint Paul Breakwater design is a State-of-the-Art design and meticulous testing, and even the most advanced design might not be able to forecast the real forces of the environment.

- o Construction management and ccnstruction execution which followed the design and specificaitons also could probably not be faulted.

- o It was obvious that a study to determine causes of the damage was needed. The State asked to be kept informed and offered technical assistance in keeping within its ability to offer assistance.

7. On Saturday, November 17, 1984 the City hosted a luncheon meeting for Citizens of Saint Paul who were in Anchorage attending the Annual Meering of the Aleut Regional Corporation; 15 people were present. At the meeting an announcement to the press was presented which was later distributed to the Anchorage media. DOT Chief of Design and Constructon Division John Olson was in attendance and during a question and answer period stated that it was his opinion that if the breakwater were going to fail it was best to have it over with now rather than a year or two later when it would be excessivly costly to repair. Mr. Olson reaffirmed the interest of the State of Alaska to stand by Saint Paul with technical assistance and to do what ever it could to see us through the problems now facing the City and its breakwater project.

8. In the meantime, Mr. Eric Norgaard had flown to Copenhagen, Denmark with photographs and data for consultations with the Danish Hydrology Institute, the model test consultant.

9. On Monday, November 19, 1984 DOT representatives including Margaret E. Holland and Ocean Engineer Harvey Smith met with the City and presented a plan to provide "lead agency" action to bring about an independent study of the entire matter and situation. The City accepted. The State would contract with an independent engineering consulting-testing firm and get back to the City with the details.

10. During the week the State's search narrowed the field to the firm of Tetra Tech of Los Angeles and Anchorage and broad details of the scope of work were under discussion. A contract for services with Tetra Tech was finalized.

11. During the week of November 26-30 a scope of work was drafted and a contract signed on December 3, 1984.

# # # #

SB 1~~02~~
182

CITY OF ST. PAUL
BOX 29
ST. PAUL ISLAND. ALASKA
99660
(907) 546-2331

December 10, 1984

MEMORANDUM

FROM: CITY MANAGER

TO: DISTRIBUTION LIST

SUBJ: BREAKWATER SITUATION REPORT NO. 2

1. Due to the large number of inquiries the City is receiving for information on progress made to assess the damage to the Phase I Breakwater under construction at the Port of Saint Paul, the City will present periodic situation reports which will circulate general information about the assessments now underway. The information does not represent an official position but, rather, attempts to characterize the nature of the activity presently undertaken. An official report will be released following completion of the engineering study now going on.

2. Also during the week of November 26-30, Mr. Torben Sorensen, chief executive of the Danish Hydrology Institute, Copenhagen, Denmark, flew to Anchorage for continuing consultations with Norgaard Consultants, and the State of Alaska Dept. of Transportation. Together, the State and Norgaard et al, discussed the details of the scope of work to be undertaken by Tetra Tech with Norgaard having input upon the scope which would be written and supervised by DOT.

4. On Thursday, December 6 the first of Tetra Tech's engineering team arrived on Saint Paul. Likewise a representative of the Danish Hydrology Institute. Upon landing, an immediate inspection of the Breakwater was undertaken and several rolls of still photographs were taken.

5. On the evening of December 6 a heavy storm began forming in the Bering Sea. By Friday it was a full running major storm event and one which severely damaged the already heavily battered Breakwater.

6. Representatives of DHI and T-Tech were on hand to witness the storm event. Additional photography and video-tapes were taken, recording the strom in its fullness. Winds were out of the southwest at 38-47 mph with gusts to 51 mph. High tide at 4:32 P. M. was at 3.5 feet and full. Wave heights were 3-5 meters and wave length of 15 seconds. Local viewpoints of the storm were mixed: some felt that the storm was an average "bad winter storm" but others said it was the worst they had seen in 15 years--1970 being about as far back as could be clearly recalled by local residents of long standing on Saint Paul. The storm blew itself out late in the afternoon of Saturday, December 8, but not until the Breakwater had been reduced to about 300 feet of its original 868 feet.

DISTRIBUTION LIST:

John Shively
AK Dept. of Transportation/PF
  Deputy Commissioner Haugen
  John Olson
  Margaret Holland
  Harvey Smith
Pete Spivey
Hon. Fred Zharoff
Hon. Adelheid Herrmann
Hon. Michael Zacharof, Mayor
  and City Council, Saint Paul
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Fr. M. Lestenkof

J. Anthony Smith, Esq.,
Clark Gruening, Esq.,
Norgaard Consultants
  Eric Norgaard
  Frank Carson
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W. H. Nichols
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Kenneth Fay
Rick Luthi
Magistrate G. Rukovishnikoff

SB 186

CITY OF ST. PAUL
BOX 29
ST. PAUL ISLAND, ALASKA
99660
(907) 546-2331

December 17, 1984

MEMORANDUM

FROM: CITY MANAGER

TO: DISTRIBUTION LIST

SUBJ: BREAKWATER SITUATION REPORT NO. 3

1. Due to the large number of inquiries the City is receiving for information on progress made to assess the damage to the Phase I Breakwater under construction at the Port of Sain Paul, the City will issue periodic Situation Reports which will characterize the general nature of activity to that time. This information is not an official report. That information will be presented when the engineering study now going on is complete, about December 31, 1984

2. Tetra Tech, the engineer firm selected by the Alaska Department of Transportation and Public Facilities to assess the damage to the Phase I Breakwater arrived on the scene on December 6 when the senior engineer came to the site. He was followed by an engineering technician and a geotechnical expert two days later. On December 10 the project manager arrived. A representative of the Danish Hydraulic Institute was also on site during this week.

3. Another storm, with advance billing of "a 10 year storm" was forecast for the Bering Sea on December 13-15 but passed west of the Pribilof Islands resulting in a distrubance similar to the storm of December 7-9, 1984. The breakwater was affected only a little by that one but all the experts were on hand to witness it and gained insights into the damage/failure mechanisms

4. Tasks completed between storm and lull included:

- o Visual Inspections
- o Photographic Documentations
- o Topographic SubAerial Documentations
- o Estimation of In Situ Gradation with Surface Sampling
- o Visual Observation of Three Storm Events on the Rubble Mound Breakwater

Tasks attempted included:

- o Excavation Test Pit, Gradation Work
- o Bathymetric Survey, delayed do to weather
- o Spot Bathymetric Reconnaissance Near Structure

5. The Engineering team departed the Island today and will consult in Anchorage prior to writing a report which is expected by Dec. 31.

- o 0 o -

7. Review of Local Climatological Data (NOAA) reveals that the mean wind speed for December is 22.3 mph and the extreme speed is 62 mph, which was recorded in 1970, the year of the last storm which local people can remember. Last year the peak gust speed in December was 56 mph on the 20th from the south southeast. The strongest wind last year overall was on November 23 at 58 mph out of the southeast.

8. At first light on Saturday, December 8, 1984 DHI and T-Tech began field reconnaissance during the final gusts of the storm. More photographs were taken. The overall length remaining of the main Breakwater is about 100 meters.

9. Bethemetric equipment did not arrive on Saint Paul as planned on Friday due to the weather. It will arrive on Monday, December 10 and depending upon the calmness of the water in Village Cove will begin in a day or two.

10. Bids for Phase II Breakwater were opened on November 13 and award of a contract was expected 45 days later on Friday, December 28, 1984. The City will ask for a 45-day extension from all bidder for the purpose of completeing the present assessment of damage be-for commencement of pre-award negotiations and contract award then expected to take place in mid-February.

11. The time frame noted above is not expected to prevent the City from remaining on schedule which is to complete the Breakwater Phas I and II and the Dock Phase I in time for the 1986 season. The final design of the dock is now awaiting the programming of essenti repair to Phase I Breakwater.

12. It is becomming increasingly obvious that very major problems which span a wide range of interests and incidents accompany the present situation. The assessment and study should lay before us some of the answers to the overriding question: "What happened?"

# # # #

DISTRIBUTION LIST:

John Shively
AK Dept. of Transportation/PF
  Deputy Commissioner Haugen
  John Olson
  Margaret Holland
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Hon. Fred Zharoff
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  and City Council, Saint Paul
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Kenneth Fay
Rick Luthi
Magistrate G. Rukovishnikoff

SB 182 184

MEMORANDUM State of Alaska

TO: Anselm Staack
Deputy Commissioner
Administrative Management
Department of Administration

THRU: William R. Snell
Acting Deputy Commissioner
Central Region
Department of Transportation
and Public Facilities

FROM: John B. Olson, P.E.
Director, Design & Construction
Central Region

DATE: February 6, 1985

FILE NO: 220C

TELEPHONE NO: 266-1500

SUBJECT: Involvement of Risk Management with St. Paul Breakwater

The events leading up to the Department of Transportation and Public Facilities' (DOT&PF) contact with Risk Management focused primarily on the assessment of damage. Technical analyses to determine why the Breakwater failed were critical, in view of the fact that the City of St. Paul had opened bids for Phase II construction and was scheduled to award the contract in mid-December. Tetra Tech, Inc., was hired to perform the technical analysis.

Following the decision to have the City of St. Paul cancel the contract award for Phase II, the Department and the City began to explore ways to fund the restoration of Phase I of the Breakwater.

During the week of January 14, 1985, Risk Management was asked to assist the Department in exploring its options with regard to Phase I. Several conversations followed and an exchange of information took place. On January 29, 1985, Brad Thompson of Risk Management met with representatives of the City of St. Paul and DOT&PF to determine the best way to proceed to restore the Breakwater to its pre-storm condition.

It was decided that the Division of Risk Management through DOT&PF would solicit an estimate to reconstruct the facility to its pre-storm condition. The Department has identified a list of potential consultants to prepare this estimate.

The initial estimate given to DOT&PF to restore the Breakwater is $4.0 million. A more specific estimate will be developed as a result of comprehensive field investigation.

MEH/bgc

cc: Clark Gruening, Smith, Robinsons & Gruening, Juneau
Brad Thompson, Claims Manager, Risk Management, DOA
Warren Sparks, Deputy Commissioner, Headquarters

APPENDIX A

ST. PAUL HISTORY

The significant events surrounding the construction of the St. Paul Breakwater the storm damage and the time frame of reconstruction.

DATE	EVENT
	Construction contract awarded to Callsta Corp.
	Problems arose in production of large armor stone, construction temporarily halted.
	Construction proceeded with modified (berm) breakwater design.
	Completion of Phase 1 construction was accepted for payment.
10/15/84	Breakwater began to show signs of readjusting to a moderate wave climate.
11/13/84-11/14/84	Breakwater was subjected to a major storm which significantly damaged the outer 350'.
11/19/84	City of St. Paul contacted DOT&PF for assistance on confronting the problem.
11/30/84	DOT&PF signed an agreement with Tetra Tech Inc., using an existing Term Contract, to conduct an assessment of the damage and determine the probable cause(s) of failure.
12/07/84-12/08/84	The breakwater was subjected to a second major storm which destroyed an additional 150'-200'. At this time the head portion of the breakwater had receeded from an original station 9+00 to station 4+25.
12/31/84	First draft of final Tetra Tech Inc report was received for review.
01/14/85	DOT&PF contacted Risk Management to ascertain the States Insurance alternatives for reconstruction of the breakwater.

01/21/85	Final Tetra Tech Inc. report was delivered to DOT&PF.
	City of St. Paul contracted with DePue & Associates to develop alternative dock designs.
	City of St. Paul contracted with Tetra Tech Inc. to develop alternative designs and estimates for reconstructing the breakwater and continuation of phase 2 construction.
01/29/85	DOT&PF, City of St. Paul, and Risk Management met to discuss the current status of the breakwater and determine what involvements between the agencies is necessary to meet the critical time frame for construction and preservation of the EDA grant.

TENTATIVE SCHEDULE TO MEET 1985 CONSTRUCTION WINDOW AND FULFILL GRANT REQUIREMENTS.

02/15/85	Select from alternative designs of breakwaters and docks.
02/28/85	Contract for A/E services to develop final design, drawings, and specifications for breakwater and dock.
03/01/85-03/15/85	Field investigations (detailed bathymetry, geotech, etc.)
03/15/85-04/30/85	Hydraulic Model Studies
03/01/85-04/15/85	Develop final design, construction, and bid documents
04/16/85-06/01/85	Advertise and award
06/15/85	Begin construction
11/15/85	Complete construction

SB 186

RECEIVED FEB 4 1985

TETRA TECH, INC.
3312 ARCTIC BOULEVARD
ANCHORAGE AK 99503-2775
TELEPHONE (907) 561-8144

4 February 1985

Mr. Vern McCorkle
City Manager
City of St. Paul
St. Paul, Alaska

Dear Mr. McCorkle:

The following is a summarization of our analysis of the Saint Paul Harbor Project:

1. Estimated Costs to Re-build Phase I

	w/o contingencies E&D and S&A	w/contingencies E&D and S&A
a) to Norgaard's Original Design	$4.02 million	$4.74 million
b) Norgaard's A-B Design	3.40 million	4.01 million
c) to Tetra Tech's Preliminary Design	4.95 million	5.84 million

Basis of costs are shown on the attached sheets for (a) and (b). Unit prices are from Phase 2 bid summaries and quantity estimates assume that existing material from damaged section can be incorporated into the core. We have added the costs for mob/demobs, camps and have road maintenance which were not included in our original $3 million estimate.

2. Extent of $9.0 Million Breakwater Project

Using Tetra Tech's preliminary x-section, breakwater repairs and extension to about STA 14+00 can be accomplished for $9 million. A head section incorporating 30-ton concrete dolos armor units and a trunk section using 14-ton stone on a 1:4 slope were used in this estimate. A project of this magnitude could protect a 200-foot barge dock while providing a 20' draft along the berth. Dredging of the harbor for the removal of washed out breakwater material would be required. Wave heights of about four feet along the berth would be expected several times per year during storm conditions. The evaluation of using a concrete caisson for the head section instead of the 30-ton dolos units may substantially affect the total possible breakwater length. Model testing of the caisson and our preliminary design for the trunk section is also required. We are presently investigating

the caisson alternative, but a precise construction cost estimate will be difficult. In summary, we are confident that a 1200- to 1500-foot breakwater can be constructed with a $9.0 million budget. Estimated construction time for this project is seven months.

3. Estimated Costs for Re-build to Original Phase I/Phase II Project

Using Tetra Tech's preliminary design x-section and extending the project to STA 20+50 as shown in the Phase II construction drawings would cost about $12.63 million in construction. Including a 5% contingency and allowances for engineering and design and supervision and administration would necessitate a $14.9 million project budget. Estimated construction time for this project is 13 months, hence a two-season construction program would be needed.

4. Alternative X-Section Designs

We have examined six alternative cross-sections plus Norgaard's trunk and head section designs. Based on the 25-foot design wave, Norgaard's original design would expect considerable damage (about 20% or more). The other six designs are expected to sustain about 0 to 5% damage on an annual basis, but model tests of some alternatives are necessary to verify this damage estimate. We are presently evaluating a caisson section for use as the breakwater head. This may be similar in cost to a rubblemound dolos protected head section but afford an additional 50 feet of breakwater length. See attached table for a summary of x-sections examined.

I would like to emphasize that some of our designs can only be verified by scale model testing. We have preliminary sections drawn, along with a plan of the project to STA 14+00, which can be made available for your use if you feel they would be of any assistance. Once Tetra Tech, or possibly some other firm, is given a notice to proceed with the development of detailed plans and specifications, it will take approximately four weeks to have them ready for bid. Also, if the dock facilities are to be incorporated in this project, a subsoil investigation of the harbor bottom must be completed. Tetra Tech would be pleased to act as St. Paul's agent for this work, or if you desire to contract directly for this work we will recommend firms specializing in this type of work.

If you have any questions, please don't hesitate to give me a call at 564-8144.

Sincerely,

TETRA TECH, INC.

Robert H. Taylor
Manager, Alaska Operations

RHT:rd

Enclosures

cc: Tony Smith, Attorney

CONSTRUCTION COST ESTIMATE

(AS-BUILT)

REFERENCE PLAN NO. RESTORE "PHASE I" A-B DESIGN JOB NAME ST. PAUL

LOCATION VILLAGE COVE BREAKWATER ST. PAUL, ALASKA

JOB NUMBER TC-3023

PRELIMINARY ☐ FINAL ☒

BY J.W. DATE 11/30/85

CHECK AJS DATE 11/31/85

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
01	MOB/DEMOB		LS		$1,000,000
02	CAMPS		LS		500,000
03	MAINTAIN HAUL ROAD		LS		250,000
04	A CLASS STONE	66100	CY	17.50	1,156,750
05	B CLASS STONE	32900	CY	15.00	493,500
	Subtotal				3,400,250
	Contingencies 5%				170,000
	Engineering and design 6%				214,000
	Supervision and Administration 6%				227,000
	TOTAL COST			$	4,011,250

CONSTRUCTION COST ESTIMATE - SHEET NO. ___ OF ___

CONSTRUCTION COST ESTIMATE

REFERENCE/PLAN NO. RESTORE "PHASE I" ORIG. DESIGN
JOB NAME ST. PAUL
LOCATION VILLAGE COVE BREAKWATER ST. PAUL, ALASKA
JOB NUMBER TC-3023
PRELIMINARY ☐ FINAL ☒
BY JW DATE 1/30/85
CHECK ATS DATE 1/31/85

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
01	MOB/DEMOB		LS		$1,000,000
02	CAMPS		LS		500,000
03	MAINTAIN HAUL ROAD		LS		250,000
04	CLASS I STONE (18-ton)	21850	CY	33.00	721,050
05	CLASS II STONE (12-ton)	39600	CY	20.00	792,000
06	CLASS III STONE (2-ton)	2000	CY	20.00	40,000
07	CLASS IV STONE (underlayer)	24,380	CY	20.00	487,600
08	CLASS V STONE (core)	15,090	CY	15.00	226,400
	subtotal				4,017,050
	contingencies 5%				201,000
	engineering & design	6%			253,000
	supervision & administration	6%			268,000
	TOTAL COST				$ 4,739,050

CONSTRUCTION COST ESTIMATE - SHEET NO. ___ OF ___

INC. PASADENA, CALIF.

SUMMARY

FILE NO TC 3023

COMPUTED _____ CHECKED _____ DATE _____ PAGE ____ OF ____ PAGES

ALTERNATIVE	COSTS/FT	CREST EL.	USEABLE ROADWAY	REMARKS
a. NORGAARD SECTION 12-ton ARMOR	$5090	+30	30'	DAMAGE = 15-20% UNDER 25' DESIGN WAVE
b. NORGAARD HEAD 18-ton ARMOR	7800	+30	30'	DAMAGE > 50% UNDER 25' DESIGN WAVE
1. ALT. 1 14-ton stone 1:4 slope	8 000	+37	40'	VERY WIDE STRUCTURE MAY ENCROACH ON HARBOR. CREST EL. REQUIRES MODEL TEST
2. ALT 2 18-ton stone 1:3 slope	7 100	+30	none	18-TON PROBABLY NOT AVAILABLE IN REQ'D QUAN.
3. ALT 3 30-ton dolos 1:2 slope	11 600	+30	none	USE FOR HEAD SECTION. OVERTOPPED
4. ALT 4 20-ton dolos 1:2 slope	11 000	+30	none	USE FOR TRUNK OVERTOPPED
5. ALT 5 4½-ton tetrapod 1:1.5 slope	10 300	+38	8'	CREST REQUIRES MODEL TEST
6. ALT 6 14 ton stone composite	6 400	+40	30'	MODEL TEST NEED TO EVALUATE STABILITY
7. CAISSON	UNDER EVALUATION			

SB

207

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

3/1/85

Date 03/14/85

Mr. President

The Committee on STATE AFFAIRS considered SB 207

relating to public employees; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

John DeVries

Tom Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Meiches - NO REC
until constitutional
questions resolved

Bill Kay DO NOT PASS as
form it leaves STATE AFFAIRS

Chairman

DO PASS Senate Finance Committee

Chairman recommendation

Introduced: 3/1/85
Referred: State Affairs
and Finance

IN THE SENATE BY THE FINANCE COMMITTEE

SENATE BILL NO. 207

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to public employees; and providing for an effective date."

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

* Section 1. AS 23.40.210 is amended to read:

Sec. 23.40.210. AGREEMENT. Upon the completion of negotiations between an organization and a public employer, if a settlement is reached, the employer shall reduce it to writing in the form of an agreement. The agreement may include a term for which it will remain in effect, not to exceed three years. The agreement shall include a pay plan designed to provide for a cost-of-living differential between the salaries paid employees residing in the state and employees residing outside the state. The cost-of-living differential or other geographic cost-of-living adjustment may not be considered part of the basic salary for purposes of calculating overtime compensation or other salary adjustments. The plan shall provide that the salaries paid, as of August 26, 1977, to employees residing outside the state shall remain unchanged until the difference between those salaries and the salaries paid employees residing in the state reflects the difference between the cost of living in Alaska and living in Seattle, Washington. The agreement shall include a grievance procedure which shall have binding arbitration as its final step. Either party to the agreement has a right of action to enforce the agreement by petition to the labor relations agency.

* Sec. 2. AS 39.27.020 is amended by adding a new subsection to read:

(d) If an employee's basic annual salary is no more than $30,000, the pay step differential shall be calculated using the employee's basic salary. If the employee's basic annual salary is greater than $30,000, then the employee's pay step differential shall be calculated on the differential for a basic salary of $30,000.

* Sec. 3. AS 39.27 is amended by adding a new section to read:

Sec. 39.27.027. OVERTIME COMPENSATION. Overtime compensation shall be calculated on the basic salary of an employee before the addition of any adjustments including pay step differentials and shift differentials.

* Sec. 4. AS 39.35 is amended by adding a new section to read:

Sec. 39.35.675. INCLUSION OF COST-OF-LIVING DIFFERENTIALS IN COMPENSATION AND BENEFITS. (a) An employee shall make contributions to the system based on compensation including a cost-of-living differential.

(b) The amount of a cost-of-living differential may not be included in the employee's compensation for purposes of calculating benefits under this chapter unless the employee has received a cost-of-living differential in a comparable amount or of at least that many steps for at least 50 percent of the employee's credited service.

(c) When an employee receives a benefit, and if the employee's compensation for purposes of calculating the benefit does not include a cost-of-living differential, then the administrator shall refund to the employee the amount of contributions the employee made based on the differential.

(d) In this section "cost-of-living differential" means an adjustment to salary based on the cost of living in the geographic region where the employee works and includes a pay step differential under AS 39.27.020.

* Sec. 5. AS 39.35.680(8) is amended to read:

(8) "compensation" means the total remuneration earned by an employee for personal services rendered, including cost-of-living differentials only as provided in AS 39.35.675, payments for leave that is actually used by the employee, the amount by which the employee's wages are reduced under AS 39.30.150(c), and any amount deferred under an employer-sponsored deferred compensation plan, but does not include retirement benefits, welfare benefits, per diem, expense allowances, workers' compensation payments or payments for leave not used by the employee whether those leave payments are scheduled payments, lump-sum payments, donations, or cash-ins;

* Sec. 6. (a) Unless the budget specifically provides or the legislature approves, the state may not ~~increase the salary range and~~

(1) reclassify a position; ~~or~~ a lesser salary range Amend

(2) change the salary range of a job class unless the change is required to comply with AS 18.80.220(a)(5); statute

(3) promote a person to the next step of a flexibly staffed position if the person was first hired in the flexibly-staffed position after the effective date of this section; or

✓ (4) award a person a merit increase.

(b) In this section, "state" means the executive, legislative and judicial branches of state government and includes the University of Alaska. Sec 7 & renumber

* Sec. 7. The amendments made by secs. 4 and 5 of this Act apply only to members first hired under the Public Employees' Retirement System on or after the effective date of secs. 4 and 5 of this Act.

* Sec. 8. Nothing in this Act terminates or modifies a collective bargaining agreement in existence on the effective date of secs. 1 - 3 and 6 - 7 of this Act.

* Sec. 9. Section 6 of this Act takes effect January 1, 1987.

* Sec. 10. Sections 1, 3 and 5 - 7 of this Act take effect immediately in accordance with AS 01.10.070(c).

Alaska State Legislature

SENATOR
John C. Sackett
CO-CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER
LABOR & COMMERCE COMMITTEE
BUDGET & AUDIT COMMITTEE
SENATE ADVISORY COUNCIL
COMMITTEE ON COMMITTEES

Senate

HOME ADDRESS
P. O. BOX 11
RUBY, ALASKA 99768

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
TELEPHONE 465-3753

ANCHORAGE
TELEPHONE 272-3404

M E M O R A N D U M

Date: Friday, March 1, 1985

To: Senator Mitch Abood
Chair - State Affairs Committee

From: Senator John Sackett
Co-Chair, Senate Finance JCS

Subj: SB-207, an Act relating to public employees

SB-207, introduced today, is designed to limit further increases in state employee salaries and to curb some of the escalating benefits and geographical cost-of-living differentials enjoyed by some employees. This bill is another effort to hold the line on state spending because of our reduced revenue forecasts.

I would request that you schedule the bill as soon as possible so that it can be given a hearing in your committee and then in Senate Finance.

Thank you.

RECEIVED
MAR 1 1985

sponsor's back-up statts

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: SB 207
Title: "An Act relating to public employees; and providing..."
Sponsor: Finance Committee
Requestor: State Affairs
Date of Request: 3/1/85

FISCAL DETAIL
Agency Affected: Department of Administration
Program Category Affected: Labor Services
BRU, Program or Subprogram(s) Affected: PERS

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs						
100 Rtmnt & Bnfts		[10.9]	[11.8]	[12.7]	[13.7]	[14.8]
200 Travel						
300 Contractual		13.1	14.1	15.3	16.5	17.8
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING	-0-	2.2	2.3	2.6	2.8	3.0
CAPITAL		36.0				
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		[9.9]	[10.7]	[11.5]	[12.5]	[13.5]
FEDERAL FUNDS		[.5]	[.5]	[.6]	[.6]	[.7]
OTHER		48.6	13.5	14.7	15.9	17.2
TOTAL	-0-	38.2	2.3	2.6	2.8	3.0
POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

J.K. Humphreys

Prepared By: J.K. Humphreys, Director Phone: 465-4470
Division: Retirement & Benefits Date: 3/13/85

Approved by Commissioner: Lisa Rudd for A. Stock Date: 3-13-85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies) for dept of Adm, Div. of Retirement

Rev. 7/1/84

Senate Bill 207
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration
March 13, 1985

IV Analysis: With passage, sections four and five of this bill would prohibit the three highest consecutive years salary, used for benefit calculation in the Public Employees' Retirement System (PERS), to include any area cost-of-living adjustment if the member has not received an area cost-of-living differential during at least 50 percent of the members credited service. The bill would also provide for refunding any contributions paid on area-differentials if the salaries used for benefit calculation do not include area-differential.

It is estimated that this bill would result in a .002% reduction in the State contribution rate in the PERS. We also estimate that the computer system enhancements needed would result in a one year $36,000 FY 86 cost and a cost of $13,100 for FY 86 maintenance. The costs are estimated to increase by 8% each year.

The $38.2 FY 86 costs are calculated as follows:

The estimated decrease in FY 86 State contribution rate (.002%) times the FY 86 estimated state payroll ($544,046,592)	[$10.9]
Plus the estimated FY 86 system maintenance costs	$13.1
Plus the estimated one year FY 86 system enhancement costs	$36.0
Total Fy 86 estimated costs	$38.2

Senate Bill 207
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration
March 13, 1985

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Total Fy 86 estimated costs	$38.2

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: SB 207
Title: An Act relating to public employees
Sponsor: Senate Finance
Requestor: Senate State Affairs
Date of Request: March 12, 1985

FISCAL DETAIL
Agency Affected: Administration
Program Category Affected: Finance
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	359.0	45.0	45.0	45.0	45.0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	359.0	45.0	45.0	45.0	45.0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	359.0	45.0	45.0	45.0	45.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	359.0	45.0	45.0	45.0	45.0

POSITIONS:

FULL-TIME	0	6	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Ken Bischoff 465 A
Phone: 465-2240
Division: Finance
Date: March 13, 1985

Approved by Commissioner: Lisa Rudd
Date: 3-13-85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
on Dept Of Adm, Div Fin.

Fiscal Note
SB 207

Cost Calculation Summary:

One Time Costs	
3 Journey level programmers 1 yr.	190.0
Admin Manual Update 6 employee months	31.0
Agency Training course development and Administering 6 employee months	31.0
Finance Participation in Coordination effort with all other affected groups (Personnel, Labor Relations, Retirement, Law unions) 12 employee months	62.0
	314.0

Ongoing Costs	
Additional Manual Effort due to changes in benefit calculation	
1 position Range 16	45.0

Additional Fiscal Note Analysis

This bill as it applies to the Division of Finance would impact us significantly as certain provisions change fundamental concepts about the methods the state uses to pay its employees. Our comments are limited to those areas where the state would be required to modify automated and manual processes in order to satisfactorily meet the provisions of this bill.

SUMMARY OF PROVISIONS AFFECTING FINANCE:

° A major target of this legislation is aimed toward changing the way in which cost of living differentials are determined and paid. The State currently maintains 60 separate salary schedules reflecting up to 30 salary ranges and 10 steps in each.

  - Cost of living differentials have always been paid according to a uniform percentage (subject to certain exceptions due to collective bargaining) to all pay schedules. This bill (sec. 2(d)) proposes to place a lid on the maximum amount that can be paid by establishing a basic annual salary limit of $30,000.

° Section 3 of the bill would limit overtime rate determination to a calculation based upon the basic annual salary amount.

° In terms of computing retirement benefits section 4 would require the state to track base retirement contributions separately from contributions related to the cost of living differential only. The state would have to change benefit calculation algorithms to include separate calculations for base salary benefits and benefits based on area cost of living differentials for each year of service in order to satisfy the provisions of section 4 of the bill. The current benefit calculation is performed manually and requires the state to identify the number of years of creditable service and the three highest paid years for determining benefit amounts. This bill proposes a significantly more sophisticated approach that if done manually will be more subject to errors and require significantly more manual effort than before.

° Section 1, 2, 4-7 have immediate effective dates upon passage of this legislation. It is not feasible to implement the provisions of this bill immediately. The State is currently implementing a new statewide accounting system (AKSAS), the current payroll system is being modified to interface with AKSAS, there are scheduled changes to the current payroll system to accommodate the most recent labor agreements, a current area differential study is being completed which will have some impact to our payroll processes, and the current classification study will also likely have significant impact to our payroll processes.

  Implementing changes required by this bill will need to be flexibly scheduled to be considered along with all other changes that will be legally and procedurally required in order to keep our state payroll processes and systems properly functioning without service interruption.

Summary analysis of changes and related fiscal impact:

° Modifications to automated systems (input form changes, file changes, program changes, analysis and design)

* 36 employee months

* ASSUMPTIONS

- State can use existing base pay schedules for each identified employee group (approximately 12 groups).
- This bill will not attempt to change any fundamental payroll processes. No major change will be required to the current pay schedules.
- This estimate does not include estimates for data processing chargeback costs.
- Changes required by this bill will be allowed to be scheduled appropriately with all other production work that is necessary to keep the state payroll systems properly operating.

° Update State Administrative Manual to include new pay calculation changes for supplemental and prepay processes.

6 employee months

° Train state agencies in new payroll calculation procedures.

6 employee months

° Coordination of affected groups to identify and mutually agree on intent of legislation (Finance, Labor Relations, Retirement, Department of Law, Unions, Legislature).

12 employee months

° Additional ongoing manual effort to calculate benefit amounts equates to one additional position.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM March 13, 1985

SUBJECT: Sectional analysis of SB 207

TO: Senator Jan Faiks and Senator John Sackett
Co-chair, Senate Finance Committee

FROM: Teresa B. Cramer TBC
Legislative Counsel

You have asked for a sectional analysis of SB 207, relating to public employees.

Section 1 amends the Public Employment Relations Act to prohibit including geographic cost-of-living adjustments in basic salary when calculating overtime compensation or other salary adjustments.

Section 2 limits the amount that an employee may receive as a pay step differential. The maximum differential would be calculated on a basic salary of $30,000.

Sections 3 and 9 require that overtime compensation for state employees be calculated on an employee's basic salary before the addition of any adjustments, including pay step differentials or shift differentials. Section 9 provides that section 3 takes effect on January 1, 1987.

Section 4 and 5 require an employee to make contributions to the Public Employment Retirement System on the employee's entire compensation including a cost-of-living differential. However, the employee's benefits will be based on the entire compensation only if the employee received a comparable cost-of-living differential for at least 50 percent of the employee's credited service. If the employee does not receive benefits based on salary including cost-of-living differentials, then the division must refund the amount of contributions the employee made for the differentials.

Sectional analysis, SB 207

Section 6 forbids the state, including the executive, legislative, judicial branches and the University of Alaska, from making changes to positions, job classes, or salaries as listed in the section.

The regulation of employment detailed in section 6 may be viewed as a legislative infringement on the executive power of the governor, the power to administer courts assigned to the chief justice of the Supreme Court, and the power to govern the University of Alaska given to the board of regents.

The legislature clearly can limit the amount of money that these coordinate branches of government may spend on personal services. Whether the legislature can limit the way in which this money is spent as extensively as this section provides is open to question.

There is also a problem about implementing the limitation on merit increases. Under the contracts negotiated by the state and the Alaska Public Employees' Association for the General Government Unit and the Supervisory Unit, the state may be required to provide a system of "performance incentives" for employees in those units. Article IV, section 2, of each of those contracts contains language on "performance incentives":

> Performance incentives shall be based upon the appointing authority's evaluation of an employee's performance. A performance incentive of one step in the salary range may be given to an Employee who has received an overall performance evaluation of "Acceptable" or better on the Employee's merit anniversary date.

and

> The Employer will not establish a quota or percentage system to determine the number of performance increases granted, but the parties agree to accept the standards provided in GG 77-36 dated September 27, 1979, for determining the granting or not granting of performance increases.

The text cited, GGU 77-36, is a memorandum from Sandra Withers, director of the division of personnel and labor

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and

> The Employer will not establish a quota or percentage system to determine the number of performance increases granted, but the parties agree to accept the standards provided in GG 77-36 dated September 27, 1979, for determining the granting or not granting of performance increases.

The text cited, GGU 77-36, is a memorandum from Sandra Withers, director of the division of personnel and labor

relations, to all personnel officers. It addresses the standards that arbitrators had found to be improper reasons for denying a merit increase and heads the list with "lack of funds."

Under the second part of the contract language cited, it could be argued that denying all performance increases constituted a percentage system for determining the number of increases granted and therefore violated that clause of the collective bargaining contract. The reference to the memorandum and the memorandum's reference to "lack of funds" as an invalid basis for denying a merit increase supports that argument.

While collective bargaining contracts are specifically subject to legislative appropriation under AS 23.40.210, the legislature is not free to renegotiate the contract in making appropriations. The legislature can determine the amount of money available for state salaries, but the state is bound to pay its employees according to the terms of the contracts it negotiates. Insufficient funds would be a basis for layoffs but not for unilaterally changing the terms of the contracts.

Section 7 provides that the amendments to the Public Employees' Retirement System only apply to members first hired after the effective date of the sections amending the PERS. (They carry an immediate effective date.)

Section 8 provides that the bill does not terminate or modify a collective bargaining agreement that was in effect on the effective date established in section 10.

Section 10 provides that the bill, except for section 3, takes effect immediately.

If I may be of further assistance, please advise.

TC:mkr
096:WKJ12

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

TO: Mike Greany
Director
Legislative Finance

DATE: March 14, 1985

FROM: Pamela Calhoon
Manager
Division of Administrative Services

SUBJECT: SB 207

Below is an example to show the salary differential between an employee at a Range 19A in Juneau and an employee at a Range 19A in Bethel. The employee located in Juneau would be on Schedule A. The employee located in Bethel would be on Schedule G.

Juneau 19A	Bethel 19A
3193 per month	4170 per month

The percentage difference is .3222.

SB 207 proposes in Sec. 2 to calculate the amount of the salary differential by two different methods. If an employee's basic annual salary is no more than $30,000, the pay differential shall be calculated using the employee's basic salary. If the employee's basic annual salary is greater than $30,000, then the employee's pay differential shall be calculated on the differential for a basic salary of $30,000.

For example, a Range 19A in Bethel is currently earning 4170 a month. With the differential calculated for a basic salary of $30,000 the monthly rate would be $3998, a difference of $172 a month. The higher the range the more it will be affected. For example, currently a Range 26A in Bethel earns 6572 a month. With the new differential calculation a Range 26A in Bethel would earn 5766 a month. A difference of $806 a month.

In Sec. 3 a savings would be realized to the State by calculating overtime compensation on the basic salary of an employee before the addition of any adjustments including pay step differentials and shift differentials.

For example:

basic salary plus current differential hourly overtime rate - 19A Schedule G	basic salary plus SB 207 proposed differential hourly overtime rate - 19A Schedule G
38.49	36.93

SB

209

COMMITTEE REPORT

SENATE

FINANCE

FURTHER:

3/4/85

Date 4/2/85

Mr. President

The Committee on STATE AFFAIRS considered SB 209

Alaska State Fire Commission; eff.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 209 (SA)

[X] new title

[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[X] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Jan Kamp

MEMBERS HAVING
OTHER RECOMMENDATIONS

Ed Do Not Rec

K Fischer Do Not Rec

Tim Kelly - Do Not Pass

under amended

Do

Chairman

Do Not Rec

Chairman recommendation

Original sponsor: Ziegler

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 209 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act creating the Alaska State Fire Commission; and providing for an effective date."

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

* Section 1. AS 44.19 is amended by adding new sections to read:

ARTICLE 15. ALASKA STATE FIRE COMMISSION.

Sec. 44.19.194. FIRE COMMISSION. The Alaska State Fire Commission is established in the Office of the Governor.

Sec. 44.19.195. MEMBERSHIP. (a) The governor shall appoint the members of the commission without regard to political affiliation to serve for terms of four years. Members shall have an understanding of basic fire protection principles. A member may serve no more than two consecutive full terms. Membership shall include a

(1) member of the Alaska Fire Chief's Association;

(2) member of the Alaska State Firefighters Association;

(3) member of the Alaska Municipal League;

(4) representative of the field of education;

(5) representative of the Alaska Federation of Natives;

(6) representative of the insurance industry;

(7) representative of the construction industry;

(8) representative of the petrochemical industry; and

(9) representative of the transportation industry.

(b) The attorney general and the commissioners of public safety, labor, community and regional affairs, and natural resources or their designated representatives are ex officio members of the committee.

(c) A vacancy on the commission shall be filled from the appropriate source. The appointee shall serve for the unexpired portion of the term.

(d) Members serve without compensation but are entitled to travel and per diem authorized for members of boards and commissions under AS 39.20.180.

Sec. 44.19.196. PROCEDURES; STAFF. (a) The commission shall meet each quarter. A quorum consists of five members and must include either the chair or the vice-chair of the commission. Powers of the commission may be exercised by an affirmative vote of a majority of the commission. The commission shall determine the location of a meeting in advance and shall publish notice of the meeting statewide at least 30 days before the meeting date.

(b) Roberts Rules of Order shall govern commission meetings.

(c) The membership shall elect a chair and a vice-chair to serve for terms of four years. An elected officer may serve for no more than two successive full terms. The chair may appoint standing and special committees and subcommittees.

(d) The chair, the governor, or three members of the commission may call a special meeting.

(e) The commission shall hire an executive director and other staff as necessary.

Sec. 44.19.197. POWERS AND DUTIES. (a) The commission shall

(1) develop and adopt a state master plan for fire prevention and control and a state fire education and training plan;

(2) assist state and local fire prevention and control agencies in improving fire prevention and control in the state;

(3) establish policy and operational guidelines for state agencies with fire protection responsibilities and make

recommendations to private industry, local governments, and federal agencies having fire protection programs;

(4) develop and maintain a liaison with all fire protection agencies in the state, both public and private;

(5) recommend legislative and executive actions to enhance effective and efficient fire prevention and suppression;

(6) adopt regulations under the Administrative Procedure Act (AS 44.62) to enhance effective and efficient fire prevention and suppression;

(7) develop and implement a standardized data collection system for all fire protection agencies in the state;

(8) serve as a resource and technical information source for local governments, state and federal agencies, the legislature and persons in the state;

(9) submit an annual report to the governor, legislature, and the fire service community on the activities, recommendations, and accomplishments of the commission during the preceding fiscal year;

(10) take other actions necessary or proper to carry out its duties.

(b) The commission may

(1) conduct research, hold public hearings, and study related issues in order to make recommendations for the improvement of fire prevention and control in the state;

(2) accept unrestricted gifts, bequests, devises, grants, matching funds and other consideration for use in promoting the commission's work.

* Sec. 2. AS 44.66.010(a) is amended by adding a new paragraph to read:

(13) Alaska State Fire Commission -- June 30, 1989.

* Sec. 3. Notwithstanding AS 44.19.195 enacted by sec. 1 of this Act,

the following initial members of the commission shall serve the following terms:

(1) representatives of the construction industry and the field of education, three years;

(2) member of the Alaska State Firefighters Association and the representative of the insurance industry, two years;

(3) representatives of the transportation industry and the Alaska Federation of Natives, one year.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Alaska Fire Chiefs' Association

209

April 1, 1985

Senator Mitchell Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Abood:

Thank you for scheduling the second hearing on SB 209 and SB 210 so quickly. Unfortunately, I will be unable to attend, but I have the utmost confidence in Mr. William Hagevig and Mr. E. Robert Haag to speak on my behalf.

It was unfortunate that time was critical during the March 28 hearing as I believe that if we had had an opportunity to respond to your questions we would have been able to answer them to a degree that would have caused a due pass recommendation from your committee.

Again, thank you for your prompt action.

Sincerely,

Chief Alan Judson, President
Fire Chief Association

RECEIVED
APR 1 1985

GLACIER VOLUNTEER FIRE DEPARTMENT

P.O. Box 2338, Juneau, Alaska 99803 789-7554

March 28, 1985

209

The Honorable Mitchell Abood
State Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

Please accept this letter as a recommendation to pass and make into law, Senate Bill 209 and Senate Bill 210.

This action seems very necessary for a safer Alaska. Our state is very young, however, our state seems very aggressive. This aggressiveness can, and should be continued. Senate Bill 209 and Senate Bill 210 show, and prove our aggressiveness towards stopping loss of life and property due to fire.

Please refer to the final report of the Governor's Task Force on Fire Prevention and Control. These statistics are mind boggling and passage of the Bills are a positive step in stopping loss of life and property by fire.

Respectfully submitted,

Glacier Volunteer Fire Department Association
P.O. Box 2338
Juneau, Alaska 99803

RECEIVED
APR 1 1985

GVFD

GLACIER VOLUNTEER FIRE DEPARTMENT

P.O. Box 2338, Juneau, Alaska 99803 789-7554

BUTCH HAWORTH	Butch Haworth	3730 ELCAMINO
Charles J. Gasparek	Charles J. Gasparek	8695 Short Court Juneau
GORDON KOSTEVKO	Gordon Kostevko	4105 TAKU BLVD JUNEAU
MARTIN J. LISTBERGER	Martin J Listberger	5875 Glacier Hwy Apt 55 Juneau
Rick Wolfenberger	Rick Wolfenberger	4425 Arbor Ave Juneau
PETER F. YOUNG	Peter F Young	Box 954 Juneau
Allen R. Sparks	Allen R Sparks	3264-32 Loop Road; Juneau
Mike Tagaban	Mike Tagaban	8579 Rainbow Row Juneau
CURTIS JONES	Curtis Jones	P.O BOX 3136 JUNEAU
	Jeanette Bates	3597 Mendenhall Loop Rd
JOHN FIORELLA	John Fiorella	P.O. BOX 2335 JUNEAU
MAX R. MIELKE	Max R. Mielke	P.O. Box 2558 JUNEAU
PAUL A. WEBB	Paul A Webb	P.O. Box 3807 McGINNIS DR.
TOM FALLIS JR	Tom Fallis Jr	3650 Tongass Blvd Juneau, AK.
GAYLEN BREVIK	Gaylen Brevik	9435 Turn St. Juneau Ak.
JERRY GODKIN	Jerry Godkin	4330 Cone Pl. JUNEAU, AK.

ALASKA STATE FIREFIGHTERS ASSOCIATION
P.O. Box 598 Kenai, Alaska 99611

209

March 30, 1985

Senator Mitch Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator,

I would like to take this opportunity to thank you for the privilege of being able to testify on behalf of S.B. 209 and S.B. 210 Thursday, March 28, 1985 at the Senate State Affairs Committee hearing. It is with deep regret that I will not be able to attend the next hearing on April 2, 1985 due to time constraints.

It was very apparent at the last hearing that there were still some questions that needed to be answered. I will be most fortunate, however, to have two of my associates there to be able to assist you and your committee in any manner possible. Bill Hagevig and Bob Haag are both life members of the Alaska State Firefighters Association and have my utmost confidence.

Again, thank you for your time and best wishes for you with your responsibilities in the remainder of the session.

Sincerely,

Jason A. Elson
President
Alaska State Firefighters Association

cc: Bill Hagevig
Bob Haag

JAE/dal

RECEIVED
APR 1 1985

ALASKA STATE FIREFIGHTERS ASSOCIATION
P.O. Box 598 Kenai, Alaska 99611

March 30, 1985

Senator Mitch Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

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Sincerely,

Jason A. Elson
President
Alaska State Firefighters Association

cc: Bill Hagevig
Bob Haag

JAE/dal

RECEIVED
APR 1 1985

March 28, 1985

Senator Mitchell Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

RECEIVED
APR 1 1985

Dear Senator Abood:

Today I had the opportunity to testify before the Senate State Affairs Committee on SB 209 and SB 210, otherwise known as the State Fire Commission bills.

I came away from the hearing with the feeling that we had neither gained your support for the Fire Commission concept, nor convinced the committee members of our sincerity. Please be assured that the Fire Service is very sincere about reducing the fire losses in this State.

In spite of the obvious time constraints, I was somewhat disappointed that the Committee did not question any of us significantly. They did, however, ask a number of questions among themselves which led to several comments among Committee Members, most of which were inaccurate, and to which we were unable to respond with accurate information.

My statement that fire losses over the last ten years averaged forty million dollars a year was misleading in that the figure quoted refers only to direct costs. It did not reflect such things as loss of business, inflated cost of reconstruction, increased cost of fire insurance based on the local fire protection profile and, last but definitely not least, the loss of the burned occupancy from the municipal tax roles. At one point in its fire history, nine insurance companies withdrew from writing insurance in the City of Ketchikan. The U. S. Fire Administration maintains that indirect losses may be six to eight times higher than the direct loss. If this contention is accepted, then the annual fire loss for the last ten years in Alaska is closer to $240 million or higher. If viewed in this way the the annual losses can no longer be described as "negligible".

One committee member had a concern as to whether the money being requested to fund the State Fire Commission wouldn't be better spent buying new fire trucks for his constituency. He may have a valid argument for his area. The Task Force on Fire Prevention and Control looked across the entire State in its deliberations and

found (to its distress) that the fire problem in Alaska is multi-fauceted and that no single solution exists. Neither the Task Force nor the Fire Service is opposed to providing fire trucks where a demonstrated need exists. It is, however, only a small part of the problem.

Finally, it is not the intention of the Task Force recommendations to cost the State more money than is already being spent. The idea is to have the State Fire Commission develop a braod spectrum master plan to systematically implement the recommendations of the Task Force in the most cost effective manner possible. The idea is to reduce the costs of fire protection both in terms of lives and dollar losses. I personally believe it is only fair to point out that in the past five or six years the State has appropriated enough undocumented funds for fire stations, fire trucks and fire equipment to fund a broad spectrum Fire Commisison for 10-12 years. I believe that we can do better that that for our people.

If you would like to discuss any of these ideas in more detail, or if I can respond to any additional questions, please call me at 364-2154 in Douglas.

Sincerely,

William A. Hagevig

William A. Hagevig, Member
Task Force on Fire Prevention
and Control

Guy

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

BILL SHEFFIELD, GOVERNOR

DIVISION OF STATE TROOPERS

P.O. BOX 6188 ANNEX
ANCHORAGE, ALASKA 99502

February 22, 1985

Mr. Allan Judson, Chief
Juneau Fire Department
820 Glacier Avenue
Juneau, Alaska 99801

Dear Al:

In response to your request for the cost estimates for the proposed State Fire Commission as we discussed today, I'm forwarding the following data that were used in the Task Force report. I must stress that these are general estimates, rather than the result of an exhaustive inquiry.

100 Category - Personal Services		
Four-person staff:		
(1) Exec. Director Range 23		
Salary and all Fringes	$ ~~75,000~~	62,550
(2) Professional Staff - two		
Planner V or equivalent, Range 21	~~50,000~~	51,735
Planner V or equivalent, Range 21	~~50,000~~	51,735
Admin. Assistant II, Range 14	~~30,500~~	26,355
	~~$205,500~~	198,375
200 Category - Travel		
An estimate of $20,000 for staff travel and per diem seems reasonable	$ 20,000	✓
300 Contractual		
Estimated 800 square feet - estimated at	24,000	✓
Telephone	4,000	✓
	$ 28,000	✓
400 Supplies		
Miscellaneous estimated at	$ ~5,500	5,000

500 Equipment
Includes word processor, four desks, table, two filing cabinets, miscellaneous chairs, etc. estimated at $ 10,000

Total ~~$268,500~~ 261,375 (261.4)

I hope these estimates are useful. Please call me if you need additional information.

Sincerely Yours,

M. James Messick
Ass't to the Commissioner
Department of Public Safety

cc: Sam Neal
Sandra Barbridge

TESTIMONY OF GUY VAN DOREN

FOR SENATOR ROBERT H. ZIEGLER, SR.

SB 209 and SB 210 - ESTABLISHING A STATE FIRE COMMISSION

I am here this morning not only to testify for Senator Ziegler but also as a person who spent four years as a professional fireman and an additional two years as a volunteer fire fighter.

The bills before you were introduced by Senator Ziegler at the request of the Fire Service and as a result of one of the many findings of Task Force on fire prevention.

The fire losses in Alaska, both in property loss and loss of life are staggering.

Believe it or not, the United States, the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss for fire.

The fact that the U.S. reports a death rate of nearly twice that of second ranking Canada creates a grim perspective on Alaska - our fire record exceeds the rest of the United States in losses and thus is one of the worst in the world. Our death rate is the most horrible of all the states, ten times greater than Hawaii and five times greater than California.

In property loss, Alaskans loose more than twice as much as other Americans to fire.

To a person who has had to try and suppress those fires or to pull a child from a burning building, these figures are appalling.

By establishing a state fire commission, the recommendations of the first and second fire task force can be implemented, the fire loss record in Alaska can be reduced, and the safety and well being of the residents of the state can be improved.

As envisioned by the task force, the fire commission would be a body similar to the State Board of Education, the Board of Fisheries, Board of Game or the Liquor Control Board. Each is a policy setting body within their respective fields. None of the boards do actual administration, only policy setting. In similar manner, the State Fire Commission would set policy for state agencies with fire protection responsibilities. The commission could not set policy for local departments, federal agencies or private industry, but could make recommendations to them.

The need for a policy setting body within the fire service at the state level can be well illustrated. One group of needs concerns decision making by state fire program administrators. Fire service training at the state level, for example is now determined by one person. Due to fiscal constraints he has determined that his program would not become involved in training industrial fire brigades. With no overall policy setting group, private industry can only take their concerns to the legislature, the governor or do nothing.

Similarly, other officials make decisions about aviation fire safety, fire code enforcement, plans, reviews, wild lands fire fighting, etc. As can be seen,

there is no overal policy setting group and no system of checks and balances with or coordination among state level fire-related activities.

Another reason for a policy group is to determine what activities the state, local governments and private industry are not performing that should be performed in order to reduce the toll of fire deaths, fire losses and to provide focus or program guidelines. This information would be in the form of recommendations to the Governor for state actions, to the professional fire associations and the Municipal League as concerns local action, to individual federal agencies appropriate to the recommendations.

In short, the Fire Commission is seen as providing the broad base of reference or perspective, not now available but needed to address the wide array of problems and issues facing the Fire Service, and to coordinate a largely diverse group of agencies with fire service programs and responsibilities at all levels of government and in private industry.

The concept of a commission has substantial precedence in the other emergency service fields. Law enforcement - police standards council; Emergency Medical Service - a state Advisory Council on Emergency Services. Of the three emergency services only the fire service has no board or commission.

Many other states have well functioning Fire Commissions and the U.S. Fire Administration has written extensively about a "model" fire commission. The task force borrowed from the model in drafting commission duties.

There appears to be three options available to the Governor and the Legislature in order that Alaska's fire losses, the worst in the Western World can be effectively reduced.

(A) MAINTAIN THE STATUS QUO

This option is not a viable one, since it would perpetrate the fractured, diverse and uncoordinated Fire Sevice which undoubtedly contributes to Alaska's fire loss record being the worst in the U.S. and the industrialized world.

(B) SUBSTANTIALLY INCREASE THE CAPABILITIES OF THE STATE FIRE MARSHAL'S OFFICE, THROUGH ADDITIONAL STAFF.

This option would improve the overall situation, but would not provide the broad base support perspective, and involvement as would a State Fire Commission.

(C) CREATE A STATE FIRE COMMISSION.

A State Fire Commission offers the best way to address the wide array if fire protection issues and needs for Alaska.

Finally, while realizing the crunch for dollars and the reluctance to fund a new entity, the state and the people of Alaska will actually save money because, as fire departments upgrade and improve, not only are fire losses and deaths reduced, but cities, boroughs, the state, and the residents of the state will

enjoy lower fire insurance rates. For example, a recent evaluation of the Juneau Fire Department and municipal facilities resulted in a reduction in fire insurance rates amounting from 11% to 20%. Such reductions throughout the state, would more than justify the money expended for the commission.

It is felt by the Task Force on Fire Prevention and by Senator Ziegler that this is a very important piece of legislation and a favorable recommendation by the committee is urged.

ALASKA 1984 FIRE LOSS ANALYSIS

FIXED PROPERTY USE	NO. INCIDENTS	%	INJURIES	DEATHS	$ LOSS	%
Unclassified	1				300	
Public Assembly	87	2.3	6		2,077,838	6.0
Educational	48	1.3	2		5,201,500	15.1
Institutional	21	0.5	1		4,765	
Residential	1,296	35.2	60	32	16,479,411	47.8
Store/Office	111	3.0	5	1	2,572,695	7.5
Industrial	61	1.6			156,465	0.5
Manufacturing	24	0.6			2,000,826	5.8
Storage	122	3.3	7	1	3,253,440	9.4
Special	1,908	51.8	18	1	2,719,823	7.9
TOTAL	3,679		99	35	34,467,063	

ALASKA STATE FIREFIGHTERS ASSOCIATION

SENATE STATE AFFAIRS COMMITTEE

Hearing on Senate Bill No. 209 "An Act relating to creating the Alaska State Fire Commission" and Senate Bill No. 210 "Special Appropriation to the Office of the Governor for the Alaska State Fire Commission".

Mr. Chairman:

My name is E. Robert Haag representing the Alaska State Firefighters Association and the Alaska Fire Chiefs Association in support of Senate Bills No. 209 and 210.

Members of the Fire Service had the opportunity to appear before your Committee last Thursday morning (March 28, 1985) and presented statements in support of these important Bills. Unfortunately due to the scheduling of a teleconference, on also an important item of legislation, there was no time to reply to some of the comments made by members of the Committee.

The Fire Service is appreciative of you, Mr. Chairman, and members of the Committee to hold what we call a special hearing, so rapidly, so the important issues of the subject Bills can be discussed.

We regret that two Fire Officials, who presented statements before your Committee last Thursday morning (March 28, 1985) are unable to be here this morning. Chief Alan Judson, of the Fire Chiefs Association, left for the south 48 yesterday. Jason A. Elson, of the Firefighters Association, had to return to Kenai. They both have forwarded letters, to you Mr. Chairman, in suport of a "Do Pass" for the Bills. I will not read their letter, because of time. Copies are in the folder provided to you and your Committee. We respectfully ask that their letters be considered a part of the official record of this hearing.

Mr. William Hagevig, who testified before your Committee last Thursday, is here this morning. Mr. Hagevig has considerable service and knowledge of the Fire Service, especially in Alaska. He is a member of the Alaska Task Force on Fire Presention and Control. This Task Force was established by the Legislature, in 1984, to complete the study of the original Task Force which was unable to complete its report due to withdrawal of operating funds in 1983.

Mr. Chairman and Members of the Committee all of us in the Fire Service ask that you permit Mr. Hagevig the opportunity to present to you additional information and data on the importance of an Alaska State Fire Commission. If time becomes a factor we urge you to seriouly review Mr. Hagevigs statements and to recall him back for further information, if considered necessary, so that you may give a "Do Pass" to the establishment of an Alaska State Fire Commission.

Future generations, in Alaska, will look back on your actions. and those of the entire Legislative and Executive branches of State government in helping to reduce Alaska's fire losses.

Action is needed now.

Mr. Chairman and Members of the Committee the Fire Service and all Alaskans appreciates your time and consideration on this important matter. We look forward to a "Do Pass"

Thank you.

Alaska Fire Chiefs' Association

April 1, 1985

Senator Mitchell Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Abood:

Thank you for scheduling the second hearing on SB 209 and SB 210 so quickly. Unfortunately, I will be unable to attend, but I have the utmost confidence in Mr. William Hagevig and Mr. E. Robert Haag to speak on my behalf.

It was unfortunate that time was critical during the March 28 hearing as I believe that if we had had an opportunity to respond to your questions we would have been able to answer them to a degree that would have caused a due pass recommendation from your committee.

Again, thank you for your prompt action.

Sincerely,

Chief Alan Judson, President
Fire Chief Association

ALASKA STATE FIREFIGHTERS ASSOCIATION
P.O. Box 598 Kenai, Alaska 99611

March 30, 1985

Senator Mitch Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator,

I would like to take this opportunity to thank you for the privilege of being able to testify on behalf of S.B. 209 and S.B. 210 Thursday, March 28, 1985 at the Senate State Affairs Committee hearing. It is with deep regret that I will not be able to attend the next hearing on April 2, 1985 due to time constraints.

It was very apparent at the last hearing that there were still some questions that needed to be answered. I will be most fortunate, however, to have two of my associates there to be able to assist you and your committee in any manner possible. Bill Hagevig and Bob Haag are both life members of the Alaska State Firefighters Association and have my utmost confidence.

Again, thank you for your time and best wishes for you with your responsibilities in the remainder of the session.

Sincerely,

Jason A. Elson
President
Alaska State Firefighters Association

cc: Bill Hagevig
Bob Haag

JAE/dal

(Needs to be worked up on official legislative form.)

Informal - Fiscal Note #1

SB-210 - "Special Appropriation to the Office of the Governor for the Alaska State Fire Commission"

EXPENDITURES:

		FY-86
OPERATING:		
100	Personal Services	198.4
200	Travel	20.0
300	Contractual	28.0
400	Supplies	5.0
500	Equipment	10.0
	TOTAL OPERATING	261.4

FUNDING:

General Fund	261.4

POSITIONS:

Full-Time	4

(Needs to be worked up on official legislative form)

Informal - Fiscal Note #2

REQUEST FOR NEW POSITION

SB-210 - "Alaska State Fire Commission"

1 - POSITION TITLE -- Executive Director
Range 23

2. TYPE OF POSITION --- PFT
STAFF-MONTHS --- 12.0
LOCATION ---- Juneau

	(1)	(2)	(3)
PERSONAL SERVICES			
5. Salary	$4,170/mo	50,040	
6. Benefits		12,510	
7-8 (Nothing)			
9. TOTAL PERSONAL SERVICES			62,550
10-14 (Nothing)			
15 TOTAL COST			62,550
FUNDING SOURCE			
16-17 (Nothing)			
18 General Fund	1004		62,550

(Needs to be worked up on official form)

~~Informal~~ - Fiscal Note #3

REQUEST FOR NEW POSITION

SB - 210 "Alaska State Fire Commission"

1. Position Title -- Planner V
   Range 21

2- TYPE OF POSITION - - - PFT
   STAFF MONTHS - - - 12.0
   LOCATION - - - - Juneau

	(1)	(2)	(3)
	PERSONAL SERVICES		
5	Salary $3,449/mo	43,788	
4	Benefits	10,947	
7-8	(Nothing)		
9	TOTAL PERSONAL SERVICES		54,735
10-14	(Nothing)		
15	TOTAL COST		54,735
	FUNDING SOURCE		
16-17	(Nothing)		
18	General Fund	100%	54,735
	(Note -- 2 positions)		(109,470)

(Needs to be worked up on Official form)

#4

Enclosed - Fiscal Note

REQUEST FOR NEW POSITION

SB-210 "Alaska State Fire Commission"

1 - POSITION TITLE -- Secretary
Range 16

2. TYPE OF POSITION --- PFT
STAFF MONTHS 12.0
LOCATION -- -- JUNEAU.

	(1)	(2)	(3)
	PERSONAL SERVICES		
5	Salary #1757/M16	21,804	
6.	Benefits	5,271	
7-8	(Nothing)		
9	TOTAL PERSONAL SERVICES		24,355
10-14	(Nothing)		
15	TOTAL COST		24,355
	FUNDING SOURCE		
16-17	(Nothing)		
18	General Fund	1004	24,355

The scope of work for which the Commission is responsible involves planning and coordination of vertually all the numerous state agencies with fire protection program responsibilities and to establish the last possible relationship with all local governments, federal agencies with fire related responsibilities (including the military) and private industry in order that the Commission can represent and act as the planning, coordination and policy setting mechanism for the entire fire service community in the state. The commission will also interact with other state fire commissions similarly situated.

To perform this task, and address Alaska having the highest fire loss rate, not only in the U.S. but in the entire industrialized western world, requires that staff members possess the highest possible qualifications.

Since the Commission's task is unprecedented in Alaska, the planning functions undertaken will be original efforts with no procedence by which to be guided. The broad range of Commission responsibilities as presented in the Task Force report requires independent efforts by self-motivated personnel with only minimal oversight of a policy nature.

The large number of persons from all aspects of the fire service who participated in the Task Force's efforts means the highest degree of scrutiny of the results of Commission activities, since the Commission is in effect, a creature of the fire service statewide, and the fire service knows what must be accomplished.

A primary function of the Commission is to recommend and assist in development of policy, since it is a policy setting mechanism, for not only state agencies but for state government generally, through the Governor's Office, and will recommend policy for local governments, federal agencies and private industry, such as pipeline companies, the insurance industry to name a few. The policy area also includes developing legislative proposals for introduction thru the Chief Executive, since some policy implementation may require legislatively enacted authority.

Another major function will be to serve as the single focal point for all federal assistance relative to fire protection and thus require an understanding of, and participate in various federal assistance programs.

Executive Director

Alaska State Fire Commission

Examples of job duties

Implements policies and program priorities decided by the State Fire Commission. Supervises development of the state's Master Plan for Fire Protection. Recruits, trains, supervises, reviews performance and evaluates professional and clerical staff. Responsible for, and may assist in preparation of the Annual Reports of the Commission. Testifies before legislative committees holding hearings as matters relating to the Commission.

Recommends policy and operational guidelines to the Commission and the Governor relative to all state agencies with fire protection responsibilities. Acts as the liaison between the Fire Commission and federal, state, local government and private industry with fire safety programs.

Fosters original research and inquiries into the unique causes of fire related to the arctic environment and methodologies of successful fire prevention and control under arctic conditions, including the development of an informational exchange program with other nations similarily situated within the Arctic Rim.

Acts as a focal point for all federal assistance and program liaison between the State of Alaska, and federal agencies pertaining to and prepares and administers annual budgets.

Planner V (two positions)

Alaska State Fire Commission

Examples of job duties

1. Responsible for major fire protection program planning of an original nature, that involves complex, interagency relationships of federal, military, state and local governments and private industry. Which have programs related to fire protection and advises the Director and the Commission concerning policy issues and guidelines.

2. Researches and drafts proposals that require executive and/or legislative actions.

3. Obtains, studies, and analyzes data, statistics, and other information concerning fire causes and develops recommendations leading toward increased fire safety.

4. Assists in the implementation of program policies and priorities as decided by the Commission, and for the state's Master Plan for fire protection.

ALASKA

TEN YEAR FIRE LOSS

YEAR	DEATHS	Estimated DIRECT DOLLAR LOSS
1984	35	$34,467,063
1983	27	$72,805,844
1982	16	$42,593,184
1981	28	$45,052,889
1980	35	$26,052,139
1979	27	$31,797,901
1978	28	$16,684,335
1977	30	$59,349,946
1976	3·	$34,980,968
1975	31	$27,985,377
TOTAL	291	$391,769,646

There has been a great deal of discussion for alot of years concerning the need for a State Fire Commission in Alaska. I think there is no need to discuss Alaska's fire problem in great detail now. I think it is pretty well documented and is probably the worst per capita fire loss in any major portion of any western nation in the world. The fact is that for better than 25 years the Fire Service and other interested people in the State, particularly in the Legislature, have tried, on a piecemeal basis, to have some beneficial effect on that problem; to reduce it, to give people in Alaska the feeling that they can settle here and build their homes and start their businesses and have some reasonable expectation of not losing everything to a fire in the middle of the night at some point in the future. Thus far, very little has been accomplished in that direction.

For a great many years, any time any legislation was passed either at the whim of an individual legislator or at the request of some special interest group such as the Fire Service itself, the statute that was adopted once it was signed into Alaska law, was dumped in the State Fire Marshal's Office for that office to enforce or to conduct whatever activities were to be conducted. The reason it was dumped in the State Fire Marshal's Office was that for a great many years there was no other fire-related agency in state government. Therefore, everything was put in the State Fire Marshal's Office.

What has happened from this is that at the present time the Fire Marshal's Office has a great many facets of statutory authority for which they have no mechanism, no staffing, no expertise, no way at all of conducting any particular improvements in those activities or in those enforcement problems other than the things which are immediate priorities which have to be done, such as plan reviews and code enforcement and that type of activitiy. Other things, even though the statutory authority exists, are simply not done and never have been done. Whether this proves that the statutes were originally not required, or not necessary in the sense that people originally thought they were, or whether it simply is a loss of improvements that the public and the Fire Service has had to get used to and accommodate because it didn't work out the way it was intended, is an arguable point.

There is a conception in state government and in current state administration, virtually in every state in the union that there should not be any more boards and commissions in state administration than are absolutely necessary. They're costly, they very frequently are organized to do something and for one reason or another are not able to do the thing that they were originally established for and so therefore they are a burdensome part of state government and can be very easily a waste of money. But I think you have to be careful in saying that boards and commissions are not desirable and therefore we don't want any of them and we are not going to create any more because there is one single justification for a board or commission. If there is a demonstrated need for that board or commission and the activities which it should conduct and once the demonstrated need is established then the board and the commission is a justifiable enterprise as far as state government is concerned. Of course, the sole purpose of any of these things and the sole justification that you use in determining whether or not they should exist is whether or not there is direct benefit to the public, to the citizens of Alaska. If there is no direct benefit to the citizens of Alaska, then very likely the argument against the commission is justified. However to arbitrarily say that such boards or commissions

should not exist without determining what the justifications are, what the benefits and improvements might be, that can be created by such a commission, I think is a political mistake. Because ultimately, whatever the problem is for which the commission is being created to solve, as time passes, it gets worse if there is no attempt, no organized and coordinated attempt, to solve the problem.

Now in the case of Alaska's fire losses, the statistics that are outlined in the Task Force Report of the Task Force on Fire Prevention and Control, which indicate that the people moving to Alaska have a 2 1/2 times better chance of burning up in a fire than they do in any other state in the union, that if they are in the ages of 19 to 25 it increases, if they're Native it increases, these kinds of things, as I said earlier will establish statistics. But the interesting thing about them is that they demonstrate a significant need to do something about it. So far everybody in Alaska has been very content to dump the fire problem in the hands of the Fire Service and to be very critical of the Fire Service when it has not been able to do anything except put out fires but is virtually helpless in educating people or in conducting activities to prevent the fire from occurring in the first place.

The state, I don't believe, can honestly take the position that there is a question as to whether state administration or state government should be involved in public fire protection at all. In recent years, in several past administrations, a position has been held that it has not been demonstrated that the state has any direct responsibility in public fire protection and that traditionally public fire protection is a local problem. Well, the state of course is losing a school on the average of one every two years, and it has a high priced operation of trying to protect state and private lands from wildlands fires. It has responsiblity for crash fire rescue services at airports, which has a direct effect on the possibility of the passengers on such aircraft surviving or not surviving an air crash. It has an indirect responsibility on marine fires particularly in cases where state vessels are involved or are responding on emergencies and encounter these types of situations. A great many of the Fish and Game control vessels and people like that may get involved with both off-shore and on-shore emergencies particularly in the Aleutian Chain and the Kodiak Island areas.

So if you assume that the state has some responsibility for public fire protection, both in terms of those statutory requirements for said activities that are built into such things as the airports, and if you assume that because of the tremendous amount of state property and state facilities scattered all over Alaska which create the fire problem, and which the state has dumped in somebody elses lap to take care of to protect, every little tiny fire department in every little tiny community in Alaska virtually has some state property which it is required to protect. Yet the state participates grudgingly in providing the wherewith al to provide that protection. The Legislature has I think in the past few years, done a reasonably good job in attempting to alleviate the problem. The unfortunate part of their activities is that it has too often been on the basis of being uninformed as to what is effective in solving the problem and what is just compounding it.

In a recent visit to one of the villages for the NW Mayor's Conference, observers there saw that the state-purchased firetrucks in state-purchased firehalls were sitting with the door of the firehall open and the snow drifted up into the building to the degree that the fire appartus could not have been pulled out, even assuming that it was able to have its motor started. Other documented incidents are quite common and are provided to anybody who wants to look at them. Of similar situations in other communities were fire apparatus which stood by unused when a fire occurred in a community simply because the people did not know how to use it and the state training had not the wherewithal to go and teach them how to use them. So the best intentions of the Legislature in providing that fire apparatus did nothing whatsoever to alleviate the local fire problem.

What is needed at this point in time is for an entity to exist to say to the Legislature or to the state administration on request that yes, this is the best thing that can be done for village X because of its characteristics, its lack of roads, its lack of solid bridges, inclement weather, the lack of facilities for housing vehicles in heated areas, the lack of sufficient men on a yearround basis and sufficient people in general to establish and maintain a fire department and so therefore what is needed are some other things such as public education and smoke detectors in the homes, portable fire extinguishers, portable fire pumps, that kind of activity. Not 70, 80, 90,000 dollar fire apparatus. But villagewide, on the other hand, the advice could be yes, this place has a fairly large population on a yearround basis, there is quite a road system, there is a domestic water system which can be used for hydrants, the bridges that cross the creeks and rivers are substantial and can handle a piece of fire apparatus and yes, there is a local desire to provide public fire protection in the community. So therefore the expenditure of state money for the purchase of a fire apparatus and conversion of a building into a fire station or the building of a fire station is justified and in the long run it will pay off. We won't then hear these war stories about firetrucks sitting in the river mud bogged down above the axles and probably to become monuments to somebody's lack of information, with the best intentions in the world.

So what is this all leading to? What it is leading to is that there is a distinct need in Alaska for the one thing that the Fire Service does not have to accomplish its purpose. By the Fire Service I mean the prevention people, the public education people, the suppression people, the wildlands people, the air crash people, the marine fire people, the whole broad spectrum of fire protection. Police enforcement activity is concentrated in the Department of Public Safety. With the Police Standards Council to assist, there is a focal point for all police activity in the State of Alaska. The same thing applies to the Department of Fish and Game and to the activities of the Department of Transportation and Public Facilities, as they relate to the marine highways and the airports. The focal point is right there within that one established department. In looking at public fire protection on the other hand there is some excess of 20 departments or agencies in state government which have something or other to do with public fire protection. There is no coordinated system between them. When the Fire

Service needs answers to fire problems or has fire questions it does not have ready access to the people with the expertise. They do not very frequently even know who to contact in what agency and what the address and phone number are, and that kind of thing. Looking at the agency's point of view, they have no way of knowing from one day to the next who the fire chief is in a community or who the city manager is in a community, or who the mayor is in a community. They work very closely with fire departments for a period of time and then the fire chief changes and the whole thing is out the window and everybody has to start all over again.

All of this and even more brings the problems out to the degree that a great number of people are spending great amounts of money in Alaska to do something about the horrendous fire problem, but without coordinating with other agencies and without any policy or guidelines that enable them to work effectively in that area. A case in point, some years ago the Legislature quite rightfully appropriated a little over 7 million dollars to build five Regional Fire Training Centers for training firefighters. Well, anybody knows that it doesn't do any good to dump firetrucks in a village and expect people to fight fires with them unless they are trained. But what the Legislature did not do was give the state agencies which are participating in the Regional Training Center Program the guidelines and polices which would determine what their activities in relation to these centers was supposed to be. So, therefore, everybody in the various regions of the state that was looking to state government for leadership in the training of emergency services personnel in the regional centers was quite dissappointed. So, there is no overall effective training system in Alaska for the training of fire service, EMS personnel, and even police. Therefore the state, while it did cause the training facilities to be built, stopped short of ensuring effective programs to go into those facilities.

Some years ago, and not all that long ago, one of the legislators from a rural part of the state, submitted a Bill which he wanted to have passed which would provide breathing apparatus for use by village firefighters; I think nine villages in his region. Well, the idea is that they can go into a burning building and be able to breathe effectively and any toxic gases that are produced by the fire or are in the area from other causes, would not endanger their lives because they would have this breathing apparatus. Because there was nobody readily available for the legislator to make inquiries of, or because he chose not to do so, whatever, he did not realize that three things made his program more dangerous perhaps than the fire itself would be:

1) Who was to train the people to use the breathing apparatus? Breathing apparatus has been known to kill firefighters who did not know how to wear it or use it or troubleshoot it when anything happened while they were wearing it.

2) When air bottles were being filled, there were two choices. Either the air bottles would have to be flown into Anchorage, Fairbanks, or Juneau to be filled with pure air or the local people would pump in whatever air they could. There were no standards to say that the air that was going into the bottles would be pure breathing air. This again, is a hazard to anyone who is going to wear it.

3) Who did the maintenance on that breathing apparatus? It's a tricky, very delicate system so that people who have to be specifically trained should be the only ones to handle it. In most fire departments first echelon maintenance is done on breathing apparatus. It is then shipped to the factory for anything more that needs to be done. So who is going to do this in the village or who is going to determine that it needed maintenance?

When all this was explained to the legislator, he realized that perhaps what he was going to do was not the way to do it and he withdrew the Bill. So in that instance, the problem was caught. But in other instances it has not been.

What is needed is a focal point for public fire protection in Alaska. That's what it is, pure and simple. A State Fire Commission is a focal point for all facets of public fire protection. Now the activities of the State Fire Commission may range from making recommendations to agencies with information for their budgets, or information for their own policies and procedures which they recommend to the various department commissioners. They do not have either the expertise or the staff to develop the information they need and so this is a function of the State Fire Commission. A State Fire Commission can say yes, we have looked at the air crash problem in Alaska and we recommend that in your planning you do this or that, and that's something that the people who are responsbile for air crash firefighting in the state-operated airports maybe don't know at this point in time because they don't have the expertise or the staff time.

In other areas, two functions of state administration the State Fire Marshal's Office, Division of Fire Prevention, and the State Fire Service Training Program should be placed directly under the State Fire Commission and policies for both of those programs should be developed by the State Fire Commission and implemented in the functions of those two agencies. The State Fire Training Program has been in effect for over 15 years and has never had a single policy statement from state government indicating what it was it was supposed to do, nor were there any guidelines by which to do it. As a result of this, the State Fire Training Program is not a great deal better off now than it was when it started 15 years ago. This is not to say that the program is not needed or does not have effectiveness and that it does not have a great many things to do. But it functions in a vacuum. There is no policy group that the program can go to for any indication that some sort of training or education is felt to be valuable to the people of Alaska or to the Fire Service or rescue personnel in Alaska, therefore, we would like to implement this program because of these benefits and those advantages. There is nobody to that effect for them to go to. The Fire Marshal's Office, as indicated earlier, has a vast amount of responsibility and not a great many resources. I think alot of the activities that the Fire Marshal's Office has statutory authority for can be handled by a State Fire Commission, thereby releasing the Fire Marshal to do those things which are of the greatest priority for his staff and his capabilities.

The Fire Service has a great deal of difficulty dealing with people in the commercial fields, the contractors, the wildlands people, the oil company people, the air crash people, all of these. This is because there is no common ground for them to meet. By having a representative group of these various entities on the State Fire Commission, it is a common group where mutual problems can be discussed and policies can be made and problems settled probably a great deal easier and with considerable savings in money beyond the way that such things are done now, if they are done at all.

A State Fire Commission, like all boards and commissions, is subject to the state's sunset laws. If the commission is not functioning the way it should function, if it is not producing the benefits which are anticipated by the Fire Service and in the Task Force Report, then when its sunset review comes in 1989, it can be disbanded. We can say all right, we tried the State Fire Commission and it didn't do the job so therefore we've got to look further.

The case in point, the key item here, is that everything else that there has been any capability to try has been tried. It has been demonstrated over the years that none of the things that have been tried have had any significant value in solving Alaska's fire problem. The State Fire Commission would be the first coordinated effort involving a multitude of disciplines, settling down and saying all right, there is a need for architects to look at fire prevention more seriously in designing structures. There is a need for contractors to do more in providing more fire safe structures in Alaska. There is a need for the school systems to take a closer look at the design of their schools so that they don't burn to the ground once every two years. There is a need for assisting the Health and Social Services people with particular recommendations in their hospital reviews; and they have requested this. The same thing applies for the Department of Transportation and Public Facilities, the Department of Labor and their OSHA Standards, and for the Department of Natural Resources and their wildlands problems.

All of this, on a recommendation basis for some agencies and on a policy setting basis for others, is a focal point that I think would more than pay for itself over the years. It is not, however, a thing that you can sit down and say all right if we have a State Fire Commission, we will save this much money, and that many lives and in the second year we'll increase that by 6% or 20% or whatever.

I think it is realistic to say that the State Fire Commission is going to have to be a gamble, it's going to have to be something that the State is going to say all right, if we lose $200,000 over a year's period in the cost of a State Fire Commission, then that is nothing compared to the amount of money we are going to lose from the fires. If the State Fire Commission can do one or two things each year which help reduce our losses from fire it will more than pay for itself. If however the legislation that creates it is lacking in the teeth that are necessary to make it function effectively, if it does not have the full support of the Legislature and the full support of the administration, it is doomed to failure before it even starts, because it is going to step on some peoples toes. The only way that we are going to solve the

public fire problem in Alaska is to go through a little bit of pain here and there until people understand that the conditions in Alaska, from the standpoint of fire deaths and fire lossses, are intolerable at this point. What is also intolerable is the fact that nobody has done anything about it virtually since World War II. That's 40 years ago.

The problem is not going to solve itself. So, I guess my view of it is that a State Fire Commission has an excellent chance if it is set up and supported both by adequate staff and adequate funding which is being requested and recommended at the current time. It must be understood by all concerned that this is not an advisory committee. It has to have a certain degree of authority that adds weight to its recommendations both in those instances where it makes policy for such programs as the Division of Fire Prevention or the State Fire Training program and where it makes specific recommendations to other agencies where its connections are not quite so direct, following adequate research, to solve specific kinds of problems and make broad recommendations for improvements for existing functions in various agencies. It is my belief that it should be empowered to make recommendations to federal government agencies functioning in Alaska as well, simply because they are not without blame in the Alaska fire problem.

As far as the commission itself is concerned, its senior officer should be an elected commission president or chairman with a vice chairman and a commission totalling about nine people as recommended in the existing legislation. There should also be a paid staff to support the commission's activities and to implement those activities and requirements that the commission determines in its quarterly meetings. The executive director should be the focal point for all commission activities and he should be given adequate support staff consisting at least of a research analyst. This position is absolutely necessary to gather facts and figures and to determine approaches to solving problems which very few people have the expertise to do. Also adequate support staff is necessary so that commission reports, recommendations, and policy statements can be produced on an adequate basis and within appropriate timeframes. All of this of course costs money. But so do the fire losses and the 30 to 35 individuals a year who die in fires in this state.

Its dumb to say that you cannot solve this problem by creating a Fire Commission because the state is short of money this year and there are other priorities. The State Fire Commission would have to function at current recommended budget levels for at least ten years to spend as much money as the state has spent in the last five or six years in purchasing fire apparatus and equipment for communities that have made no successful use of it. This is an approach that has a far better chance of functioning and producing the desired results than anything that has been done so far and it should be given a chance.

Juneau Volunteer Fire Department

820 GLACIER AVENUE JUNEAU, ALASKA 99801

PHONES: 586-3300 — 586-3571

13 March 1985

Senator Mitchell Abood
Chairman
Senate State Affairs Comm.

Mr. Chairman;

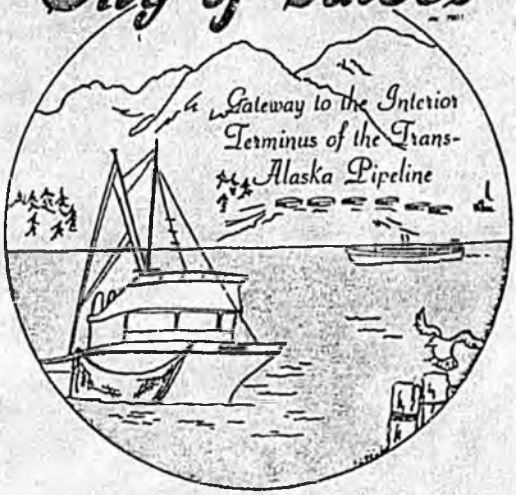
This Letter is to vioce my support for Senate Bill 209 and 210. Having been a firefighter in the State of Alaska for the last ten years,I can see a need for a State Fire Commission. During my time in the fire service I have served both as a voluteer and a paid member in both rural and urban Alaska. During these times I have seen both lose of life and property due to poor building codes and lack of public awarness.

I feel that by creating a State Fire Commission these problems can be abolished with time,to make all of Alaska safe from fire. Your support is needed to make this possible. Thank you for your time and energy in making this state of ours a safe and prosperous place to live.

Sincerly; Thomas N Henning
Thomas n.Henning
Lieutenant,JVFD

RECEIVED
MAR 18 1985

City of Valdez



VALDEZ FIRE DEPARTMENT
OFFICE OF THE CHIEF
March 13, 1985

The Honorable Mitchell Abood
The Senate of Alaska
State Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

I am writing in support of Senate Bill No. 209 and Senate Bill No. 210 which establishes and funds the Alaska State Fire Commission.

I believe that through this commission all areas of fire safety can be pulled together and we can reduce the terrible loss of life and injuries that Alaska experiences every year.

Your support of these bills is greatly appreciated.

Sincerely,

Thomas W. McAlister

Thomas W. McAlister
Fire Chief

TWM/lmw

RECEIVED
MAR - 9 1985

P. O. BOX 307 . . . VALDEZ, ALASKA 99686 . . . TELEPHONE (907) 835-4313

Alaska Fire Chiefs' Association

March 20, 1985

Senator Mitchell Abood
Chairman, Senate State Affairs
14th Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

You have before you Senate Bills 209 and 210, two very important pieces of legislation to the Alaska Fire Service.

Senate Bill 209, enabling legislation to establish a fire commission and Senate Bill 210, to fund the commission, will do more to combat the horrendous fire loss in the State of Alaska than the combined capital improvement projects for fire trucks in the past five years.

The 5-year efforts of the Task Force on Fire Prevention and Control identified methods to effectively impact the fire loss in Alaska, to create a more cost effective and cooperative operation of the present state agencies. This will cost the State of Alaska less money to do a more effective job for fire protection and education. The $261,000 request is less than the cost of two fire trucks or one fire station.

The fire commission will allow you, the legislator, a valuable information resource and will save you valuable time in making decisions effecting the Fire Service. It will give the communities in your district a central agency to assist them with their fire problems. The fire commission can, and will, identify where the declining revenues will do the most good, for the most people, in the State of Alaska. We must continue to reduce the fire problem through intelligent expenditure of funds by better public education, training, proper code enforcement, and intelligent expenditure of capital improvement funds.

A fire commission may not be as effective as we foresee it to be, but without question it will be better than the present system at less cost to the people of Alaska.

Sincerely,

ALASKA FIRE CHIEFS' ASSOCIATION

RECEIVED
MAR 21 1985

Alan Judson
President

AJ:djo

PORT OF VALDEZ CHAPTER

ALASKA STATE FIREFIGHTERS ASSOC.

BOX 1826 • VALDEZ, ALASKA 99686

March 12, 1985

Senate State Affairs Committee
Chairman - Senator Mitchell Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Abood,

I am writing on behalf of the 20+ members of my local chapter of the Alaska State Firefighters Association urging you to support passage of Senate Bills 209 and 210.

We in the fire service are very aware of the importance of these Bills and what they can do for us. We once again ask for your support in supporting us.

Sincerely,

Suzanne L. Blackburn, President
Port of Valdez Chapter, ASFA

SLB:sh

RECEIVED
MAR 21 1985

March 20, 1985

Martin J. Listberger, (907) 780-4456
Gastineau Chapter of Firefighters Association
Glacier Volunteer Fire Department
5875 Glacier Hwy. Sp.#55
Juneau, Alaska 99801

Memo to: Chairman Honorable Senator Mitchell Abood

Subject: Alaska State Fire Commission

Please acknowledge my support of the Honorable Governor Bill Sheffield's special task force on fire prevention and control. Upon reading the study written by this special task force; published in December 1984, I am in agreement that the forming of the Alaska State Fire Commission is in the best interest of all Alaskans.

As a member of a volunteer fire fighting organization I feel that this commission would be an asset to the organization and the community we protect. The concept of this commission being the central focal point for all aspects of fire prevention and control will aid us in many ways. The information being managed by the commission will assist in education, planning, research & development, and will provide the people in our state with an excellent source of information on fire prevention and control in Alaska.

Please continue your support by adopting and making into law senate bills SB209 and SB210

Martin J. Listberger

MJL:mjl

RECEIVED
MAR 21 1985

Introduced: 3/4/85
Referred: State Affairs
and Finance

Funding Information
General Fund $261,400
Other Funds -0-
$261,400

IN THE SENATE BY ZIEGLER

SENATE BILL NO. 210

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the Office of the Governor for the Alaska State Fire Commission; and providing for an effective date."

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

* Section 1. The sum of $261,400 is appropriated from the general fund to the Office of the Governor for the Alaska State Fire Commission.

* Sec. 2. The unexpended and unobligated portion of the appropriation made by this Act lapses into the general fund June 30, 1986.

* Sec. 3. This Act takes effect on the effective date of an Act establishing the Alaska State Fire Commission.

SB

210

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

3/4/85

Date 4/2/85

Mr. President

The Committee on STATE AFFAIRS considered SB 210

special appropriation to the Office of the Governor for the Alaska State Fire Commission; efd.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[X] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Taylor Do not Pass

Ray Kerr No Rec

Tom Kelly - Do Not Pass

Chairman

Chairman recommendation

City of Valdez

VALDEZ FIRE DEPARTMENT
OFFICE OF THE CHIEF
March 13, 1985

The Honorable Mitchell Abood
The Senate of Alaska
State Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

I am writing in support of Senate Bill No. 209 and Senate Bill No. 210 which establishes and funds the Alaska State Fire Commission.

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Your support of these bills is greatly appreciated.

Sincerely,

Thomas W. McAlister

Thomas W. McAlister
Fire Chief

TWM/lmw

RECEIVED
MAR - 9 1985

P. O. BOX 307 . . . VALDEZ, ALASKA 99686 . . . TELEPHONE (907) 835-4313

Juneau Volunteer Fire Department

820 GLACIER AVENUE JUNEAU, ALASKA 99801
PHONES: 586-3300 — 586-3571

13 March 1985

Senator Mitchell Abood
Chairman
Senate State Affairs Comm.

Mr. Chairman;

This Letter is to vioce my support for Senate Bill 209 and 210. Having been a firefighter in the State of Alaska for the last ten years, I can see a need for a State Fire Commission. During my time in the fire service I have served both as a voluteer and a paid member in both rural and urban Alaska. During these times I have seen both lose of life and property due to poor building codes and lack of public awarness.

I feel that by creating a State Fire Commission these problems can be abolished with time, to make all of Alaska safe from fire. Your support is needed to make this possible. Thank you for your time and energy in making this state of ours a safe and prosperous place to live.

Sincerly; Thomas N Henning IV
Thomas n.Henning
Lieutenant, JVFD

RECEIVED
MAR 18 1985

Juneau Volunteer Fire Department

820 GLACIER AVENUE JUNEAU, ALASKA 99801
PHONES: 586-3300 — 586-3571

13 March 1985

Senator Mitchell Abood
Chairman
Senate State Affairs Comm.

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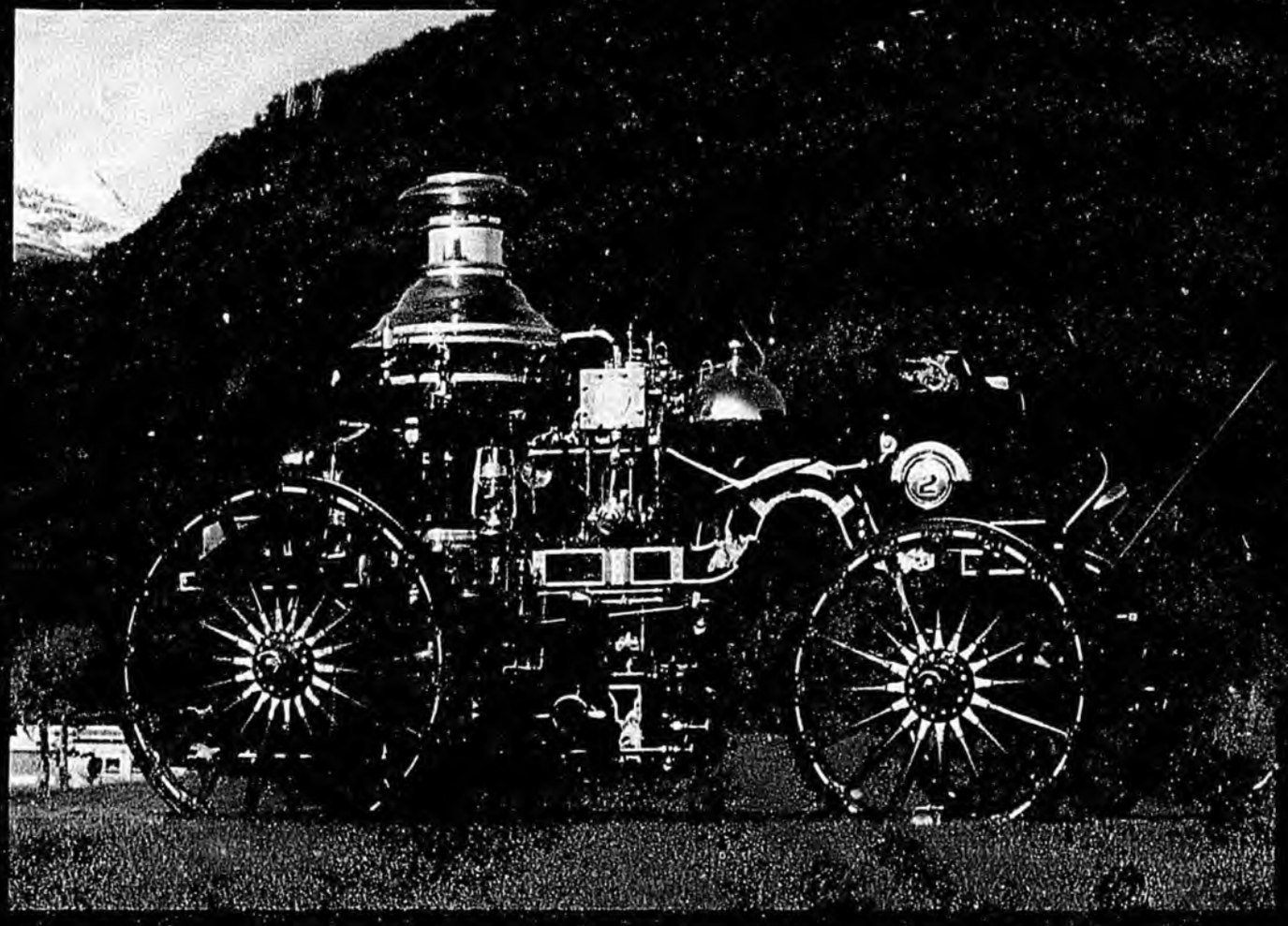
Sincerly; Thomas N. Henning
Thomas n.Henning
Lieutenant,JVFD

RECEIVED
MAR 18 1985

FIRE

Alaska's Public Safety Crisis



Cover Photo — Courtesy of Tom Take

The cover photo shows the now restored 1907 Ahreus Continental steam-powered fire engine which began service in Valdez in October 1907. Retired in 1935, the steamer deteriorated over the years. Chief Tom McAllister and Andy Swift of the Valdez Fire Department began restoration efforts in 1980. A horse drawn unit, the steamer was rated to pump 700 gallons per minute which compares well to modern firefighting equipment. This beautifully restored steam pumper — one of only five known in existence — now, almost completely operational, may be seen at the Heritage Center Museum in Valdez.

F I R E

A L A S K A ' S P U B L I C S A F E T Y

C R I S I S

Report of the
Second Task Force on Fire Prevention and Control

Task Force Members

Ms. Sandra Borbridge
Office of the Governor, Chairman
Mr. Sam Neal
State Fire Marshal
Mr. William Hagevig, Supervisor
State Fire Service Training
Mr. Jonathan P. Cecil
Dept. of Community & Regional Affairs
Mr. Kenneth A. Judson
Fire Chiefs/Firefighters Associations
Mr. William Basham
Dept. of Labor
Mr. Marlo Miller
Emergency Medical Services

Editor
Mr. James Messick
Department of Public Safety

Secretarial Assistance
Ms. Betty J. Neill
State Fire Marshal's Office
Ms. Beverly Barger
Office of the Governor
Ms. Louise Mundell
Office of the Governor

December, 1984

ACKNOWLEDGEMENTS

This Task Force report represents the efforts of many people. Without their assistance, the report would not be nearly as complete at it is, nor would it reflect the broad scope of the recommendations that it contains. Although the Task Force members provided the scope of the work and the bulk of the recommendations, there were many additional people who provided data, specific information, and support services that together made this report possible.

In addition to Task Force members, special thanks is due the fire chiefs from throughout the state who graciously and constructively provided additional ideas, and reviewed draft concepts at the Valdez meeting of both professional Fire Service organizations, the later teleconference review of the initial draft involving the Executive Committee of both organizations, and finally their review of the final draft of the entire report.

Specific information of great value was provided by many people. Gordon Brunton of the Fire Marshal's Office in Juneau provided fire loss data and graphs. Jack Wilcock and Scott Wolfe of the Department of Natural Resources provided data and developed the recommendations pertaining to wildlands fires. Mark Johnson in the Department of Health and Social Services in Juneau provided information about the statewide Emergency Medical Services program. Chief Ron Coleman of San Clemente, California, provided specific experience-based data about home sprinklers through Task Force member Chief Al Judson of Juneau. Jason Elson of Kenai provided information about the Association of Fire and Arson Investigators. Tom Take, Program Coordinator at the Anchorage Fire Training Center, provided specific information about several program aspects and provided the cover photograph. Leigh Gallagher, of the State Fire Service Training Program, Juneau, provided specific information about that program and the training centers statewide. Substantial time and effort came from Jim Messick, the Department of Public Safety, who was the editor and brought together all the information that resulted in this report.

Throughout its many meetings and planning sessions, the Task Force was ably co-chaired by Mr. Sam Neal, the State Fire Marshal.

Finally, special thanks to Beverly Barger in the Governor's Office in Juneau, and Betty Neill, State Fire Marshal's Office in Anchorage, who undertook the task of typing this report, in addition to their normal duties, and to Ms. Louise Mundell, of the Governor's Office in Juneau who provided a thorough proofreading prior to final typing and printing.

Sandra Borbridge
Task Force Chairman

INTRODUCTION

This report represents the results of three months of intensive effort by the Alaska Fire Prevention and Control Task Force.

The Task Force was created by the 1984 Legislature, to finish the work of the first Task Force of the same name, that was not funded for its third year. Nevertheless the group published the now well known "Alaska on Fire," an excellent publication which was the first definitive effort to analyze Alaska's fire problem and propose corrective measures. The group's final report never was published due to lack of legislative funding for their third and final year.

The second Task Force was created by the 1984 Legislature to finish the work of the initial Task Force, and was given 120 days - to the end of October 1984 - to complete its work.

Task Force members represent a wide spectrum of agencies with fire safety responsibilities including the two major fire service organizations in Alaska, the State Fire Service Training Program, the State Fire Marshal, the Department of Community and Regional Affairs, Department of Labor, the Governor's Office, and the Emergency Medical Services, which are often reflected in the responsibilities of local fire departments.

The Task Force has attempted to look at the entire fire problem in the state -- structural, marine, aircraft, and wildlands fires, but the extremely short time involved precluded extensive treatment of other than structural fires. Analysis of marine, aircraft, and to a large extent, wildlands fires, awaits further effort. Similarly, a description of federal agencies in Alaska with fire service responsibilities which would have been included in Section II, was not included because of time constraints.

The legislation creating the Task Force required it to complete the work of the first Task Force which was to:

* Provide a detailed account of the fire loss problem in Alaska;
* Identify and define the roles and relationships of agencies in the state that have fire protection programs and responsibilities; and,
* Recommend organizational modifications to improve fire protection.

In addition, the new Task Force is to:

* Request and review information concerning the causes and nature of fire losses in the state;

* Study the activities of the various fire protection agencies in the state; and,

* Submit a report to the Governor and the Legislature making recommendations to improve fire prevention and control in the state, identify methods to implement the recommendations, and to review the progress of the implementation, and propose legislation for recommendations needing legislative action.

To meet these legislative objectives, the report has been divided into seven sections. The first examines the fire problem in Alaska in terms of where fires, deaths and injuries occur, fire occurrence in urban vs rural areas, comparisons with the rest of the country, and finally on an international level.

The second section responds to the enabling legislation by describing the agencies in Alaska with fire-related responsibilities. Although the intent of the Task Force was to include federal, state, and local agencies, time constraints precluded describing federal agencies, as well as a complete examination of wildlands fire agencies.

The Goals and Objectives Section -- the focus of the report -- sets forth numerous "Approaches" whereby the fire problem can be reduced. The intent has been to include the most important aspects, but inevitably some desirable actions may not have been included due to the short time span available to the Task Force. Each "Approach" has been underlined for emphasis.

The next section sets forth a timetable and cost estimates for the implementation of the Approaches. Both aspects must be viewed as estimates, subject to later refinement, as the various recommendations are adopted.

Parts five and six recap the proposals requiring Legislative and Executive Action, followed by the last section which proposes a means "to review the progress of the implementation" as required by the enabling legislation.

The Alaska Fire Prevention and Control Task Force hopes this report is instrumental and useful in reducing fire losses throughout the state.

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APPENDIX

Appendix A - SB 687

I.

THE FIRE PROBLEM IN ALASKA

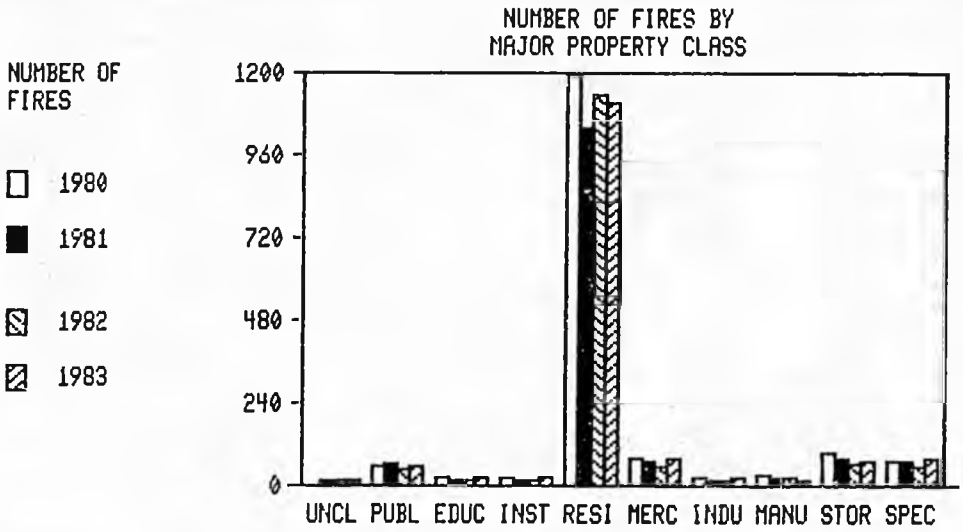
THE FIRE PROBLEM IN ALASKA

A. Structural Fire

Any overview of Alaska's fire protection program must include some analysis of the problem that it seeks to solve. This report, which is intended to complete the work of the first Task Force, does not wish to duplicate the work and the findings of the earlier report in terms of the details of the fire problem. However, a brief capsulized review is appropriate, particularly in view of the availability of the most recent data.[1]

The following graphs are intended to pictorialize various aspects of fire incidence, location, and several views of fire losses. In addition to the raw data portrayed, there is an effort to interpret what the data seems to be indicating. Accuracy of the data is good, although not perfect, given the sporadic reporting of some of the smaller departments, and the inherent difficulties in relating the circumstances of a given fire to a standardized data format. However, the extent of inaccurate or incomplete data is not expected to be statistically significant.

CHART 1



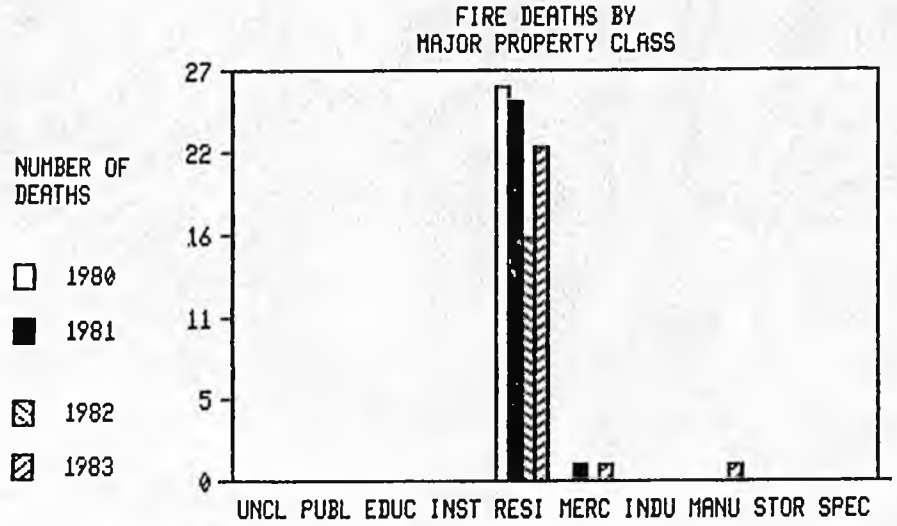
The largest number of fires by property classification occurred in residential structures. No other property class comes even close.

---

[1] Information and the computer generated graphs were prepared by Gordon Brunton, Assistant State Fire Marshal in Juneau, using Alaska National Fire Incident Reporting System (ANFIRS) data. Abbreviations used are as follow:

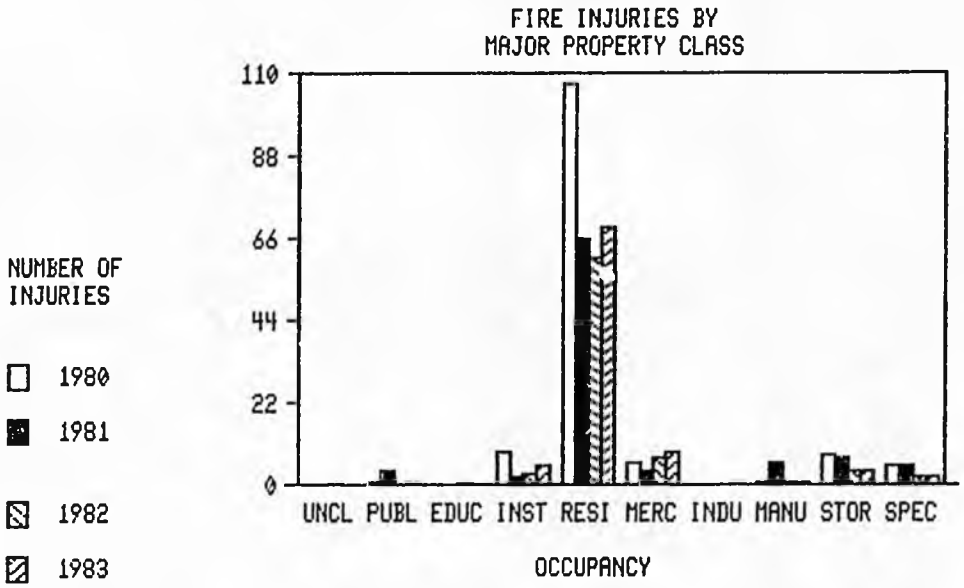
UNCL - Unclassified
PUBL - Public Assembly
EDUC - Educational
INST - Institutional
RESI - Residential
MERC - Mercantile (Stores/Offices)
INDU - Industrial
MANU - Manufacturing
STOR - Storage
SPEC - Special

CHART 2



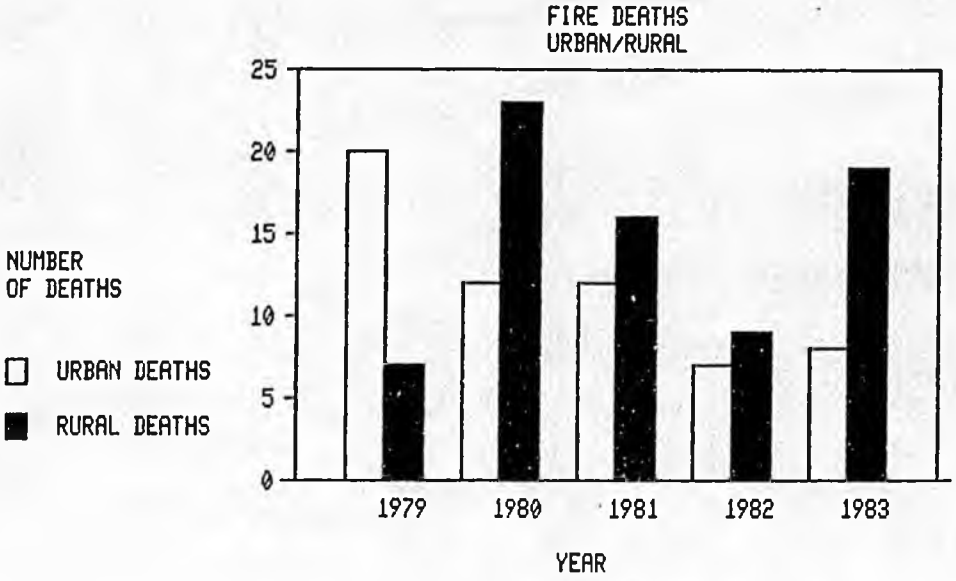
The type of structural property in which the overwhelming number of lives are lost is residential in nature. No other type structure comes even close.

CHART 3



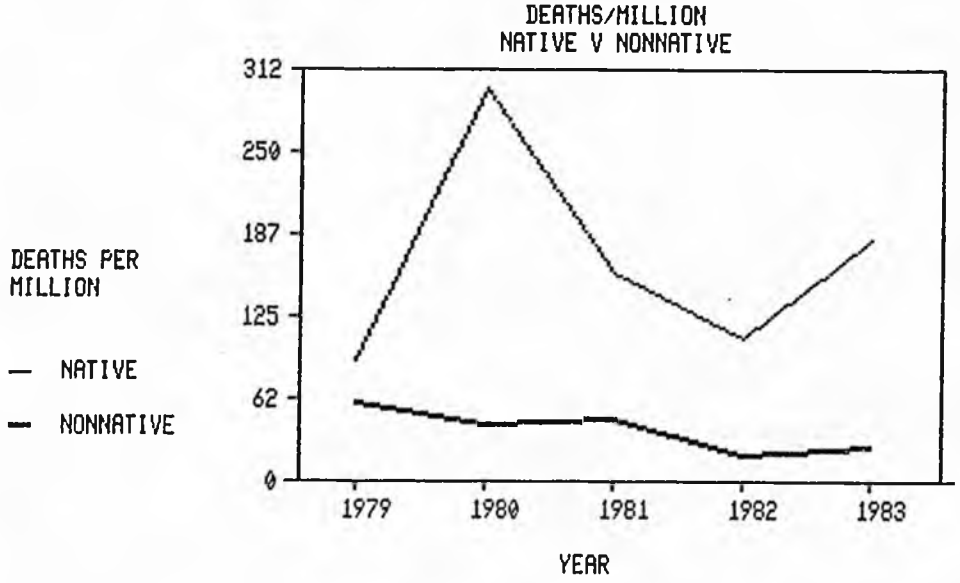
The type of property in which the overwhelming number of fire related injuries occur is residential. Although all other types of structures record very minor numbers, no other type of structure comes even close to the number of fire related injuries that occur in residential structures.

CHART 4



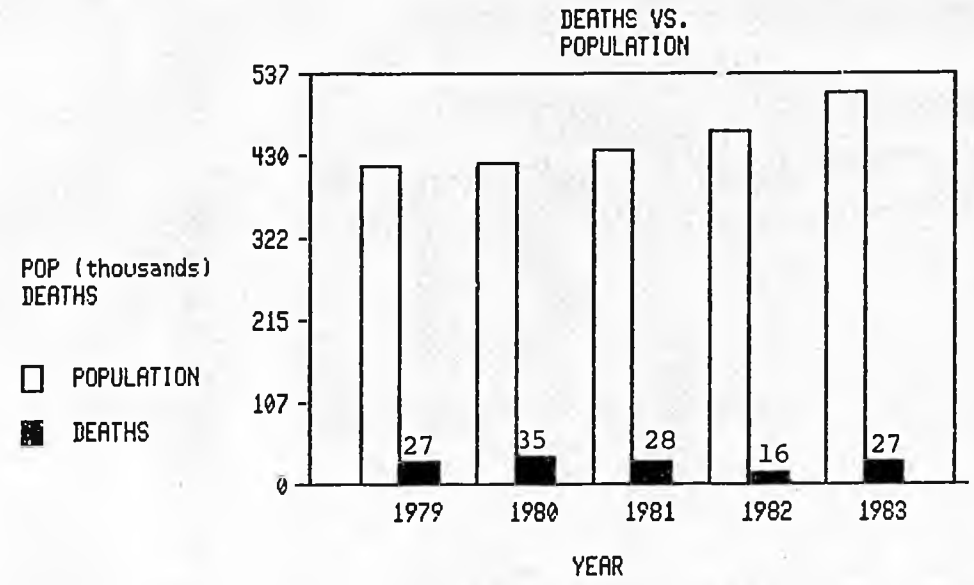
Analyzing Alaska's fire deaths in urban and rural locations shows that in four of the last five years, significantly more deaths have occurred in rural than in urban areas, despite the fact that far fewer people reside in rural areas.

CHART 5



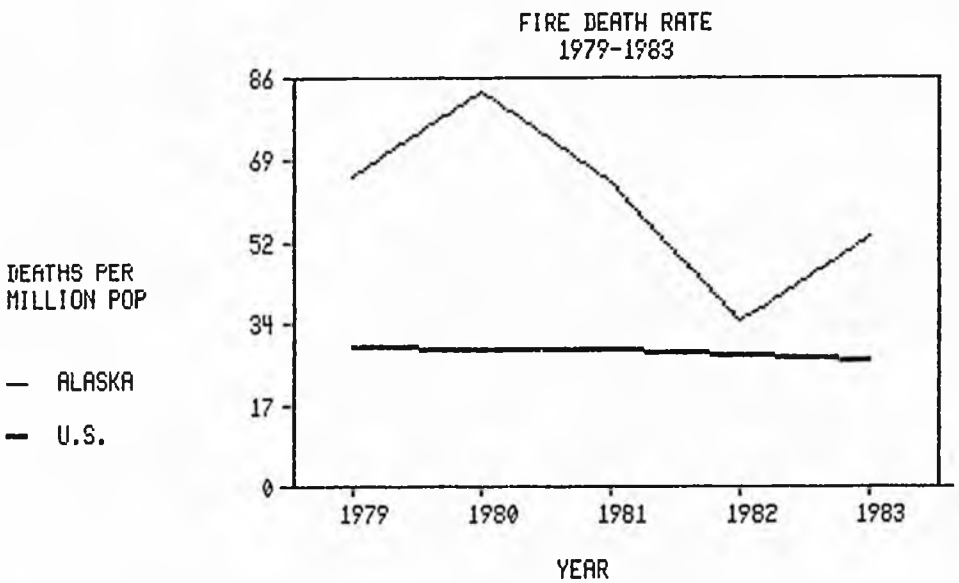
Although the Native deaths per million population fluctuate dramatically, their death rate has always exceeded that of non-natives during the last five years. The non-native death rate shows a slight trend downward over the past five years, and is closely comparable to the average U.S. fatality rate for 1982 and 1983.

CHART 6



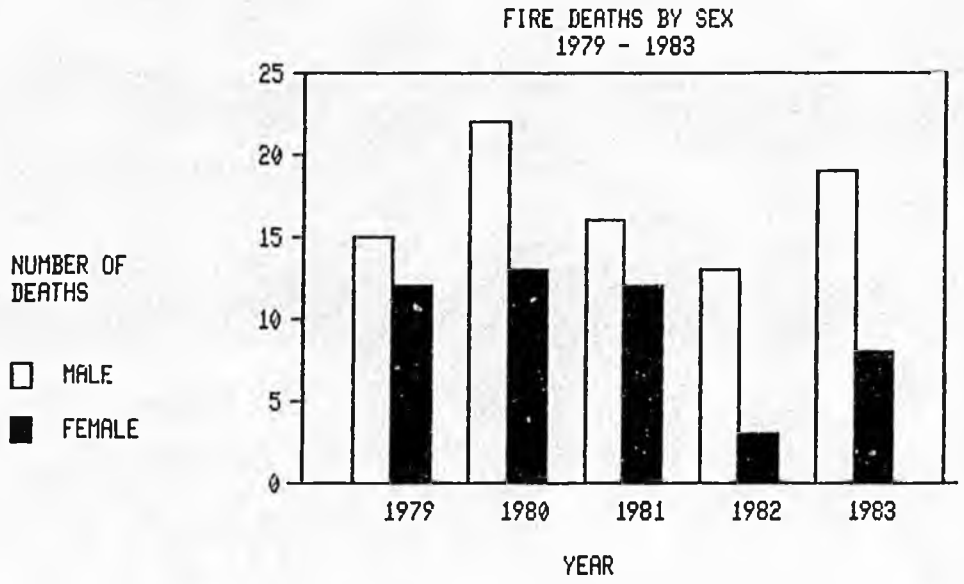
Fire deaths per se, in Alaska present no clear-cut trends, but since population is increasing, the number of fire deaths viewed as a percentage of total population appears to be decreasing.

CHART 7



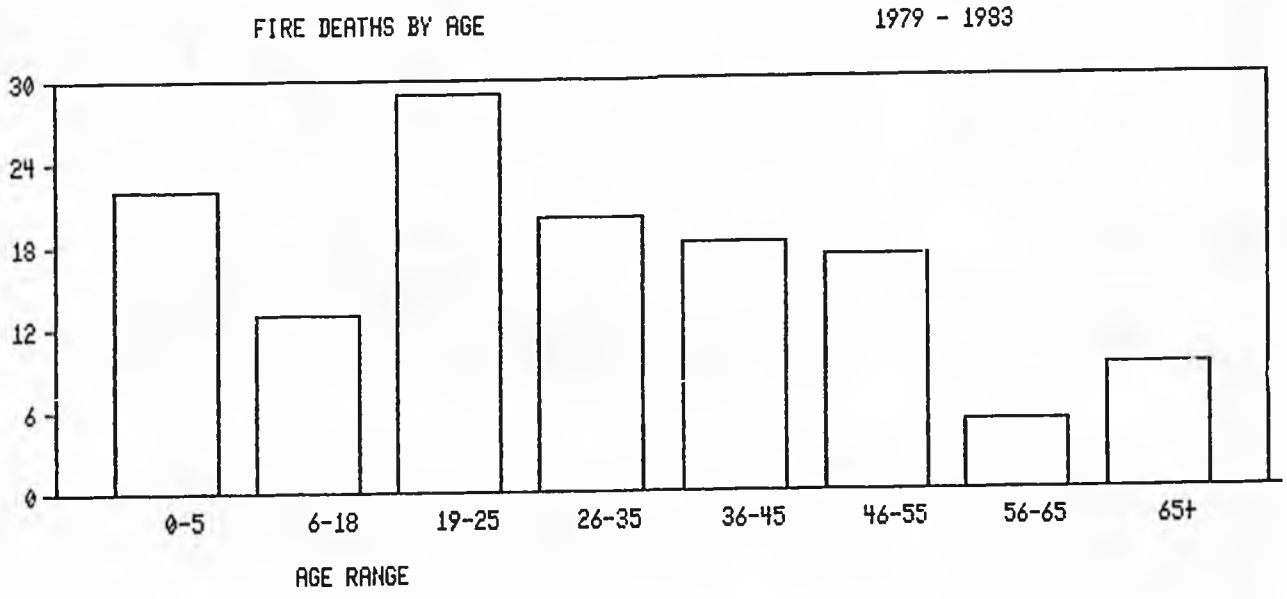
The rate of deaths due to fire in Alaska has consistently exceeded the rate of the rest of the country. The large variations in Alaska's rate is due to a relatively small data base, while the large data base of the U.S. tends to even out the fluctuations. Note that the death rate of the U.S. is decreasing only very slowly.

CHART 8



The data from the five year period very definitely portray the fact that males are at higher risk in terms of fire deaths than females. The exact reasons for this phenomenon have not been researched, but occupational hazards, such as working with flammable liquids may contribute to the higher male deaths due to fire.

CHART 9

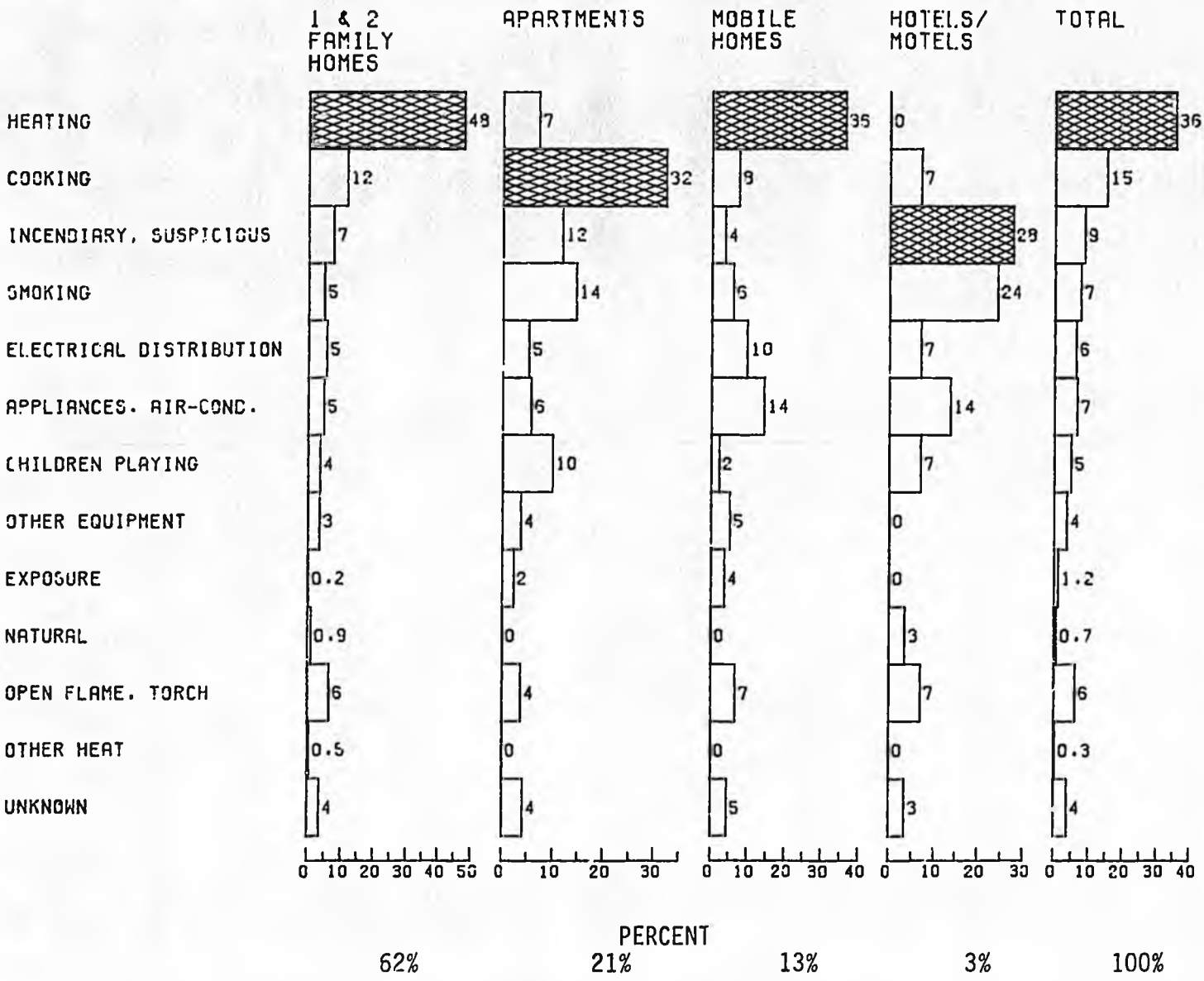


The five year compilation of fire deaths as a function of age cohorts clearly shows that the 19-25 years age group is the greatest at risk. The second highest -- the 0-5 year age cohort -- is more easily understood since babies and small children have greater difficulty fleeing a burning home.

CAUSES OF RESIDENTIAL FIRES

CHART 10 [2]

TOTAL NFIRS FOR STATE OF ALASKA
BASED ON 83 DEPARTMENTS



The data above shows causes of fire for selected types of residential structures. Heating caused almost half the fires in single family and duplex homes which accounted for 62% of the fires, and slightly less than that in mobile homes, which comprised only 13% of the fires, while cooking was the primary cause in apartment houses. Most fires in hotels and motels were determined to be incendiary and suspicious causes.

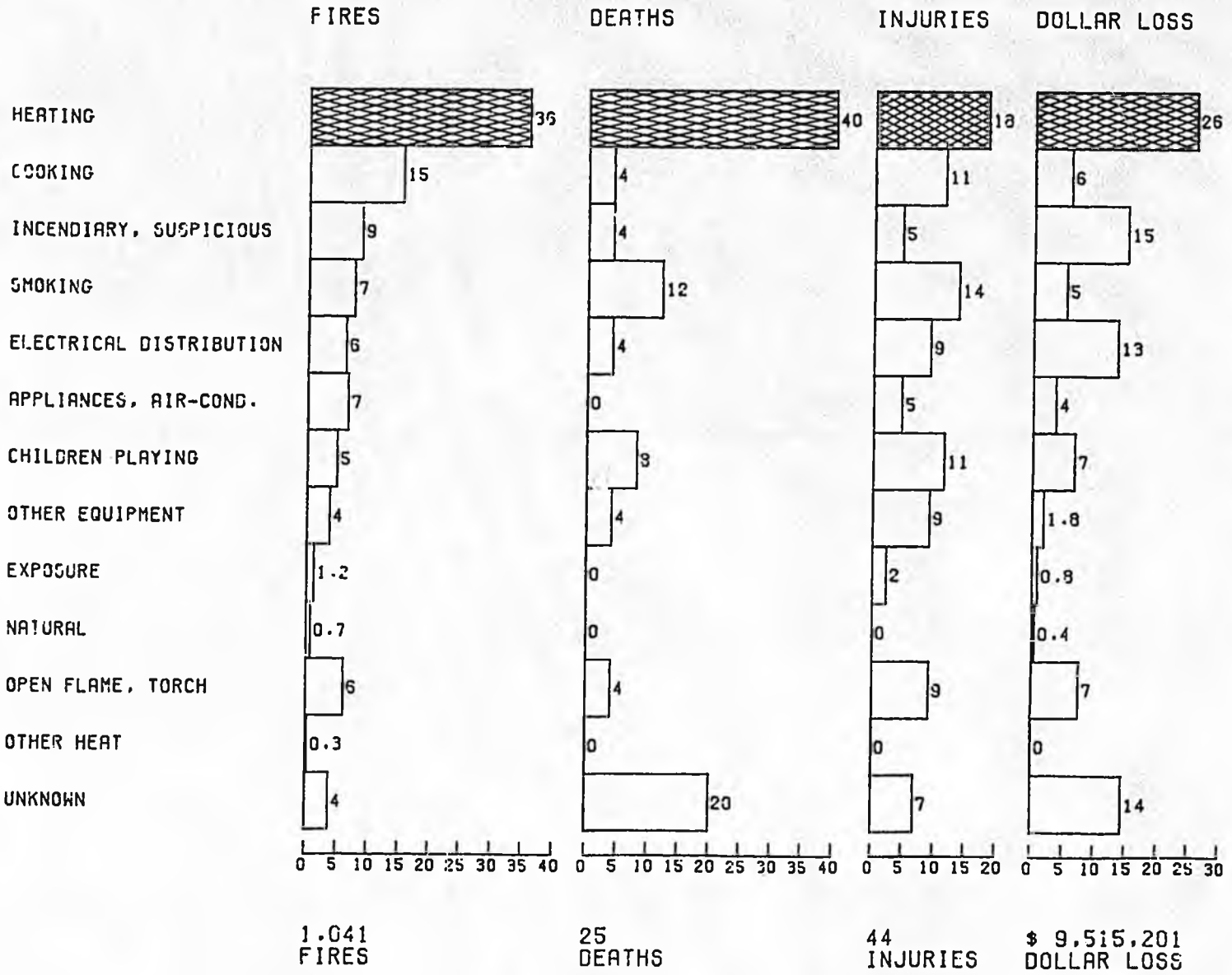
---

2 Source: ANFIRS 1981 data, prepared by the National Fire Data Center, USFA, FEMA.

CAUSES OF RESIDENTIAL FIRES

CHART 11 [3]

TOTAL NFIRS FOR STATE OF ALASKA
BASED ON 83 DEPARTMENTS



1,041
FIRES

25
DEATHS

44
INJURIES

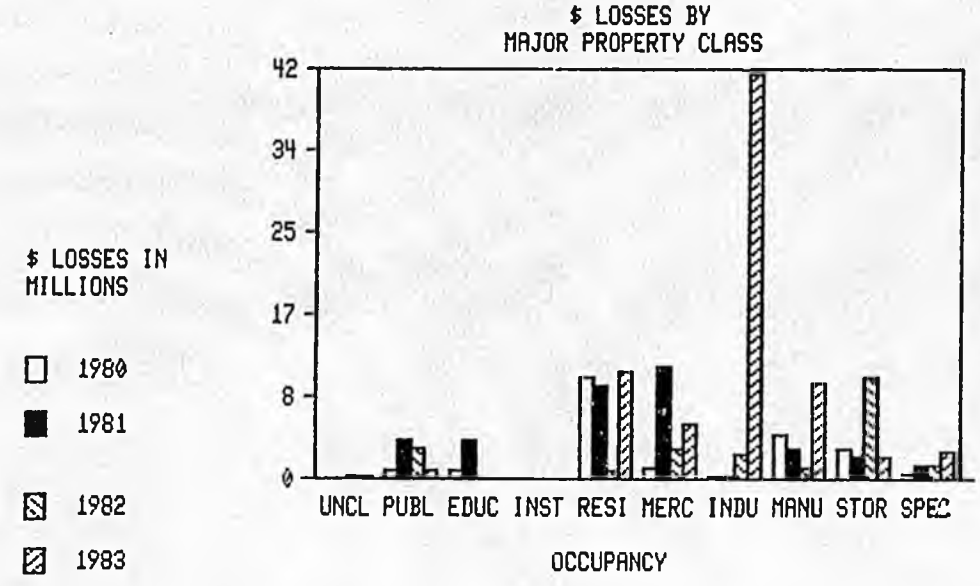
$ 9,515,201
DOLLAR LOSS

When considering all residential fires in 1981 for Alaska, the greatest cause of the fires, fire deaths and injuries, and dollar loss related to heating.

---

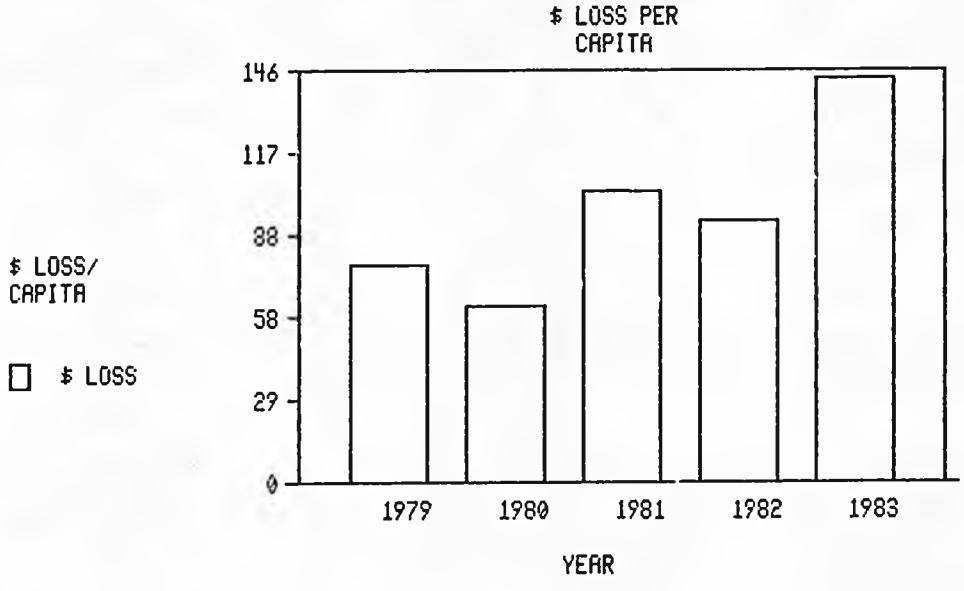
3 ibid.

CHART 12



Property losses resulting from fire are rather widely spread among the several types of property classes. The large industrial loss in 1983 was the gas compression plant in Prudhoe Bay which approached $40 million . As dollar loss estimation is very subjective, the losses should be reviewed for the trends, rather than for actual values.

CHART 13



Property losses per capita seem to display a rather consistent cyclic pattern. The 1983 loss undoubtedly occurred as the result of the large gas compression plant fire in Prudhoe, and barring a similar major fire in 1984, the 1984 per capita loss due to fire should be less than 1983. Despite a "high-low" cycle emerging over the six-year period, the "lows" continue to get higher, as do the "highs," which tends to support the conclusion that per capita fire loss is increasing, in spite of increasing population.

"SCOREBOARD" FOR THE STATE OF ALASKA 1982

CHART 14

	DEATH RATE PER MILLION POPULATION [4]
ALASKA ACTUAL COUNT	38.83
NFPA SURVEY NATIONAL ESTIMATE	26.68

There were 16 fire deaths reported in Alaska in 1982.

	Deaths Per 1000 Fires	Injuries Per 1000 Fires	Dollar Loss Per Fire	Res. Deaths Per 1000 Res. Fires
Alaska/NFIRS Figures	5.13	28.6	$4,088	17.09
NFIRS National Figures	2.97	32.7	$3,744	8.6

Alaska's fire death rate is one of the highest in the country. The death rate per 1000 fires, average dollar loss per fire, and rate of residential fire deaths per 1000 residential fires, are considerably higher than the average for the United States. Although high prices in Alaska may contribute to the high estimate of dollar loss per fire, the stark reality of fire deaths cannot be similarly rationalized.

[4] Data from an unpublished report by the U. S. Fire Administration, FEMA, concerning Alaska's participation in the federally sponsored, Community-based Fire Prevention Program in 1984.

FIRE LOSS IN THE UNITED STATES DURING 1983

The following is a very brief summary of fire loss estimates in the United States during 1983, primarily to discern loss trends, and to permit some very general comparisons with Alaska's losses.[5]

> The estimated 1983 civilian fire death toll in the United States was a decrease of 1.7 per cent, from the 1982 figure. Fires in the home (one- and two-family dwellings and apartments) decreased by 3.1 per cent from the 1982 figure. These reductions continue the downward trend of recent years and represent a 22 per cent cumulative decrease since 1978 in home fire fatalities. Although changes in statistical methodology make it difficult to compare rates over time, it appears that the 1983 figures may represent a new low for home fire fatalities. However, fire deaths in the home still accounted for about 79 per cent of all fire deaths in 1983, and home fire safety education and prevention activities must continue.
>
> Fire fatalities due to incendiary or suspicious fires failed to follow the overall trend and were up 6.6 per cent. In all other respects, however, America's arson problem improved. The number of structure fires of incendiary or suspicious origin dropped 5.4 per cent to a level not seen since the early or mid-1970s. Property loss from these fires dropped even more, by 11.4 per cent.
>
> Property loss from all reported fires was up slightly, by 2.6 per cent. Property loss from structure fires also was up slightly, by 1.7 per cent. Both of these totals represented much larger increases in property loss per fire -- 11.9 and 10.7 per cent, respectively -- but the loss per fire adjusted for inflation remained fairly steady, as it has over the past five years.
>
> The number of fires reported to fire departments dropped a significant 8.3 per cent continuing a recent trend that has produced a cumulative 22 per cent reduction since 1980. The number of reported fires in structures had a similar 8.2 per cent decline.
>
> Other noteworthy findings of the 1983 NFPA survey are as follows:

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5 All estimates are based on data reported to the NFPA by fire departments that responded to the 1983 National Fire Experience Survey, as excerpted from the article that appeared in the September 1984 issue of Fire Journal, p. 49 (Karter, Michael J. and Joan L. Gancarski).

* Civilian injuries due to reported fires increased 2.5 %. Underreporting is known to be much higher for fire injuries -- even for some serious injuries -- than for fire fatalities.

* The average loss per fire was $2,534 in 1983. The average loss per structure fire was $6,708.

* The South leads the nation in civilian fire fatalities per million population and property loss due to fire per capita. The Northeast leads the country in fire incidents per thousand population and civilian fire injuries per million population. These patterns have remained constant for many years.

* The largest communities (at least 250,000 population) and the smallest communities (less than 5,000 population) have the highest fire incidents and fire fatality rates.

* Fire fatalities in all types of residential properties declined 2.4 %, but continued to account for the largest share (81.4 %) of all fire deaths.

* The remaining fire fatalities occurred in nonresidential structures (4.6 %), vehicles (12.2 %), and outside areas (1.8 %).

* Line-of-duty fire-fighter fatalities declined 9.4 per cent.

ANALYSIS

From the much larger data base available thru the ANFIRS, the foregoing charts were chosen because they seem to portray the most significant data elements needed to obtain a broad overview of the structural fire problem in Alaska. From these data, it appears possible to draw some broad conclusions, and perhaps even a "profile" of Alaska's fire problem.

The number of fire deaths during the last five years has stayed rather consistent -- about 27 to 28 per year. Viewed in terms of deaths per million population, Alaska's death rate is substantially higher than the average for the United States.

The greatest causes of residential fires are heating and cooking. Heating itself caused the greatest number of fires, the most deaths, the most injuries, and the highest dollar loss of any of the other fire causes.

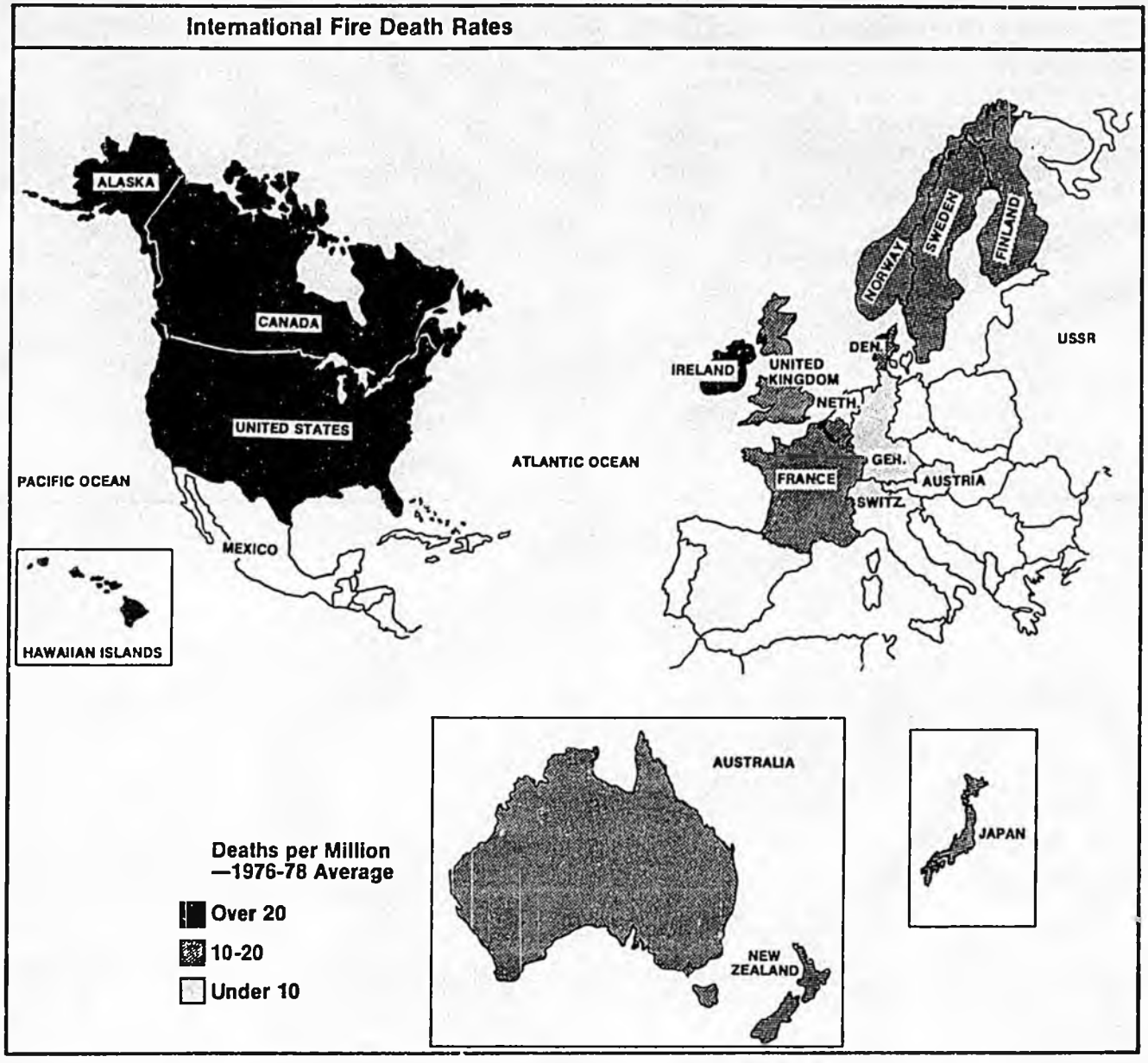
Fire-related property losses are about evenly divided among residential, mercantile, manufacturing, and storage buildings. When viewed as the loss per capita, Alaska property losses fluctuate, but are unmistakably climbing higher.

From this broad overview of the fire problem in Alaska lie the specific elements of information that can be presented as part of a fire prevention program designed to have the greatest potential for reduction of fire losses.

From the foregoing, Alaska's fire problem might be profiled as follows:

FIRE OCCURS MOST FREQUENTLY IN RESIDENTIAL STRUCTURES; ALMOST ALL DEATHS AND MOST INJURIES OCCUR AS THE RESULT OF RESIDENTIAL FIRES; FIRE DEATHS IN RURAL AREAS EASILY EXCEED THOSE IN URBAN AREAS; THE FIRE DEATH RATE FOR NATIVES SUBSTANTIALLY EXCEEDS THE FIRE DEATH RATE OF NON-NATIVES, AND PERSONS AGED 19-25 AND MALES ARE THE GROUPS AT HIGHEST RISK OF DEATH DUE TO FIRE.

CHART 15 [6]



This Chart portrays the fire death rates in broad terms for the United States, Canada, and Alaska, in relationship to most of the other Western countries. The North American continent has significantly greater fire death rates than the European and Scandinavian countries.

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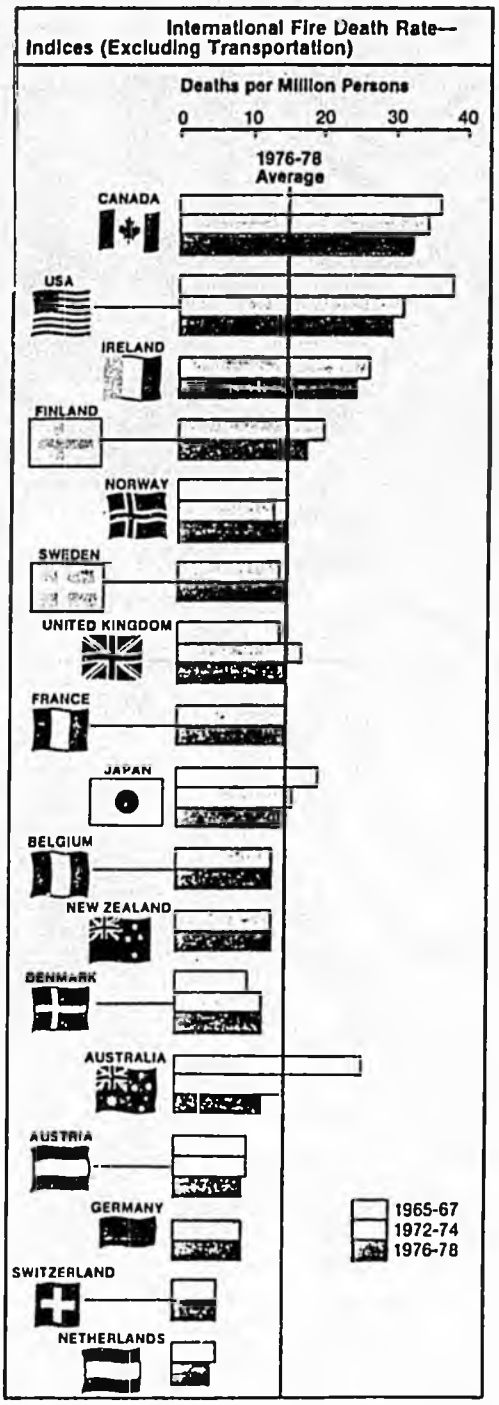
[6] Federal Emergency Management Agency, "Fire in the United States," July, 1982, p. 23.

CHART 16 [7]



This chart portrays the international fire death rates of the major western countries. Since the 1976-1978 data is the latest information available through the federal government (Federal Emergency Management Agency), direct comparisons with Alaska's 1980-1983 data cannot be made. However, from the international data, it is clear that the U.S. fire death rate from 1965 to 1978 has consistently been higher than in all other countries shown, except Canada. By extension, it is reasonable to assume the death rates in the U.S. and Canada, although falling, are still the highest in the western world.

Alaska's death rate for 1983 was computed at almost 62 per million population (See Chart 7), which is more than double the 1976-1978 U.S. death rate (about 30 per million) and the Canadian death rate (about 33 per million) as shown on the Chart to the left, which is the latest international data available.

All these statistics and trends confer upon Alaska the shocking distinction of having the highest (or worst) death rate due to fire in the entire western world.[8]

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[7] Ibid, p. 22.

[8] This fact was confirmed by a telephone call by Gordon Brunton, Office of the State Fire Marshal in Juneau, to John Ottoson, Federal Emergency Management Agency, November 20, 1984.

CHART 17

B. Wildlands Fire Data [9]

1981 - 1984

YEAR	ACRES PROTECTED (million)	# OF FIRES	CAUSE		ACRES BURNED	URBAN AREA FIRES		
			Lightning	Manmade		Mat-Su/Anch	Kenai	% of Total
1981	57	287	14%	86%	295,000	58	65	42%
1982	57	261	4%	96%	1,295	28	31	22%
1983	60	397	8%	92%	32,276	90	105	49%
1984	67	453	6%	94%	7,894	159	108	58%

Analysis:

Wildlands fires are substantially affected by weather. Dry fire seasons produce numerous fires, whereas cold, wet fire seasons reduce the incidence of fires. The total acreage protected by the state has, and will continue to increase largely as the result of land transfers to private ownership pursuant to the terms of the Alaska Native Claims Settlement Act of 1971. The cause of most wildlands fires is consistently the result of man and his endeavors, and thus many fires occur in the urbanized southcentral part of the state. The urban areas are also the location of most of the local fire departments which represent significant potential for the control of wildlands fires in Alaska.

[9] Data from Division of Forestry, Department of Natural Resources, Anchorage.

II.

AGENCIES WITH FIRE-RELATED PROGRAMS AND RESPONSIBILITIES

A. STATE AGENCIES WITH FIRE PROTECTION RESPONSIBILITIES AND PROGRAMS

1. DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

Within the department, the Division of Municipal and Regional Assistance administers several programs related directly or indirectly to development and/or improvement of local fire protection services, as follow:[10]

a. State Revenue Sharing

Municipalities, unincorporated communities in the unorganized borough, and volunteer fire departments outside cities and boroughs are eligible to apply annually for financial aid under the State Revenue Sharing Program. Entitlements for municipalities are computed according to a formula that considers the applicant's population, taxable wealth, and tax effort. Additionally, payments are made for certain municipal services (roads, health facilities, hospitals). The equalization formula is intended to benefit those municipalities with the greatest need for revenue sharing funds, i.e., those with a relatively low tax base. All municipalities are entitled to a minimum of $25,000 plus adjustment for regional cost of living allowances. Entitlements of unincorporated communities are $25,000 each. Volunteer fire departments in the unorganized borough are entitled to $10 for each person served.

b. Legislative Grant Program

Many of the grants awarded by the Legislature to unincorporated communities and nonprofit corporations are administered by the Division. Typical grant projects include the purchase of equipment, (which could include fire suppression apparatus), construction of community facilities (which could include a local fire hall), and community and regional planning projects.

c. Bulk Fuel Storage Facility Grants

Grants of up to $100,000 are available to communities to construct facilities for storage of bulk fuel. The principal objective of this program is to provide bulk fuel storage capabilities in communities, thereby ensuring adequate fuel supplies and also lowering the cost of home heating fuel. A supply of adequate fuel oil for warm storage of fire suppression apparatus is a major concern in rural areas. Communities must assume responsibility for operation and maintenance of the facility once construction is completed.

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[10] State of Alaska, "Alaska Department of Community and Regional Affairs, 1984, p. 13, 20, and 21.

d. Rural Development Assistance Grants

Grants of up to $100,000 are available to rural communities for projects that will increase employment or promote economic development. The grants have been used to plan and construct such facilities as health clinics, city offices, harbormaster facilities, a fire hall, fire suppression equipment, libraries, day care centers, and electrical generation and distribution systems. Communities must show the ability and the commitment to provide for operation and maintenance of the facility or equipment once completed.

e. Community Development Block Grants

The Division of Community Development operates this federally funded program to meet the special capital project and planning needs of cities. Capital projects grants of up to $105,000 are available for projects of a fixed nature or long life that provide new or additional public facilities or services (which could include fire suppression equipment.) Also available are planning/feasibility projects grants designed to assess the viability and impact of potential capital, economic development, and comprehensive planning needs.

2. DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety, one of two State agencies with the greatest involvement for fire safety, has legislatively--mandated responsibilities and is the State's focal point in certain matters relating to structural fire prevention and fire suppression.

a. The Division of Fire Prevention

The Division of Fire Prevention, more popularly known as the State Fire Marshal's Office, provides fire prevention services including building plan review, code compliance inspections, and fire prevention education programs for the public and the fire service as well as conducts fire investigations in communities across the state. It also has the responsibility for maintaining the State's fire reporting system, ANFIRS. The division has offices in Juneau (one Deputy Fire Marshal and an Assistant Fire Marshal), plus the Director's Office in Anchorage (three Deputy Fire Marshals and an Assistant Fire Marshal), and Fairbanks (three Deputy Fire Marshals and an Assistant Fire Marshal). These offices serve the entire state.

Some communities have adopted their own fire codes, which must be at least as strict as the State's. A community administrator can request exemption from the State's review, but the Municipality of Anchorage, the City and Borough of Juneau, and the City of Fairbanks are the only communities to have received waivers. In most cases, when a municipality has adopted a fire code, both the municipality and the State inspect the structures. While fire protection is generally viewed as being a function of local government, many communities seem content to let the State retain fire prevention authority. This is perceived to absolve the municipality of responsibility in cases where a code violation

contributes to a fire and also removes the local governing body from the repercussions of taking an unpopular code enforcement position.

The State Fire Marshal's office provides public fire prevention education throughout the state using their Public Education Specialist and the Deputy Fire Marshals. They also provide fire prevention education programs for the Village Public Safety Officer (VPSO) Program and community fire departments.

b. Division of Alaska State Troopers

Since State Troopers are stationed virtually throughout the state, they are often the first agency to respond to any emergency situation, which includes fires. This is particularly true in certain rural areas that have no fire or local police protection. State troopers are certified EMT's. Troopers also work with the State Fire Marshals in the investigation of suspicious fires. Certain rural Troopers perform the oversight function for the Village Public Safety Officers in their area.

The Village Public Safety Officers program, which is incorporated into the Division of the Alaska State Troopers, trains officers from rural villages to assist their communities in emergency situations. They receive formal training and refresher courses in emergency medical services, fire prevention and suppression, law enforcement, search and rescue, and water safety . Where there is an operating local fire department, the Village Public Safety Officer functions in a support role. Part of the VPSO program includes provision for the participating villages to obtain fire extinguishers, smoke alarms, portable pumps, and other basic fire detection and suppression equipment.

3. DEPARTMENT OF MILITARY AFFAIRS

There are two agencies within the Department of Military Affairs with some level of fire-protection-related responsibilities. These are:

a. Division of Emergency Services

The division assists communities impacted by fire of disastrous proportions, such as the Cordova conflagration in 1962. The agency coordinates emergency planning at the State level and with local communities. In times of disaster, they are the State focus for coordination of response efforts and financial assistance including the State's Disaster Relief Fund. The division also acts as the Governor's designee in situations of fire impact caused by wildfire in grass or forest land as defined by Public Law 93-288, Section 417. In major fire situations, the Director, the Deputy Director, and the Director of Forestry, of the Department of Natural Resources, are the only individuals who can request federal assistance from the Federal Emergency Management Agency (FEMA).

b. Alaska Air National Guard

The Kulis Air National Guard Base, in addition to suppression capabilities to protect their own aircraft, has a Mutual Aid Agreement with the Anchorage International Airport to support their crash-fire rescue work.

By contrast, the Army National Guard has no suppression capabilities at their four battalion headquarters in Nome, Bethel, Kotzebue, and Juneau, or at Bryant Army Airfield at Ft. Richardson. Their facilities and Twin Otter and one or two helicopters at each of these locations are protected by local fire departments and the Army at Ft. Richardson.

4. DEPARTMENT OF LAW

The Department of Law is only peripherally involved with fire protection in that the Criminal Division prosecutes all cases of arson and code violations that go to trial. The Civil Section assists the State Fire Marchal's Office in review of new code provisions, their ultimate promulgation, and other matters requiring legal advice.

5. DEPARTMENT OF EDUCATION

In 1969, the State Department of Education initiated the Fire Service Training Program which is essentially the only statewide fire training program in State government, although it has no specific enabling legislation. Rather, the program operates under the general mandate of improving fire protection to the citizens of Alaska by providing fire suppression training to local fire departments and communities. Some direct training programs are sponsored by the program itself, while financial support is extended by means of a grant program to assist local fire departments in developing their own training programs and regional seminars.

The program provides direct instruction by various means:

- Fire Protection Management courses are directed to senior fire officers in both municipal and rural areas. Course curriculum was developed cooperatively by the Alaska Fire Chiefs Association, the Municipal League, and the Fire Service Training Program to meet the specific needs of local fire departments, both operationally and administratively.

- The Firefighter I course is sponsored both directly and indirectly at the various regional fire training centers. A 160-hour certificated course is offered at the Anchorage Regional Fire Training Center, while financial assistance is rendered to the Bethel and Kotzebue Regional Fire Training Centers to provide 92-hour Rural Firefighter I courses.

- The Itinerant Instructor Program, which was begun in 1971, places fire department instructors under short-term contracts to travel to primarily rural communities in order to provide fire protection training. These instructors are certificated by the Department of Education to teach specific fire protection topics. Instructors may visit 25-30 communities each year, and conduct training that ranges from a few hours to several days. This program remains a stable one hampered only by the availability of instructors whose full-time occupation may be other than fire service, and by a limited budget.

- Technical Assistance Teams are comprised mainly of senior fire officers who visit the local community at the request of local officials. These

teams evaluate existing fire protection systems and make recommendations for improvement or more efficient operation. Technical assistance teams are formed only at the request of a local fire department or community and are subject to the same kinds of limitations as the Itinerant Instructor program.

Services supported by the Fire Service Training Program include several kinds of certification at both the firefighter and instructor levels.

- Firefighter I - Basic level certification is awarded following extensive training and testing on manipulative skills. Certification meets or exceeds National Fire Protection Association Standard 1001 for entry level firefighters. There are two means of training available for individuals to the Firefighter 1 level: through local fire department accredited training programs, and through training sponsored by the Fire Service Training Program at the Anchorage Regional Fire Training Center. Both kinds of training programs are accredited through the Department of Education.

- Instructor I - qualifies an instructor to teach the manipulative skills mentioned above. Three criteria for certification include a three-year time-in-service requirement, testing on 20 basic skill areas, and the completion of an approved 40-hour Methods of Instruction course. Applicants are tested biannually and have three years in which to meet the testing and methods course criteria. Instructor I qualification is a prerequisite for the Instructor II and Master certification.

- Instructor II - qualifies an instructor to teach 10 additional firefighting topics which correspond to Firefighter II and III requirements. The applicant for this certification must be tested on the 10 topics and take an additional advanced level Methods of Instruction course. The three-year limitation to meet the criteria also applies.

- Master Instructor - qualifies an instructor to teach any fire suppression topic through the fire science courses at the community colleges. Master Instructors usually are qualified at the Instructor I and II levels, although some are recognized for their expertise and experience.

- Special Instructor - recognizes the expertise of those who either have no fire service experience, or do not otherwise qualify for other levels of certification. Special Instructors include those who teach regularly in industry, Native instructors who teach in their own language, and out-of-state instructors. Of variable duration, this certificate is issued at the discretion of the Supervisor of the Fire Service Training Program.

The grant program was begun in 1976, and has proved to be an extremely practical and popular way of providing local fire departments with financial assistance in their training needs. There are two kinds of grants, both of which are administered on a reimbursable basis. Grants are not issued to State or federal agencies.

- Local grant - This is a small (under $1,500) grant which may be used by the local fire department to purchase audio-visual aids or equipment, supplies to be used in training, or to cover travel costs when sending fire department personnel outside the local community for training. The only limitation placed on this grant is that it may be spent only for training, not for equipment to be used for firefighting purposes.

- Regional grant - Presently this grant is limited to $3,500, and is intended to assist local fire departments or fire-related organizations and agencies in conducting regional schools, seminars, and workshops. The only limitation placed on this grant is that the training provided be regional or statewide in nature, serving personnel in areas other than just the sponsoring department. Training provided under this type of grant includes specialized areas such as marine firefighting, plastics seminars, and flammable liquids training.

Other services provided by the Fire Service Training Program include sponsorship of the Methods of Instruction courses required for instructor certification and the firefighter training component of the Village Public Safety Officer program in the Department of Public Safety. The latter program provides two ninety-hour courses for VPSOs as well as a three-day orientation course for oversight troopers. Additional services include State sponsorship of National Fire Academy field training programs.

A number of manuals are published by the Fire Service Training Program, including the following:

- Model Training Guide, Firefighter I Level - for use in both regional fire training centers and local fire departments for basic level training.

- Model Training Guide, Rural Firefighter I Level - for similar use as above, but excluding the requirements which have little or no application in the rural community, such as aerial ladders, sprinkler systems, and most hydrant systems.

- Fire Protection for Rural Communities - originally published in 1975 and recently updated, this manual discusses the various types of firefighting equipment recommended for village use. It provides a list of reliable dealers, describes the various State and federal agencies which might be of assistance to a rural community in developing fire protection, and gives a number of procedures for structural firefighting which might be of value to a small fire department with limited equipment and training. This manual has been distributed widely throughout the state.

- Fire Service Training and Education System - used in conjunction with Model Training Guides to assist local fire department and regional fire training centers in developing their own training programs.

- Fire Instructor Certification Standards - developed to specify the criteria necessary for certification at the various levels.

6. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities (DOT/PF) has the firefighting responsibilities for the 26 State-owned, FAA-certified airports. Only a few airports in Alaska are owned by local governments. FAA-certified airports, under Part 139 of the Federal Aviation Regulations, are those airports serving aircraft with 30 or more passenger seats.

State fire protection began in 1972, and has evolved into a system of volunteers from tenant agencies at the airports along with State employees of DOT&PF. The FAA requires that there be trained firefighters and that they be postured to be able to meet the response-time criteria as set forth by the FAA.

The combination volunteer/paid firefighter approach has worked out reasonably well. Volunteers supplement the paid personnel, and the volunteers can respond to aircraft fires when State employees are not immediately available. The one potential disadvantage is expecting too much of the volunteers. It is estimated that there are some 250-300 State employees, and from 300-500 volunteers statewide.

DOT&PF firefighting personnel are divided into three regions for administrative purposes - Anchorage, Fairbanks, and Juneau. There is no statewide coordinated training program for DOT&PF personnel and their volunteer firefighters, although there has been a statewide Training Coordinator in the past; rather, each region pursues fire training on their own. Each region has its own Airport Safety and Security Officer to monitor compliance to FAA requirements concerning crash-fire rescue.

Each of the 26 FAA-certified airports has a Mutual Aid Agreement with the local community fire department, although they do not conduct extensive training together for a variety of reasons, including overtime for State employees.

Apparatus at the state airports varies to conform to FAA regulations that primarily relate to the amount of water available for foam production.

7. THE DEPARTMENT OF LABOR

Within the Division of Labor Standards and Safety is the Safety Compliance Section. This section enforces occupational safety and health standards that prescribe requirements for safe and healthful working conditions for all employment, including State and local government employment, and the requirements are to be at least as effective as those requirements promulgated by the U. S. Secretary of Labor under Public Law 91-596.

The Alaska Department of Labor has promulgated and adopted fire protection standards for general industry, Article 13, Subchapter 01 - Alaska General Safety Code. The Safety Compliance Section is charged with the enforcement aspects of those standards in addition to other safety and health standards adopted by the Alaska Department of Labor. Article 13 contains requirements for fire brigades, all portable and fixed fire suppression equipment, fire detection systems, and fire or employee alarm systems installed to meet the fire protection requirements of general industry.

Additionally the section enforces other vertical industry standards such as petroleum, construction, explosives, sawmills, and pulp and paper mills. Those standards also contain fire protection/prevention requirements which are subject to Department of Labor sanctions for non-compliance.

8. UNIVERSITY OF ALASKA

Fire Science Program

In 1976 a uniform fire science curriculum for Alaska was adopted by fire service representatives and approved by the University of Alaska. The program culminates in the award of an Associate Degree with majors in Structural Fire Technology and Wildland Fire Technology.

Nearly 100 degrees have been awarded since the program's inception. At present, however, only Anchorage Community College and Tanana Valley Community College in Fairbanks have active programs.

For the past several years, there has been a shortage of qualified fire science instructors in the smaller communities and no professional requirements or local incentives for degrees in local fire departments.

Recently, however, there has been renewed interest in implementing dormant fire science programs in community colleges and rural learning centers. With the addition of professional development and suitable local incentives, this program can realize its potential and ultimately be advanced to a four-year baccalaureate program.

9. THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES [11]

During the past few years, the Division of Public Health in the Alaska Department of Health and Social Services, has expanded its involvement in emergency medical services system development, and has taken on responsibility of certifying Emergency Medical Technicians (EMTs), EMT Instructors, and Emergency Medical Services (i.e., ambulance services) in Alaska.

Enabling Legislation and Regulations

In 1977, the Alaska Legislature passed AS 18.08.010 which designated the Department of Health and Social Services (DHSS) as having responsibility for Emergency Medical Services (EMS) systems development, established an eleven-member Advisory Council on EMS appointed by the Governor, and gave the department authority to award EMS systems development grants. The following year, in 1978, the Legislature passed AS 18.08.080, which gave DHSS the authority to adopt regulations for certification of basic and advanced level EMTs, EMT Instructors, and prehospital Emergency Medical Services (i.e., ambulance services).

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[11] Johnson, Mark S., et.al. "Alaska's Emergency Medical Services Program." Alaska Medicine. Oct/Nov/Dec. 1983, p. 112.

Since passage of these two pieces of legislation, DHSS has developed grant application regulations for EMS systems development and has developed a computerized certification system for EMTs, EMT Instructors, and ambulance services. All facets of the DHSS EMS program have been developed with assistance and consultation from the Advisory Council on EMS.

Grant Applications and Funding

Each year, Regional EMS Councils or Native regional health entities submit grant applications to the State EMS Office for funding for the following fiscal year. These grant applications must address the major acute health status problems in the region and should outline specific objectives toward improving the region's EMS system. In fiscal year 1983, the EMS Section gave out grants to regions totaling $1,376,000 for operating expenses (including $2500 mini-grants to 59 volunteer ambulance services), plus $923,000 for EMS equipment. Additionally, the Alaska Areas Native Health Service (AANHS) made available $1.3 million to Native Regional Health Corporations for EMS programs. Although the criteria for use of the AANHS funds have been more loosely defined than for use of state EMS grant funds, DHSS & AANHS try to coordinate funding sources as closely as possible.

When developing grant applications, the Regional EMS Grantees assess EMS problems and needs and solicit requests for funding, training, or technical assistance from local communities, ambulance and rescue services, clinics, and hospitals.

Priority attention is given to the needs of the numerous volunteer services serving the smaller communities and rural areas. Each request for funding must be approved by at least one physician sponsor, then must be reviewed and approved by the Regional EMS Council and staff, and finally must undergo review and approval from the State EMS Office and the State Advisory Council on EMS. Whenever possible, local matching funds or inkind services are encouraged to ensure that local entities do not become too dependent on State funding.

Planning and Development

To assist local communities and regions in planning for EMS system improvements, the EMS Section of the Department of Health and Social Services has developed "Alaska EMS Goals: A Guide for Planning Alaska's Emergency Medical Services System." This planning guide uses the "levels of care" concept adapted from Alaska's State Health Plan which identifies four levels of communities in Alaska, including: Level I - Villages; Level II - Subregional Centers; Level III - Regional Centers; and Level IV - Urban Centers (Anchorage and Fairbanks). Although Alaska does not currently have a Level V - Metropolis, the planning guide recognizes Seattle, Washington, as the nearest Level V community. For each level of community, the EMS Goals document outlines specific goals and objectives appropriate for that size of community, including administration, evaluation, manpower and training, communications, patient transportation, equipment and facilities, critical care, public information and education, disaster planning, and mutual aid. Appropriately, these recommendations are much more basic for Level I Villages than for Level IV Urban Centers. In addition, the EMS Goals document includes recommendations for emergency medical services on highways, in schools, in

high-risk occupation sites, and in communities with 25 people or less. This planning guide provides a tool for communities to evaluate their local EMS services and thereby pinpoint areas needing attention; it also helps State and Regional EMS programs to best utilize staff time and funding resources.

State and Regional EMS Programs

Each regional EMS program employs a full-time staff of administrators, clerical support, and EMS instructors. Currently, there are five EMS regions funded by the State, including North Slope, NANA (Kotzebue), the interior, southern and southeast regions. For fiscal year 1984, the Norton Sound Region has applied for a grant as a separate region. The three largest regional EMS Councils based in Fairbanks, Anchorage, and Sitka also employ clinical coordinators to assist in developing and sponsoring continuing education programs for nurses, mid-level practitioners, and physicians. The activities supported by regional EMS Councils include CPR and First Aid training, Emergency Trauma Training (ETT), basic and advanced Emergency Medical Technician (EMT) training, EMT Instructor workshops, Ambulance Service Development workshops, Medivac workshops, Advanced Cardiac Life Support, sponsored by the American Heart Association, Advanced Trauma Life Support, sponsored by the American College of Surgeons, and a variety of other seminars on specialized medical topics.

Additionally, each year in November, the State EMS Office and the Regional EMS Councils co-sponsor an EMS symposium in Anchorage. In 1982, this symposium was attended by over 500 EMS responders from throughout the state.

History of Prehospital EMS Training and Certification in Alaska

Organized training of prehospital emergency care providers in Alaska has been in progress for more than a decade. Pioneering efforts in this training were initiated by the Alaska Department of Public Safety in 1970, with the first Emergency Medical Technician (EMT) training course at the Public Safety Academy in Sitka.

In 1973, the Emergency Trauma Technician, or ETT course, was developed by the Department of Public Safety to provide an appropriate level of training for individuals working or living in environments where risk of accidents is great, such as logging camps or fishing boats. This course, once predominant only in southeastern Alaska, has undergone significant refinement during the past few years and is currently a valuable course for teaching basic emergency care to first responders throughout the state. The outline of each certified class now is reviewed by the Southeast Region EMS Council, Inc., in Sitka to ensure compliance with approved instructional goals. In an attempt to ensure maximum coverage of prehospital EMS responders throughout the state, different strategies were developed by the Department of Public Safety and Regional EMS Councils.

One method used by the Department of Public Safety from 1970 until 1981 was to bring ambulance service personnel to the Public Safety Academy in Sitka for training, with funds provided to individuals to fly from their home communities for either EMT-Basic or EMT-Instructor training. As time passed, increasingly more certified EMT instructors, trained in this manner, were based in communities throughout Alaska.

During this period, the Department of Public Safety trained and certified approximately 2500 basic EMTs and 120 EMT Instructors.

In the mid-1970s, the newly formed Regional EMS Councils began hiring full-time, itinerant instructors, who could provide on-site training in remote communities which did not have locally based instructors. There were several advantages to this method of training. These full-time instructors became more experienced in putting on classes, and EMS responders could be trained in the use of their own equipment, learning to function as teams with other members of their ambulance or rescue service. EMTs also were taught the necessity of preplanning emergency care, the need for mutual aid agreements, and identification of local medical resources.

Although increasingly more communities have their own EMT Instructors residing locally, itinerant Instructors continue to teach a major portion of EMT courses in Alaska.

Development of EMT Certification

On December 31, 1981, the Department of Health and Social Services EMT and EMT Instructor certification regulations went into effect. These regulations, administered by the State EMS Section, were developed by a Manpower and Training Task Force, appointed by the State Advisory Council on EMS. These regulations provide for three levels of certified EMTs, including EMT-I (basic), EMT-II (intermediate), and EMT-III (intermediate plus some advanced cardiac skills).

Under the Alaska Medical Practice Act, Mobile Intensive Care Paramedics (MICPs), the most advanced level of prehospital EMS responders, are licensed by the State Medical Board. Therefore, the Emergency Medical Services Section of the Department of Health and Social Services has developed a Memorandum of Agreement with the State Medical Board. Under this agreement, the State Medical Board reviews and approves EMT and EMT Instructor certification regulations developed by DHSS, and the EMS Office assists in determining eligibility of applicants for licensure as MICPs.

The EMT regulations were developed in order to standardize training, certification, and recertification for Emergency Medical Technicians throughout the state. Until 1981 there were two recognized certifications at the Emergency Medical Technician I level. The first was a certification from the Department of Public Safety, the second, a current certification from the National Registry of Emergency Medical Technicians. The latter was the method of certification used by some of the Regional EMS Councils. During the six months immdiately following the implementation of the new DHSS regulations, persons with either type of certification could apply to the Department of Health and Social Services for State certification under a grandfathering clause. All individuals requesting EMT II or EMT III certification had to demonstrate a need for this level of certification as well as provide a letter from their sponsoring physician endorsing the EMTs skills, and accepting sponsorship. EMT III applicants also had to pass a State certification examination before becoming certified.

EMT Regulations

The Emergency Medical Technician I (or EMT Basic) course dates back to the late 1960s, when the Department of Transportation established and standardized the training for ambulance personnel in the United States. It is at least 81 hours in length and teaches the basics of prehospital emergency care, including CPR, hemorrhage control, splinting, bandaging, basic pathophysiology, and treatment of shock (including Military Anti-Shock Trousers - MAST pants in recent years) and medical emergencies, as well as specialized extrication and patient removal techniques for victims who are trapped in automobiles or light aircraft. The course outline, student study guide, and instructor's lesson plans are currently undergoing revision by the U.S. Department of Transportation, and it is anticipated that the Basic EMT-I course will soon be lengthened to 100 hours.

As emergency medical services became more sophisticated, trauma and cardiac arrest were identified as the areas in which advanced training, the EMT-II and EMT-III levels, should concentrate. The EMT-II and EMT-III programs rely on the concept that much of emergency care is based on the use of treatment protocols implemented in the prehospital environment by physicians' standing orders. The 50-hour EMT-II course teaches the use of esophageal intubation devices, application of rotating tourniquets, performing peripheral venipunctures, and the use of 5% dextrose in water, crystalloid volume replacement solutions, sodium bicarbonate, 50% glucose, and naloxone hydrochloride (NARCAN).

In some areas, more emphasis is being placed now on advanced management of the emergent cardiac patient. EMTs-III are allowed, under physician authorization, to use EMT-II skills, plus apply electrodes and monitor cardiac activity; countershock life threatening arrhythmias (v-tach, v-fib, and asystole); use lidocaine; use morphine in severe pain secondary to extremity trauma; and use epinephrine 1:1000 for anaphylaxis.

The EMT-II and EMT-III courses rely heavily on the support of physician medical sponsors who participate in the writing of treatment protocols, in the instruction of the material, and in the subsequent direct and indirect supervision of the Emergency Medical Technician's performance in the field. Under the State EMT Certification regulations, all EMTs-II and EMTs-III must have a physician sponsor who either directly (by voice contact) or indirectly (by standing orders) authorizes advanced life support medical procedures.

EMS physician sponsors also should provide ongoing supervision of the medical care provided by EMTs and ambulance services, approve and periodically review standing orders consistent with treatment protocols and the level of EMT training, ensure that an approved EMS report form is completed for each patient, review these report forms to make sure appropriate treatment was provided, and, wherever possible, make quarterly on-site supervisory visits of all prehospital emergency medical services.

EMTs at all levels must take and pass an approved training course and must be recertified every two years. Recertification requires 48 hours of continuing medical education, current CPR certification, and passing written and practical examinations for recertification.

These EMT regulations further state that "nothing is intended to prohibit a physician from authorizing a drug or procedure in an emergency situation which is not specifically covered by the certification of EMTs-I, II, or III."

Paramedic Regulations

Under regulations developed by the State Medical Board (12 AAC 40.300 - 12 AAC 40.390), Mobile Intensive Care Paramedics may perform cardiopulmonary resuscitation and defibrillation; initiate and maintain intravenous routes using intravenous techniques and solutions approved by the medical sponsor; perform pulmonary ventilation by approved methods; perform gastric suction by intubation; obtain blood for laboratory analysis; apply rotating tourniquets; administer parenterally, orally, or topically any approved agents or solutions; and perform other emergency procedures authorized by a physician. The average number of hours of training for Mobile Intensive Care Paramedics is approximately 800 and is followed by a six-month intership.

Emergency Medical Services Certification

In early 1983, Emergency Medical Service (i.e., ambulance service) certification regulations were approved. These regulations provide for certification of Basic Life Support (BLS) and Advanced Life Support (ALS) prehospital Emergency Medical Services.

BLS service certification is voluntary, and services which choose to be certified must meet the following criteria:

* List available EMTs-I and ensure that at least one EMT-I, plus one other person to act as driver when using a surface transportation vehicle, will be able to respond to emergency calls 24 hours/day;

* Have a sponsoring physician;

* Have direct communications capability with a physician, hospital, or mid-level practitioner, unless the Department (Health and Social Services) grants a waiver due to technical communications problems;

* Have appropriate equipment to perform basic life support medical procedures; and

* Have a program of continuing education which will enable certified EMS personnel to meet recertification requirements.

All ALS service must be certified by meeting the above requirements, plus:

* List available EMTs-II, EMTs-III, mobile intensive care paramedics, or other personnel such as R.N.s or M.D.s who may respond to medical emergencies on a regular basis;

* Ensure that an EMT-II, EMT-III, Mobile Intensive Care Paramedic, or other advanced life support-medical personnel, plus at least one other person trained to at least the Basic EMT-I level to act as driver when using a surface transportation vehicle, will be available to respond to emergency calls 24 hours/day; and

* Have appropriate equipment to perform basic and advanced life- support medical procedures within the skill levels of available certified personnel.

Additionally, all certified emergency medical services must use an approved EMS report form which documents vital signs and medical treatment of each patient, send a copy with the patient to the appropriate treatment facility, and keep at least one other copy as a permanent record.

These regulations specifically do not prohibit noncertified persons from responding to a medical emergency when no certified personnel or services are available, or when there are too many victims for available certified personnel to handle, such as in a mass casualty situation.

Certified personnel of an EMS service also are authorized to accompany patients on medivacs, when this is the most suitable means of transporting the patient.

Medical Control

As prehospital emergency medical services become more sophisticated, the concept of "medical control" becomes increasingly more important. According to a position paper adopted by the American College of Emergency Physicians in April 1982:

> All aspects of the organization and provision of emergency medical services require the active involvement and participation of physicians. These aspects should incorporate design of the EMS system prior to its implementation, continued revision of the system, and operation of the system from initial access to prehosptial contact with the patient, through stabilization in the emergency department. All prehospital medical care may be considered to have been provided by one or more agents of the physician who controls the prehospital system, for this physician has assumed responsibilities for such care.
>
> Physician control of prehospital emergency care may be accomplished through direct voice communications with prehospital emergency medical personnel (direct control) or through provision of care in accordance with patient care protocols developed and promulgated by physicians (indirect control). All training of emergency prehospital personnel, including course design, supervision of training, retraining, continuing education, ongoing performance evaluation through audit, review and critique sessions, and other appropriate components, must be made under the direction of a physician.
>
> To optimize medical control of all prehospital emergency medical services, these services should be managed by physicians who meet the following requirements:
>
> 1) Familiarity with the design and operation of prehospital EMS systems;
>
> 2) Experience in prehospital emergency care of the acutely ill or injured patient;

3) Routine participation in base-station radio control of prehospital emergency units;

4) Experience in emergency department management of the acutely ill or injured patient;

5) Routine active participation in emergency department management of the acutely ill or injured patient;

6) Active involvement in the training of basic and advanced life-support prehospital personnel;

7) Active involvement in the medical audit, review, and critique of basic life-support and advanced life-support prehosptial personnel; and

8) Participation in the administrative and legislative process affecting the regional and/or State prehospital EMS system.

Clearly, in Alaska, medical control is complicated by the fact that many remote communities do not have physicians residing locally. This underscores the need to have expanded, reliable communications between remote communities or highways, and physician staffed clinics and hospitals.

Alaska is fortunate to have many dedicated physicians who are willing to provide medical control and direction to prehospital EMS personnel who may, in many instances, live hundreds of miles away. By providing medical direction to dedicated EMS responders, most of whom are volunteers, these physicians are making a very valuable contribution toward developing a high quality EMS system.

Future of EMS in Alaska

In little more than a decade, prehospital emergency medical services have been vastly improved in most communities in Alaska. With continued commitment and support from the State, local towns and villages, and the medical community, every community in Alaska should be able to be up to the appropriate EMS standards recommended for its size and location.

10. DEPARTMENT OF NATURAL RESOURCES

The Division of Forestry in the Department of Natural Resources (DNR) is by statute (AS 41.15.010) the agency responsible for wildlands fire protection, commensurate with the resource values at risk, for the natural resources and watersheds on land that is owned privately, by the State, or by a municipality. Initially, the State contracted for wildlands fire protection with the Bureau of Land Management (BLM), but in 1973 the division began building a fire management organization that by 1985 will be protecting about 137 million acres of State, private, municipal, borough, and federal lands.

As more federal lands are being transferred to state ownership, the Division has either assumed the job of fire protection or has entered into agreements with the BLM and the Forest Service whereby each protects inholdings of the other. By 1985, the division will be providing fire protection on all lands

within the southern half of the state except for national forest and urbanized lands. This protection includes certain lands served by rural fire service areas, although some fire service areas do not provide wildlands fire protection.

The division has nine area offices throughout the state. Some 150 or so personnel are considered full-time fire suppression personnel during the fire season, which is May 1 - September 30. An additional 100 or so temporary personnel are hired as needed each year. Presently, the division has five T-28 aircraft for reconnaissance, with one aircraft providing infrared photography capabilities. Additionally, the division has two Beaver aircraft and a twin engine aircraft. Helicopters are usually contracted for each season.

The fire problem occurs primarily along the highway net, and the overwhelming number of fires are man-caused. Natural fires occur by lightning, primarily in the interior parts of the state, and although far fewer in number, they tend to consume larger areas due to the time required for suppression activities to occur, and the logistical problems attendant to the suppression efforts, including accessibility.

B. LOCAL AGENCIES WITH FIRE PROTECTION RESPONSIBILITIES AND PROGRAMS

1. LOCAL FIRE DEPARTMENTS

There are 249 fire departments in Alaska registered with the State Fire Marshal. Not all of these are a function of local government, since some exist in unincorporated villages outside any organized borough or city. Although there are more than 200 fire departments for purposes of eligibility to receive shared revenue, perhaps only half or less can be thought of as viable organizations, in terms of having training sessions, fire suppression equipment, reporting fires, etc. Many of the balance exist more on paper than in fact. Some 30 volunteer fire departments received State Revenue Sharing in FY84, totalling slightly more than $90,000.[12]

There are many variations within local fire departments in their composition and relationship to local government. Some are comprised of fully paid staffs that operate as a department of their local municipality. Others are municipal departments that have part paid staff and part volunteers. In a few instances, the fire department is a branch of the municipal public safety departments. There is at least one subscription fire department. People who pay the fee receive fire protection, while those who do not, do not receive fire protection. In smaller communities, where local governments may or may not exist, local fire departments tend to be associations of citizens volunteering their efforts to provide protection against a common problem.

In the larger communities, the firefighters are members of unions -- the International Association of Firefighters, and to a lesser extent the Inland Boatmens Union.

The recently formed Alaska Association of Fire and Arson Investigators has a statewide membership of fire and police personnel and others.

Local fire departments are often the first responder in emergency situations -- earthquake, national disaster, hazardous material spills, etc. In many communities in Alaska, the fire department also provides the emergency medical and ambulance services.

Just as the population of the communities varies, so do the firefighting capabilities and personnel training, ranging from the highly sophisticated Anchorage Fire Department with highly organized training and their own regional training center, to the small predominantly Native village that must depend upon an organized response with portable fire extinguishers.

Various attempts have been made in the past to address the problem of fire protection for rural communities, which actually means protection for homes.

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[12] Jon Cecil, Department of Community & Regional Affairs.

Fire loss data show homes to be the location of most fires, and these fires result in the greatest number of injuries and death.

As early as 1972 and 1973, the Fire Chiefs Association developed a village fire extinguisher program which ultimately purchased more than 2000 extinguishers at a cost of some $37,000.[13] The effectiveness of the effort was almost doomed to be temporary, because of the lack of any follow-up activities. The concept of portable fire extinguishers being used for residential fires was conclusively demonstrated by a series of tests at the University of Alaska in 1971, which showed that a coordinated attack by extinguishers would reduce a fire in a dwelling to the extent that rescue of trapped persons would be possible.

Other bits and pieces of a local fire protection program came along in the following years. The State Fire Service Training Program published a manual, Fire Protection for Rural Communities in 1975 which dealt with numerous aspects of village fire safety. The same program had earlier created the Itinerant Instructor concept for fire protection training. A major thrust of this program was, and remains, to provide on-site instructors in the small communities that have no other means of obtaining training.[14] Also, from time to time, the Legislature has appropriated funds to buy fire trucks for certain communities, through the well-intended efforts of individual legislators. Often, however, purchase of vehicles do not represent the most effective means to obtain fire protection. Most significantly, and most recently, has been the development of the Village Public Safety Officer (VPSO) program in the Department of Public Safety. Recognizing the extremely high losses due to fire, drownings, and law enforcement problems in Alaska's bush areas, the State Troopers launched the VPSO program in 1980, whereby village men would be trained in the broad field of public safety, so that they could respond to virtually any emergency situation that occurred. The fire protection includes classroom and fireground training and refresher work. However, since the majority of VPSO-related work pertains to law enforcement, there is the continuing concern that they become too law enforcement oriented, to the detriment of their other public-safety-related responsibilities.

2. REGIONAL FIRE TRAINING CENTERS

The Regional Fire Training Center Program is the outgrowth of deliberations within the Alaska State Firefighter's Association in the early 1970s and brought into being through passage of a $7 million general obligation bond issue in 1976.

The first center completed was the Anchorage Regional Fire Training Center, in 1979. Since that time four similar centers in Juneau, Fairbanks, Bethel, and Kotzebue have been substantially completed. All five centers are maintained

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[13] "Applicability of Wildlands Fire Fighting Techniques for Structural Fires," Alaska Department of Education, July 1977, p. 31.

[14] Organizational Design of Fire Service Training and Educational Resources in Alaska, Alaska Department of Education, July 1978, p. 38.

and operated by the host communities for training of fire services and other emergency services personnel with title to the grounds and facilities being retained by the State for a period of ten years, after which title reverts to the cities, with the single provision that the centers remain dedicated in perpetuity to the continued use for training of emergency services personnel.

Some centers have dormitory facilities which are extremely helpful when housing firefighter training. Each training center has a variety of props to assist with actual "hands-on training." The local community may assess a "use fee" to the trainees or their sponsoring agency to help offset overhead costs involved.

The Anchorage facility, alone, is currently operating with a satisfactory degree of success. This is generally attributed to the large population of firefighters and other emergency personnel in the area, and the fact that the Municipality of Anchorage has shown constant support for the program since its inception.

Delays in construction, coupled with changes in the local political structure, has had an adverse effect on the other four training centers. A further adverse effect has been caused by the inability of the State Fire Service Training Program to generate enough funding within the Department of Education to support continuing and varied training programs within the various centers. An example is the marine fire training capabilities built into the Juneau Regional Fire Training Center. There has never been sufficient funding generated to conduct a single marine fire school since the facility was completed in 1982.

3. EMERGENCY MEDICAL SERVICES

Many local fire departments in Alaska also provide varying degrees of emergency medical services (EMS). While a growing number of departments are providing increasingly professional services, none experiences more calls for assistance than the Anchorage Fire Department (AFD),[15] which has, as a result, developed perhaps the best EMS program in the state.

Anchorage EMS lists national registration as a prerequisite to application and competition for hire. Testing for the hire list normally occurs annually and consists initially of equally weighted written medical and general oral exams, and a pass/fail physical ability test. Top candidates then proceed to a medical oral board, with failure at any step up to this point resulting in failure to qualify for that year's eligibility list. An interview with the EMS Chief is the final step.

Municipal regulation requires a thorough physical examination by a physician, at the time of the actual job offer, prior to beginning work. Alaska grants licenses only upon completion of a supervised six-month internship, and AFD

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[15] Much of the information in this section is from the "Emergency Medical Service" booklet prepared by the Anchorage Fire Department.

maintains new employees in a probationary status to the end of 12 months. No age restrictions exist beyond the National Registry's minimum of 18 years.

Following probation, new paramedics enter a career ladder consisting of three basic ranks below the administrative level. Paramedic I and Paramedic II personnel staff ambulances, with the latter designated as lead technician, and the shift supervisor is a Paramedic Lieutenant. Advancement follows a competitive testing system similar to hiring procedures. Promotion to Lieutenant is by appointment of the EMS Chief, as is the position of Paramedic Captain, who is the training officer and the other administrator in the EMS Division, directly below the Chief in the command chain. Anchorage's Fire Chief appoints the EMS Chief, who is an Assistant Chief in the AFD hierarchy.

Anchorage paramedics complete a minimum of 72 hours of continuing education annually to maintain local certification by the Medical Advisory Board (60 are required for state license renewal). Didactic and clinical categories receive equal emphasis, and training consists of both on-duty and several mandatory, paid, off-duty sessions each year.

The Anchorage Fire Department does not cross-train EMS personnel in fire suppression; EMS personnel function as paramedics only. Medics rotate fire station assignments regularly and participate in station duties and recreation with fireline crews as call volume permits.

Emergency responders work a 56-hour week on a "Kelly" schedule, rotating 24-hour tours of duty among three shifts of personnel. Salaries start at approximately $26,000/year and rise to about $40,000 at the end of the first full year off probation (two years total).

Presently, 80% of the Anchorage Fire Department's 300 full-time paid employees are emergency personnel assigned to 11 bowl-area stations and one in a near suburb. Twelve engine companies cross-function as nontransport Basic Life Support (BLS) units in layered response situations, assisting the EMS Division's five primary paramedic-manned Advanced Life Support (ALS) crews and single shift supervisor. An auxiliary force of 50 volunteers, working out of three additional stations, answers fire and EMS alarms in the less populated areas.

This configuration, coordinated by central dispatch, allows both early BLS care and three paramedics on most critical incidents. Private services are limited to pre-assessed routine transports and do not engage in field response or transport.

Paramedics deliver patients to four local hospitals: two private, one military, and one operated by the Indian Health Service. Total annual call volume first exceeded 10,000 in 1981 and grows by 5%-6% each year. Alarms per unit per 24-hour shift average eight, but vary considerably with season and location. Thirty percent of all runs involve ALS assessment or treatment skills.

A Medical Advisory Board consisting of physicians, nurses, and a paramedic representative oversees medical treatment and review. The board has backed gradually increasing levels of ALS practice by written standing orders, which currently encompass numerous invasive techniques and over 20 medications.

Discretion to use these therapies without direct verbal permission lies with the paramedics on location for all but one medication. This degree of physician trust, and the conditions that have permitted the Anchorage system to develop unhampered by many of the political problems common in other locales, contributes to an out-of-hospital save rate in medical cardiac arrest patients that has consistently rivaled other EMS services nationwide.

C. PROFESSIONAL FIRE SERVICE ORGANIZATIONS

1. ALASKA FIRE CHIEFS ASSOCIATION

Organized in 1969, the Alaska Fire Chiefs Association has continued to promote the development of the Fire Service through progressive programs of education/public relations and research.

A major activity of this association is political at the state level. The rapid growth of Alaska and the impact of oil revenues on the Fire Service mandate constant changes to the delivery services.

The Fire Chiefs and Firefighters associations jointly employ a lobbyist at the State Capitol. There are 249 fire departments registered with the State Fire Marshal. It is estimated that 120 to 130 of these departments are actually active and more than a paper department. Sixty fire departments, about 50% of the active departments, now belong to the Alaska Fire Chiefs Association. The current officers of the Alaska Fire Chiefs Association are elected for a two-year term and are:

President - Chief Alan Judson, Juneau Fire Department
1st Vice President - Chief Dewey Whetsell, Cordova Volunteer Fire Dept.
2nd Vice President - Chief William Shechter, U of A Fire Dept.

An annual conference is held each year concurrent with the firefighters' conference.

2. ALASKA STATE FIREFIGHTERS ASSOCIATION

Organized in 1962, the Alaska State Firefighters Association continues to unite and bring together, at least annually, the firefighters of Alaska to promote the latest improvements in the Fire Service and to enhance communications between departments across the state. The association is politically active, promoting the Fire Service in Alaska, and jointly employs a lobbyist with the Alaska Fire Chiefs Association.

Of the 120 to 130 active fire departments in Alaska, with an estimated 3,500 to 4,000 firefighters, 1,000 are currently members of the association.

The officers of the association serve two-year terms (same as the fire chiefs) and currently are:

President - Jason Elson, Kenai Fire Department
1st Vice President - Robert Purcell, Homer Fire Department
2nd Vice President - Curtis Jones, Glacier Fire Department

3. UNION FIREFIGHTERS

The International Association of Firefighters (I.A.F.F.) represents three fire departments in Alaska: Anchorage with 300+ firefighters, Fairbanks with 70+ firefighters, and Ketchikan with 15 firefighters. The I.A.F.F. maintains its own lobbyist and represents its members on political issues.

The strongest community involvement of the union is support of Muscular Dystrophy fund raising.

4. INLAND BOATMANS UNION

The Inland Boatmans Union of Alaska presently represents the 36 paid firefighters of the Juneau Fire Department. This union currently encourages activity with the Alaska State Firefighters Association and the Alaska Fire Chiefs Association.

5. THE ALASKA ASSOCIATION OF FIRE AND ARSON INVESTIGATORS

The AAFAI was formed in January 1984, with the specific intent to bring together those persons interested in fire and arson investigation so as to provide a uniform force to combat the problem. To date, the association is comprised of more than 125 members including those individuals representing fire departments (volunteer and paid), municipal police, Alaska State Troopers, private investigative agencies, the State Fire Marshal's Offices, law firms, and federal agencies (i.e., treasury department, consumer protection, etc.).

The association promotes a bond of friendship, understanding and cooperation between those individuals and agencies through yearly fire investigation training seminars and meetings.

The association is looking toward a statewide "Arson Information Reward Fund" including participation in a statewide Crime Stoppers Program. Also anticipated is its involvement in a mini grant fund designed to assist fire investigation personnel to obtain the necessary equipment to more adequately investigate arson.

Governing the association's activities is a nine-member board of directors and four officers.

Further information can be obtained by contacting any of the following officers:

President - Vern Long, Box 598, Kenai, Alaska 99611, 456-4002
Vice President - David Burnett, Box 598, Kenai, Alaska 99611, 283-7666
Secretary - Roy C. Isenberg, Box 598, Kenai, Alaska 99611, 269-5604
Treasurer - Jason Elson, Box 598, Kenai, Alaska 99611, 283-7666

III.

GOALS AND OBJECTIVES

GOAL A - FIRE EDUCATION AND PUBLIC AWARENESS

Inform the people of Alaska of all aspects of fire prevention, protection, and control.

OBJECTIVE 1

The State will substantially expand its fire prevention and education efforts generally, with particular emphasis upon preventing fires in all buildings, particularly in dwellings, which are both the most common place of fire occurrence and fire deaths, and the least affected by governmental efforts to ensure fire and life safety.

The occurrence of most, but not all, fires may generally be traced to a failure of fire prevention. Prevention is highly stressed by all agencies in the Fire Service, but to a large extent prevention hasn't occurred, and to the extent it has, it cannot be proven. The idea of prevention is also, to some extent, at odds with the goal of fire departments, whose personnel are described as firefighters. Although success in prevention can be measured, funding for it may be more difficult than suppression, which is more visible.

Given these inherent difficulties, state government agencies with fire protection responsibilities must assume a leadership role, and in cooperation with local governments and other allied agencies, initiate prevention efforts, particularly in the home, where the greatest number of fires occur.

The following approaches are intended to be illustrative of fire prevention efforts, but are not limited to other initiatives.

APPROACH (a)

In consultation with the fire insurance industry, local fire departments, regional housing authorities, and others, the State Fire Marshal's Office will initiate and coordinate a program of reduction of fires in dwellings by determining the feasibility of installing sprinkler systems in homes and the rate reduction in fire insurance premiums some insurance companies have for installation of home sprinkler systems, placement of smoke alarms, fire extinguishers, dead bolts, voluntarily initiated home inspections through the local fire departments, and such other actions as deemed appropriate.

RATIONALE

The Alaska Division of Insurance, which regulates the premium rates used by the insurance industry, is in agreement with home sprinklers, providing installation is done in accordance with approved standards. Those standards will be included in the 1985 Uniform Building Code which is now in the process of review at the national level.

San Clemente, California, is an example of the benefits that can occur following sprinkler installation in dwellings, which is required by local ordinance. The mandatory installation of residential sprinklers in San Clemente allowed a multifaceted savings to

the homeowner and the local government. California law requires a 15% reduction to the homeowner who sprinklers his home, although most companies are giving 25%. This is a direct savings to the homeowner. The City of San Clemente is saving $3.5 million, projected over 10 years, in just the fire department, for direct personnel and equipment costs due to the reduction in required response. The savings in response personnel are utilized in the public fire-education programs creating further savings. With the sprinkler requirements, the City allows tradeoffs such as increased housing density. Water mains of one size can be extended further due to reduced fire-flow requirements. Dead-end mains are allowed in some areas, reducing costs again as a loop is not required. They have further required any structure over 35 feet to the roof or top of the parapet, or with a calculated needed fire flow in excess of 3500 gpm, to be sprinklered. San Clemente allows the installation of iron, steel, copper, or plastic piping for the sprinklers and is presently operating with its own codes addressing plastic. The Uniform Codes have yet to address this issue.

APPROACH (b)

If sprinklers prove economically feasible, legislation should be coordinated through the State Fire Marshal's Office and supported by all elements of the Fire Service community, to establish low-interest loans to homeowners for installation of sprinklers in a similar manner to existing low-interest energy conservation loans within the Department of Community and Regional Affairs.

RATIONALE

The Department of Community and Regional Affairs now has numerous low-interest loans for such home improvements as weatherization, building material loans, housing rehabilitation, home purchase assistance and so on. Low-interest loans for home sprinkler systems would appear to be a reasonable extension of existing programs.

APPROACH (c)

Upon determining that home sprinklers are feasible, the State Fire Marshal, in cooperation with the professional Fire Service organizations, and individual firefighters in Alaska will seek legislation that mandates lower fire insurance rates for homes with sprinkler systems.

RATIONALE

Upon adoption of sprinkler requirements in Alaska's codes, legislation can be sought requiring a specified percentage reduction in fire insurance premiums, similar to the situation in California.

APPROACH (d)

The Fire Marshal's Office, in cooperation with local fire departments, will initiate educational programs for bankers, architects, and builders

concerning potential cost savings of insurance premiums to the homeowner as the result of sprinklers in new home construction.

RATIONALE

Several approaches merit attention. The prospective homeowner is usually not aware of ways to reduce home fire insurance premiums. Rather than attempt to broadly educate the public in this area, efforts should be made to apprise bankers, builders, and architects of potential cost-saving devices in new homes to pass along to the new homeowner and to stimulate voluntary home inspections, as requested by the homeowner.

APPROACH (e)

The State Fire Marshal and the State Fire Service Training Program, in cooperation with the State Troopers, will review the Village Public Safety Officer program to determine how existing training and equipment acquisition can be expanded to address the high rate of structural fires in rural Alaska, and similar efforts among Public Health Aides, Sanitarians, and educators, since the incidence of fire death is most acute in rural areas.

RATIONALE

The existing Village Public Safety Officer program in the Department of Public Safety is, for some rural communities, the only existing delivery system for public safety services, including fire protection. To increase fire protection in these areas means to increase the fire protection portion of the VPSO responsibilities, which are now largely law enforcement oriented. The VPSO program has the advantages of overcoming language and cultural barriers, and if properly supported, also includes community involvement. Similar fire safety efforts should be undertaken among rural Sanitarians, Public Health Nurses and Teachers.

APPROACH (f)

Through the Governor's Office, the State Fire Marshal will seek to expand the Alaska Safety and Health Advisory Council to include a permanent member of the Fire Service in Alaska to represent their interests and contribute to the Council.

RATIONALE

Someone from the Fire Service becoming a member of the Alaska Safety and Health Advisory Council should have the effect of expanding the scope of the Council in activities to include fire safety.

APPROACH (g)

The State Fire Marshal and the State Fire Service Training Program will establish regional resource centers (perhaps at Community Colleges and Regional Fire Training Centers) of audio and visual materials appropriate

(GOAL A - Continued)

to prevention-oriented efforts by local fire departments, government agencies at all levels, Native regional nonprofit corporations, and others with fire protection programs and responsibilities. Copying facilities would also be helpful at these resource centers.

RATIONALE

Development of regional resource centers with appropriate audio-visual equipment should enable local fire departments, Native regional corporations, safety councils, government agencies, etc., which have fire safety responsibilities to increase and broaden existing fire safety programs and stimulate development of new initiatives. The state's media resources should be directed to cooperate with appropriate fire safety and fire prevention programs and agencies, and present their programs thru "Learn Alaska," the PBS stations and other media capabilities. The fire training centers could be the repository of the A-V materials appropriate to their region, assuming operational problems can be overcome, as more completely explained in Goal B, following.

APPROACH (h)

The State Fire Marshal's Office, in cooperation with all agencies of the Fire Service Community will initiate an on-going dialogue to address the tremendous disparity between where Alaska's fire deaths occur -- in the homes -- and where prevention-oriented efforts exist -- the larger public buildings, where fire fatalities rarely occur.

RATIONALE

From all statistical evidence practically all fire deaths and fire injuries in Alaska occur in dwellings. However, prevention activities such as plans review, code compliance aspects, on-site field inspections, and so on, are directed towards large structures with greater exposure to the public such as schools, churches, meeting halls, industrial facilities, and related structures that experience few if any fire deaths and injuries. In a very real sense, prevention efforts do not appear to be directed to the fire problem areas -- residential units and dwellings.

The targets of existing prevention efforts may have a good fire safety record precisely because of existing prevention efforts, and to that extent, the prevention efforts should be continued. However, it seems clear that prevention efforts should also be directed to where the greatest fire losses occur.

OBJECTIVE 2

The state will actively support and promote fire safety training in the public school systems in Alaska.

APPROACH (a)

In cooperation with various professional educational organizations, the State Fire Marshal's Office will attempt to institute the "Learn Not To

(GOAL A - Continued)

Burn" curriculum in the public school system in Alaska and provide for financial assistance to offset program costs, through the Department of Education or the Legislature.

RATIONALE

The key to improved fire safety over the long term is through education of our children about hazards relating to fire and how they may be abated. One has only to consider the success of the anti-cigarette smoking campaign in the school system and how school children carry home the health hazards of smoking cigarettes to realize that education of the children will be the most effective means to reduce fire losses in the future.

To educate the children means to work within the educational establishment. The State Board of Education has already passed a resolution concerning the need for fire safety education, but the resolution is only advisory in nature to the 52 school districts within the state. Since each school district is largely autonomous, contacts must be made individually with each. The Fire Marshal will work with such organizations as the Governor's Safety and Health Advisory Council, the several professional educational organizations, the Municipal League, the Conference of Mayors, Native regional corporations, the fire insurance industry, Fire Chiefs and Firefighters Associations, local fire departments, and local school boards and administrators to institute the LNTB program.

The local fire departments, as the on-scene agency with the greatest interest in developing the LNTB program in the schools should be the key agency at the local level. Their involvement is crucial to the success or failure of the program.

Fire prevention authorities, in cooperation with professional organizations, will prepare legislation to provide the financial assistance required to offset the costs of implementing this program.

GOAL B - FIRE SERVICE TRAINING

Improve the level of fire protection by assisting in the development of Fire Service personnel to their maximum performance potential.

OBJECTIVE 1

The state will assist local governments and other agencies with fire protection responsibilities to develop and maintain a comprehensive Fire Service training program to provide instructional and related services to the Fire Service community and other emergency services personnel.

APPROACH (a)

Relocate the State Fire Service Training Program to the State Fire Marshal's Office, by the request of the Governor.

(GOAL B - Continued)

RATIONALE

The Fire Service Training Program (SFSTP) has no specific statutory authority for the services it provides. The program's current existence is based on tenuous legislative intent. Lack of specific authority, and programmatic guidelines have made long-range master planning for program development and implementation virtually impossible. Constant budget problems based on the difficulty of justification without well-defined guidelines has resulted in frequent program reduction and equally frequent program cancellations as late as FY85. The State Fire Marshal (SFM) has the necessary statutory authority under which specific programmatic guidelines would be established once the proposed transfer is completed.

The relocation should occur with a minimum of disruption. The existing staff, two Education Specialists I and an Education Specialist II and the present use of the equivalent of one full-time clerical support person by the SFSTP should accompany the relocation to the SFM office. Training resources and equipment can easily be transferred to the SFM. At the Governor's direction, the conditions of transfer can be negotiated by the departments.

This move centralizes what has previously been separate and often disparate training, resulting now in the need to contact only one agency (SFM) rather than two.

The organizational structure of the expanded staff of the SFM should be decided by the SFM.

The experience of the State of Oregon, which made a similar transfer, may be of value to the proposed move for Alaska's State Fire Service Training Program.

APPROACH (b)

The State Fire Service Training Program will continue to expand upon existing fire service training programs to ensure professional development courses for all ranks of personnel within the fire service.

RATIONALE

Continuing and expanding existing SFSTP courses is needed to provide resources not readily available at the local level, in terms of obtaining training expertise for courses in the community and funding for travel and expenses associated with attending training elsewhere.

APPROACH (c)

The State Fire Service Training Program will reestablish the Technical Assistance Teams, trainee travel funds, and continue with the Itinerant Fire Instructor program.

(GOAL B - Continued)

RATIONALE

The need for the Technical Assistance Teams (TAT) to assist local fire departments and governments at all levels and community leaders with a broad range of fire-related problems was first suggested by the Alaska Municipal League three years ago. To be comprised of peer group fire officers who have solved similar problems, three TATs were formed last year. The results, which are advisory in nature to the local department or the city, were very successful. However, funding for the TATs was deleted entirely from the SFSTP's budget. Funding should be restored to provide this technical assistance.

The Itinerant Instructor program is perhaps the best known of the SFSTP various programs, providing instructors and all training materials to the typically smaller departments throughout the state. It has been in effect for many years and is of proven value. In many cases, the only training provided to many smaller departments has been through the Itinerant Instructor program. The program should be continued and expanded as required to meet the demand.

APPROACH (d)

The State Fire Service Training Program will develop new curriculum and training resources based upon state and national professional standards.

RATIONALE

Developing new curriculum and training resources based upon state and national standards is also needed. Two examples should suffice: The Firefighter I, II, and III courses have been developed nationally, but Alaska has developed only the Firefighter I course. Additional resources are necessary to develop Firefighter II and III, which are more complex. Fire and arson investigation related curriculums also need to be developed, as noted elsewhere in this report.

APPROACH (e)

The State Fire Service Training Program will establish training and education standards for Fire Service personnel, in all fire service activities.

RATIONALE

Establishment of training and education standards is another desirable effort. Such standards permit the determination of competency in a uniform manner, and provide incentives for personal advancement. Standardization of training also enhances multi-departmental response by ensuring that firefighters all employ the same procedures. Also, OSHA requires standardization of training and education.

(GOAL B - Continued)

APPROACH (f)

The State Fire Service Training Program continues to administer an adequate grant award program to support local and regional training programs.

RATIONALE

The grant award program by the state provides resources to local fire departments for training, both to employ instructors from outside the community, travel costs to receive specialized training elsewhere, and to support and enhance local training capabilities such as the purchase of a movie projector, etc. Grants are limited to $1,500 or less to one department, and $3,500 for regional use involving several departments. Some 35-40 grants have been made each year. However, the appropriation does not fund the total of all grant requests, and as a result, these maximum figures have been reduced so that each grantee receives some assistance, although less than needed.

OBJECTIVE 2

The state will maintain and encourage expansion of a comprehensive Fire Science Technology program within the community college system.

APPROACH (a)

Through the professional fire service organizations and the State Fire Marshal's Office, the State Fire Service Training Program will coordinate efforts with the University of Alaska, and the community colleges to support and further develop the Fire Science Technology programs, including exploring the nonresident extension program as a delivery system. In addition, although present circumstances do not support a four-year degree program in Alaska, information should be compiled about how a four-year degree in the Fire Science field could be attained through a combination of existing opportunities in the community college/University of Alaska system, and other universities in other states, such as Oregon, and this information should be made available to the personnel in the Fire Services.

RATIONALE

Presently, only two community colleges (Anchorage and Fairbanks) offer fire science programs, due to a combination of insufficient numbers of students (minimum of eight is required), lack of instructors, and the cost of presenting the course. One approach to surmount these problems is course presentation by video, via the "Learn Alaska" and the "Rural Learning Centers." Another approach is to carefully review personnel in local fire departments as potential instructors. Finally, the community colleges must work closely with local departments to obtain a quality program.

(GOAL B - Continued)

OBJECTIVE 3

Encourage and support financial assistance to the five Regional Fire Training Centers to enhance regional training capabilities.

APPROACH (a)

The State Fire Marshal's Office, in conjunction with the State Fire Service Training Program will seek an appropriation of $200,000 for a two-year period for an urban and a rural regional fire training center to enable each to support training program development, course costs, student travel, training coordinators, and related administrative costs.

RATIONALE

At present, all the training centers, with the exception of Anchorage, are not being used to capacity. As a result, they are not cost effective in terms of training benefits received from the $7.1 million required for their construction. They are not being used to capacity because of lack of funds to support student travel expenses, program and course development and delivery, and the lack of someone to coordinate the numerous aspects of making a training center function in an efficient and effective manner. Although these training centers are for local use, some local governments question spending local funds to manage the centers.

Certainly, the need for training exists. There are many times more firefighters in Alaska than, for example, police officers. The Department of Transportation and Public Facilities, which provides fire protection at certain state-owned airports, estimates their fire activities involve some 700 full-time state employees and volunteers from tenant agencies at the airports, and DOT&PF is not usually thought of as a major firefighting organization. Marine firefighting training has barely occurred in Alaska. The wildlands firefighting training adds another entire dimension to training of firefighters. In addition, since the legislation creating the training center provided for the training of all emergency services personnel, the training centers can be used for emergency medical training, rescue groups, and law enforcement agencies, in addition to the Fire Service. The need for the training centers to be fully operational, in terms of personnel to be trained, should not be in doubt.

An appropriation of $100,000 for each of the two years to the State Fire Marshal's Office for sub-granting to fund one urban and one rural training center is proposed. A match by the local government of perhaps 25% would ensure local effort. Criteria could be set to determine which urban and which rural training centers would receive the funding.

Such appropriation would result in cost effective training centers and better-trained Fire Service personnel. Upon proven effectiveness, the funding should become part of the annual budget of the State Fire Marshal.

Because of the inactivity at present in the Regional Training Centers, there is increasing interest in some communities in developing their own training facility. These would probably not be as effective as a well-functioning regional facility, such as Anchorage has been able to develop, and would certainly be duplicative of already-existing training facilities that lack only the financial resources to offer training in standardized courses for all Fire Service and other emergency services personnel throughout the state.

GOAL C - CAPITAL PROJECTS

The state will support capital projects for fire and life safety on a cooperative basis with local government.

OBJECTIVE 1

The state will attempt to enhance the understanding of local government officials, concerning sources of revenue, the states capital budget process as it relates to fire protection projects and the responsibilities local governments assume when such projects are approved.

APPROACH (a)

In cooperation with the Department of Community and Regional Affairs, appropriate sections of future editions of the "Rural Capital Improvements Guidebook" and its counterpart, the "Urban Capital Improvements Guidebook," will be expanded to include a section pertaining to Objective 1. Other initiatives within the department may also be appropriate.

RATIONALE

The Department of Community and Regional Affairs continues to develop planning and other expertise about government at the local level, and has a staff of 14 Local Government Specialists located in six places throughout the state to provide on-site assistance to local governments in their respective areas. These employees are the logical delivery system through which local officials can become aware of the means to obtain capital projects pertaining to fire and life safety and the implications and responsibilities that such projects carry for local government upon award of the funding.

In addition, a representative of the Fire Marshal's Office could present seminars about meeting Objective 1 to the Local Government Specialists during their periodic conferences, and other opportunities as appropriate.

APPROACH (b)

Revenue sharing funds, derived from the existence of fire protection capabilities, should be considered by local governments for the enhancement of fire protection services.

(GOAL C - Continued)

RATIONALE

Revenue sharing funds, with the exception of funds for health services, hospitals, and road maintenance which involve federal matching, cannot be earmarked for specific purposes. Determination of the use of revenue sharing funds is recognized as a proper function of local government.

However, local fire chiefs who are not now closely associated with local government are urged to do so, particularly as involves attending public hearings concerning spending of shared revenues as required by law (Title 29). Similarly, while respecting the prerogatives of local government decisions concerning shared revenues, local officials are urged to carefully review the needs of their fire department and extend every consideration to requests by the fire chief for funds to improve fire protection services.

OBJECTIVE 2

A project review mechanism is needed to ensure that communities have both the necessary information about the most appropriate facility, and/or fire protection equipment for their community, and an understanding of the specific responsibilities that must be assumed by the community.

APPROACH (a)

A directory of various kinds of fire and life safety apparatus appropriate to the smaller communities should be developed by the State Fire Marshal's Office as a guide for local communities that wish to institute or upgrade existing fire and life safety capabilities.

RATIONALE

The past is replete with examples of inappropriate fire protection equipment being purchased by and for smaller communities that are ill-equipped to deal with it upon its arrival in the community. Lack of security, lack of warm storage, lack of trained personnel, and other problems all combine to result in poor utilization of state funds, and create an illusion of fire protection, when in fact little or no fire protection may actually exist. Local officials are often at the mercy of fire equipment salesmen, who often may not know of winter village conditions, including the lack of roads, and whose objective seems to be to make a sale, rather than to ensure the best possible fire protection equipment for available money.

The State Fire Marshal's Office, in conjunction with Fire Service professionals knowledgeable about rural, arctic firefighting conditions and requirements, should meet to develop the best firefighting response capabilities in rural Alaska. Rural areas may be categorized according to weather conditions, existence of roads, hydrants and water systems, local topography, existing fire apparatus, population, and other criteria that will, in the aggregate, produce selection criteria for fire protection equipment best suited to the several categories of communities that emerge from such

efforts. Substantial information now exists with the Department of Community and Regional Affairs, the Department of Transportation and Public Facilities, and from the first Task Force. This information should be reviewed, changed as needed, printed, and made available to local governments, members of the state Legislature who often fund local requests for fire equipment, the Governor's Office, which often receives requests for fire protection funding, the Department of Community and Regional Affairs, and others.

APPROACH (b)

In accordance with AS 18.70.080-085, the revenue requests for capital projects and equipment destined for communities without a well-developed fire service should be reviewed by the State Fire Marshal's Office.

RATIONALE

Closely allied to Approach A, relating to a directory of selection criteria for fire apparatus and equipment, relevant to local conditions, is the ongoing need to assist local governments and fire departments, upon their request, in reviewing the choices they have made to ensure the desired items best meet the needs of the community and that those items in fact have been received. The directory can provide only selection criteria of equipment relative to community circumstances. Consultation with the State Fire Marshal's Office will ensure that the available dollars will be spent in the wisest manner.

Requests for equipment are received by the Department of Community and Regional Affairs and the Governor's Office from both communities and legislators. The State Fire Marshal's Office, with possible assistance from the Technical Assistance Teams, will be able to advise legislators and local officials on the long-term impact of equipment requests. The advisory assessment may include training needs, storage and security needs of equipment, recurring maintenance and operating costs, warranty coverage for major repairs, and related aspects.

Members of the legislature should be advised of these services as a means to insure that their constituents receive the greatest possible benefit from legislative appropriations.

GOAL D - ARSON

Reduce the impact and incidence of arson fires in Alaska.

OBJECTIVE 1

Coordinate the efforts and improve the efficiency and effectiveness of the various agencies that deal with the crime of arson, including but not limited to Fire Service, law enforcement, prosecutors, the insurance industry, business owners, and the public.

(GOAL D - Continued)

APPROACH (a)

Training curriculum and certification be developed by the State Fire Service Training Program for Fire Service personnel involved in investigation of fire cause and origin.

RATIONALE

Training standards and certification have been developed by the State Fire Service Training Program and are now in existence for line firefighters, officers, and instructors. These national standards in use now in Alaska are used to certify the knowledge and proficiency of individuals against known minimum standards. Local jurisdictions may add to these minimum standards as appropriate.

No similar standards have yet been developed and adopted for the purpose of state certification for individuals investigating possible arson fires in Alaska. The Alaska Association of Fire and Arson Investigators is an obvious resource agency to assist in curriculum development and certification. Fire investigators in the State Fire Marshal's Office and in the larger departments are reasonably well trained by having attended various workshops and courses both in Alaska and other states, but their expertise varies with the amount of formal training and "hands on experience;" thus, each individual fire investigator must present his own credentials in court in order to be accepted as an expert witness. Standards and certification for fire investigators would improve the proficiency of individuals to a nationally accepted level, help establish credentials as a state recognized and certified fire investigator, and generally improve the capability of the state and its political subdivisions to address the crime of arson.

APPROACH (b)

The State Fire Service Training Program will develop and offer fire and arson investigation training courses for local fire departments.

RATIONALE

The key to success in reducing arson is to initially determine, or at least highly suspect, that in fact an arson fire occurred, or probably occurred. The danger remains that evidence of arson will unwittingly be destroyed by local firefighters, particularly in the smaller communities, who may not be attentive to possible arson fires. Firefighters are certainly the first persons on the scene of a fire and must be aware of what to look for to determine possible arson. Once the cause and origin of the fire has been determined, and evidence of arson has been found, the experts in fire and arson investigation can be called in.

The Alaska Association of Fire and Arson Investigators might sponsor such training through a grant from the State Fire Service Training Program.

(GOAL D - Continued)

APPROACH (c)

In coordination with the Alaska Association of Fire and Arson Investigators, the Commissioner of Public Safety and the Attorney General shall jointly develop and maintain a special arson team of persons with the needed expertise and background in the fields of fire cause and origin, criminal investigation, and prosecution that can be called upon, at no cost, to respond to requests for assistance anywhere in the state.

RATIONALE

Historically, arson has been a crime that falls somewhere between the Fire Service and law enforcement since successful investigation requires the expertise of the Fire Investigator to initially determine the cause and origin of a fire and the expertise of the law enforcement investigator to successfully apprehend the perpetrator. Rarely has there been a single individual competent in both fields. In addition, the enmity that from time to time occurs between the Fire Service and law enforcement personnel has acted to separate the two emergency services, rather than drawing them together. Successful arson investigation, which requires both fields of expertise, has predictably suffered. As the result of relatively few arson cases being prosecuted, even with arson being formally recognized as a Part One crime by the FBI, the District Attorneys tend to not be experienced in, or knowledgeable about, arson prosecution, and may be reluctant to accept arson cases. Law enforcement personnel who in the past have attended specialized arson training courses and who were viewed as the "arson investigators" have often been transferred or reassigned to other duties. In short, the necessity for dual expertise, the resulting question of responsibility toward arson investigation, and the unfamiliarity with the crime by prosecutors, have all led to arson's being a difficult crime to detect and prove in court.

Needed is a team of capable, well-trained, experienced, and knowledgeable specialists in arson investigation from law enforcement, the Statewide Crime Lab, the fire insurance industry, and the prosecutor's office. It should be developed jointly by the department heads in state government responsible for arson investigations, law enforcement agencies, the forensic sciences, and the prosecutors. The Association of Fire and Arson Investigators can provide expert consultation in the development of the team. The team is not intended to be a "Strike Force," but rather should be comprised of individuals with long-term assignment to the team, who receive specialized training, can work well with local arson investigation personnel, and who can respond quickly upon request from the local level to suspected arson fires anywhere in the state.

APPROACH (d)

The State Fire Marshal's Office, in conjunction with the Alaska Association of Fire and Arson Investigators will explore the establishment of a statewide, toll-free arson hot line in the State Fire Marshal's Office, and the availability of private funds for an award program.

(GOAL D - Continued)

RATIONALE

The Crime Stoppers program in several Alaskan communities has proven to be a successful means to stimulate citizen involvement in crime deterrence and apprehension of suspects. A similar program is being explored now on a statewide basis for information about arson fires by the Association of Fire and Arson Investigators. The arson hot line could possibly complement Crime Stoppers in the communities in which Crime Stoppers is located, and Crime Stoppers could complement the Arson hot line in the communities in which it is located. The insurance companies could be contacted for money to use as rewards, which may be financially attractive to them.

Washington State has an ongoing, and apparently a successful arson hot line program. The Municipality of Anchorage had an arson hot line, but no longer has it, and Kodiak combines an arson line with their Crime Stoppers. These and other authorities should be contacted to study the approaches used, and the reasons why success or failure occurred, with the possibility of adopting the best of all experiences for a statewide arson hot line.

APPROACH (e)

Part of the fire education program within the State Fire Marshal's Office will contain information about arson prevention.

RATIONALE

Part of the emphasis on improved arson detection and investigation is a better understanding of the crime by the public. The impact of an arson crime extends beyond the exact item burned. Several buildings may ultimately be involved as well as the economic loss to a community.

In addition, arson losses tend to increase both the cost of insurance premiums and fire suppression. A more alert public helps to remove the mystique from the crime of arson and results in a greater willingness to come forth with possible information about the crime. All of these aspects tend to adversely impact the person contemplating arson and to increase apprehension if arson has been committed. Special award incentives have proven their effectiveness in drastically reducing the overall property loss and increasing prosecution efforts.

GOAL E - CODE ENFORCEMENT

Ensure that at least minimum fire and life safety codes are adopted in a timely manner and enforced at the state and/or local government levels.

OBJECTIVE 1

The state shall promote a uniform interagency system for building and safety code enforcement to encompass all aspects of construction and building

maintenance, including but not limited to fire, electrical, structural, plumbing, sanitation, energy, handicapped and accident safety, and the provision of incentives for local jurisdictions to administer their own programs.

APPROACH (a)

The State Fire Marshal's Office will conduct semi-annual interagency workshops involving all agencies charged with code enforcement to resolve interpretational differences, overlapping authority and related problems, and to establish consistent enforcement procedures.

RATIONALE

Presently, interpretational differences by various enforcement agencies can result in one agency's approving a certain feature and another disapproving the same feature, and the granting of variances to existing codes resulting in frustrations and delays to architects, builders, and ultimately the public.

Enforcement procedures likewise suffer from similar lack of consistency. Both areas would be improved by broad agreements amongst participating agencies.

APPROACH (b)

Through the State Fire Marshal's Office, all state agencies charged with code enforcement should mutually explore the establishment of professional standards for all personnel involved in code enforcement, to ensure creditable service to the citizens of Alaska.

RATIONALE

Professionalization of personnel involved in code enforcement will lead to better service to the citizens of the state, in a similar manner to ironing out and agreeing upon code interpretation. Presently, code enforcement personnel at the state and local levels have varying backgrounds and experience in their field. As an example: The Department of Health and Social Services may request that the State Fire Marshal's Office conduct a fire inspection at the ABC Kiddy Drop in a certain community. Since the State Fire Marshal may not have a representative in the community, he will often call or write the chief of the local fire department, asking him to perform the inspection. The local department's personnel vary in their knowledge, experience, and on-site perceptions concerning code violations.

Development of professional standards could be a working subcommittee of the semi-annual interagency workshops proposed in approach A, above.

APPROACH (c)

Through the Division of Governmental Coordination in the Office of Management and Budget, all state agencies charged with fire and life

safety code enforcement should review their respective new safety standards as quickly as possible after they become available, and should prepare them as a package for review to the Department of Law, leading to their adoption or rejection, within six months of their publishing date.

RATIONALE

To ensure the safety of a building, various codes are issued every three years, such as the Uniform Building Code and Uniform Fire Code, Mechanical Code, Electrical Code, etc. Revisions are issued annually, and in some cases, quarterly "Applications and Interpretations" manuals are issued. These codes and their revisions and interpretations are used by the State Fire Marshal, the State Department of Labor, and various municipalities as the minimum standards that are used for plan reviews and on-site inspections.

Obvious problems occur when inspectors do not all use the most recent codes. For example, the cities of Anchorage, Kodiak, Juneau, Soldotna, Kenai, Valdez, and perhaps others are now using the latest Uniform Building and Fire Code (1982), but the State Fire Marshal's Office is using the 1979 edition, while the Electrical Inspectors in the Department of Labor are using the 1984 edition of the National Electrical Code.

State agencies with code enforcement responsibilities should review new codes expeditiously and request priority review of them by the Department of Law, on the basis that they relate to the safety and well-being of the state's residents. Rather than proceeding individually, the agencies should form a group through the efforts of the Division of Governmental Coordination and present their new regulations to the Department of Law. If substantially backlogged, the Department of Law is urged to have the review of the regulations contracted to a private law firm. To further reduce delay, the state agencies involved are asked to have developed a working draft of the regulations they want to have promulgated.

APPROACH (d)

The State Fire Marshal's Office and the Department of Labor, Division of Labor Standards and Safety, will explore the concept of state and local code enforcement and plans review personnel being located together, while retaining individual agency identification, thereby creating a one-stop shopping center for architects and others seeking building safety approval and to explore the concept of code compliance for both new construction and remodeling done to the single-family dwelling, where not performed by local building officials.

RATIONALE

Presently, there are no fewer than nine state departments that perform a variety of building regulatory functions, ranging from AHFC inspections to waste disposal permits. Within this broad group, two agencies - the Department of Labor and the State Fire Marshal's Office - are involved in building-fire and life-safety

concerns. Additionally, there may be federal and local agencies also involved in building and life safety, depending upon area and the specific project.

Grouping the building safety code and plans review people from state agencies is desirable, as well as including federal and local personnel with similar responsibilities, to the extent possible. By grouping, conflicts in interpretation can be resolved on the spot, saving time for all involved. Additionally, as each individual travels in the area, he can note deficiencies and hazards for one of the other specialists in the combined office. Each may also be able to offer assistance to the other when traveling by checking to determine that previous requirements by another inspector in a different specialty have been complied with, thereby making each other's job more efficient.

Although not now being done, and admittedly an extremely big step, and one fraught with difficulty, the concept of code compliance being extended to the single-family dwelling (from the present four-plex building or larger) in both new construction and remodeling should also be explored. Homes are by far the single greatest location of fires in Alaska, and until aggressive action is initiated, the fire loss in Alaska will remain high.

APPROACH (e)

Legislation should be developed by the State Fire Marshal's Office providing for more substantial sanctions against anyone who knowingly changes approved building plans and specifications relating to new construction without obtaining prior approval by the SFM, and anyone who circumvents life-safety codes thereby endangering the life and safety of future building occupants.

RATIONALE

The vast majority of architects design, and builders build, their buildings in compliance with the fire and life safety code. Some, however, do not, for a variety of reasons including economy in construction. At present, the existing statutes provide for a $500 fine for architects not designing to code. This amount can be described as an operating expense, and is not any measure of deterrence. The sanctions should be increased and include suspension of license of the contractor and/or architect.

APPROACH (f)

In cooperation with appropriate federal agencies, the State Fire Marshal's Office, the state and its political subdivisions should explore the adoption of NFPA 101 standards and/or the state should impose its own standards for health care facilities in coordination with federal authorities.

(GOAL E - Continued)

RATIONALE

A part of the responsibilities involved with the acceptance of federal funds is the application of the NFPA 101 standards for fire and life safety in health care facilities. NFPA 101 standards differ from those of the state, and in some cases, are less stringent than provided by state regulations. This conflict could be resolved by the S.F.M.'s using a combination of NFPA 101 regulations and state regulations.

This proposal also has disadvantages -- primarily the upgrading to state code that will have to be done, and the cost to do it, when these health care facilities are turned over to the state and/or local governments.

The Task Force recognizes the inherent problems with both the status quo and the idea of adopting NFPA 101 Standards, and makes no firm recommendation at this time, other than to identify the problem, and the need to deal with it.

APPROACH (g)

Through the State Fire Marshal's Office, local governments will be encouraged to undertake fire and life safety code enforcement, consistent with their desires and long-term objectives in fire prevention. In support of local code enforcement, legislation will be prepared by the State Fire Marshal and the Department of Community and Regional Affairs for funds to provide for the cost of the first two years' efforts by three local governments for plans review and subsequent building inspection. Provisions will be made for State Fire Marshal's Office to visit these communities periodically to support local code enforcement.

RATIONALE

Presently, only Anchorage, Fairbanks, Juneau, and Valdez provide fire and life safety code compliance. Other communities rely upon the State Fire Marshal's Office for plans review and site inspections, and of course the State Fire Marshal's Office also provides those services for areas outside organized cities and boroughs.

Fire chiefs in many cities want to perform these services, recognizing the limitations upon the State Fire Marshal's Office, and the need locally for code compliance, but local politics all but prohibit them doing so. It is far more difficult for the local fire chief to close down an unsafe structure that houses one of the few local businesses in town or for him to note deficiencies in buildings owned by community leaders, than to have a representative from the state to do so. In addition, the State has historically performed this function.

Notwithstanding the difficulties involved, and they vary in extent from one community to another, it is nonetheless desirable to have local governments assume greater fire protection responsibilities.

(GOAL E - Continued)

A financial incentive to defray the initial costs involved could be structured and awarded to those communities that undertake fire and life safety code compliance.

The issue of local government's performing code enforcement functions necessarily opens the question of the scope of fire protection responsibilities of local governments. Historically, fire protection in the United States has been a local responsibility. Code enforcement appears to be a reasonable extension of this responsibility. Coupled with a state grant to defray the first two years' costs, after which time the fees charged for plans review should offset in part future costs, enforcement of codes by local government can be a significant means to reduce fire losses in Alaska.

GOAL F - EMERGENCY MEDICAL SERVICES

The overall goal of the Alaska Emergency Medical Services (EMS) program is to establish a comprehensive, coordinated system of emergency medical services to the citizens of Alaska.[16]

OBJECTIVE 1

Ensure that citizens and visitors gain easy access to Emergency Medical Services; that initial response is expeditious; that appropriate lifesaving and stabilization measures are rendered at the scene; and that patients are transported or transferred in a timely and efficient manner to facilities capable of effecting maximum recovery and rehabilitation.

APPROACH (a)

Emergency Medical Services Section, within the Department of Health and Social Services, should continue to coordinate federal, state, and regional official and volunteer agencies involved in Alaska EMS system by providing overall medical direction for statewide EMS system development.

RATIONALE

Numerous governmental and private agencies at the federal, state, and local levels provide some aspect of emergency medical services which collectively make up the statewide EMS system. These organizations include, but are not limited to, the U.S. military, such as the Military Assistance to Safety and Traffic (MAST) program at Ft. Wainwright, the U.S. Coast Guard, the U.S. D.O.T. through development of training curricula and standards, the Alaska State Troopers, the Alaska Division of Emergency Services (Disaster Office), the EMS Section in the Department of Health and Social Services, local hospitals and medical clinics, local fire

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[16] This section has been excerpted from the State EMS Plan, Department of Health and Social Services.

departments, local ambulance services, air ambulance and medivac services, Regional EMS Councils and other EMS training agencies, the Alaska Area Native Health Service, Native Regional Health Corporations, and local governments. Under AS 18.08.010, the EMS Section within the Department of Health and Social Services is responsible for "coordinating public and private agencies engaged in the planning and delivery of emergency medical services to plan an EMS system," and to "assist public and private agencies to deliver emergency medical services through the award of grants in aid."

As the levels of EMS training and equipment become more sophisticated, the concept of medical control becomes increasingly important. Under this concept, physicians from the various medical specialities (e.g., emergency medicine, surgery, pediatrics, toxicology, etc.) assume responsibilities for training, continuing medical education, and development of treatment guidelines for categories of medical emergencies. At the local level, all pre-hospital emergency medical services must have physician sponsors or medical advisory boards to oversee the quality of medical care provided to patients in the field. This includes medical communications between physicians or hospitals, and EMTs or paramedics in the field.

This concept of medical control is part of the entire EMS system including certification requirements, planning, approval of medical equipment, development of treatment guidelines, development of communications systems, training programs, and evaluation.

The State EMS Section has routinely solicited and received assistance from the medical community to help develop a statewide, medically accountable EMS system. To assist with this effort, the EMS Section has an emergency medicine physician on contract as State EMS Medical Director, and works with a Governor-appointed Advisory Council on EMS which has four physician members.

APPROACH (b)

Certify emergency medical personnel and services according to state statutes and regulations to ensure certain minimum standards of emergency medical care.

RATIONALE

As pre-hospital emergency medical services become more sophisticated, more advanced medical care is provided in the field. In recent years, pre-hospital EMS personnel have learned such skills as the use of pneumatic anti-shock garments, intravenous therapy, esophageal obturator airways or endotracheal intubation, drug therapy, and cardiac defibrillation. Basic and advanced life support services must be proficient in applying cervical collars and backboards, using oxygen, suction, traction splints, CPR, and a wide variety of other skills.

Numerous national studies have shown that EMTs and paramedics lose these skills after certain periods of time unless they receive continuing medical education and refresher training. There also is a need for standardized curricula and qualifications for approved instructors. For these reasons, AS 18.08.080 was passed in 1978 making the Department of Health and Social Services responsible for adopting regulations establishing standards and procedures for issuance, renewal reissuance, revocation, and suspension of certificates for EMTs, EMT Instructors, and ambulance services.

These regulations have been adopted, and currently there are over 2,900 state-certified EMTs and EMT Instructors in Alaska and approximately 75 state-certified ambulance services.

In 1984, the State EMS Section, with assistance from EMT Instructors, developed state examinations and a computerized scoring system which provides the statistical reliability of questions. Using this system, the State EMS Section can provide ongoing evaluation and updating of the certification examinations.

In the future, changes in requirements or skill levels of EMS personnel should be made according to results of medical studies of EMS services and skills.

APPROACH (c)

The Regional EMS Councils should continue to provide and administer financial assistance for Regional EMS development, provide technical assistance to regional and local EMS agencies, and educate the public about appropriate action in emergencies and emergency procedures.

RATIONALE

Regional EMS Councils were formed throughout Alaska in the mid to late 1970s. These agencies, which initially received federal grants, now receive state grant funds from the state EMS Section for operating and capital equipment expenses. These regional councils provide training, continuing medical education, technical assistance, planning assistance, equipment purchase, communications system development assistance, public information and education, and testing for certified EMS personnel. With the assistance from Regional EMS Councils and state funding, there is a growing number of EMTs and trained first responders, and three times as many organized ambulance services exist in Alaska as did ten years ago. The Regional EMS Councils also provide training and continuing medical education to doctors, nurses, and mid-level practitioners (nurse practitioners), especially those working in rural areas.

As the number of organized EMS services and trained EMS responders continue to grow, there is a need for increased funding to support widespread training activities. According to needs assessments by the Regional EMS Councils, there still are significant needs for EMS training and equipment in many small rural and bush communities throughout Alaska.

(GOAL F - Continued)

APPROACH (d)

Seek improved emergency medical services through legislative action, by monitoring and evaluating EMS system development throughout the state, and by planning and prioritizing continued program development based on systematic needs assessment and epidemiological research.

RATIONALE

The EMS Section and EMS Regions have developed a planning guide entitled "Alaska EMS Goals: A Guide for Planning Alaska's Emergency Medical Services System." This planning guide uses the State Health Planning approach to planning for services by level of community (e.g., small village - Level I, subregional center - Level II, regional center - Level III, and urban center - Level IV). This planning guide also lists goals for rural highways, high-risk occupation sites, and communities with less than 25 people. Using this planning guide, the EMS regions complete community checklists on each community every year, to determine where there are EMS deficiencies and to help determine priorities for funding and technical assistance. Also, ambulance services are required to complete annual surveys which include types of services and numbers of runs by category, and the EMS Section analyzes other available sources of data, such as vital statistics to help determine the overall effectiveness of the statewide EMS system.

For FY86, the state EMS Section and EMS Regions have established priority needs for more training and medical equipment in Level I and II communities and completion of a statewide EMS communications system. The communications system includes completion of the microwave backbone along all major highways, and emergency radios (VHF or HF-SSB) for those remote villages which have reported recent communications problems with existing phones or radios. The microwave backbone on major highways provides EMS radio channels, as well as radio channels for the State Troopers, Alaska Division of Emergency Services (Disaster Office), Department of Natural Resources, Divisions of Parks and Forestry (including radio coverage for wildland fire fighting), and DOT&PF highway maintenance crews. Completion of this communications system is a high priority for the Department of Health and Social Services, EMS Section, as well as other agencies which will use this system. The Division of Telecommunications Operations has responsibility for implementation and maintenance of the system.

In future years, the State Epidemiologist should provide epidemiological research assistance to help determine specific causes and intervention strategies to reduce the high rates of deaths and injuries resulting from accidents in Alaska.

GOAL G - WILDLANDS FIRE PROTECTION

Improve the system of fire protection for both wildlands and structures in all areas of Alaska.

(GOAL G - Continued)

OBJECTIVE 1

Better utilize and increase existing fire protection capabilities of the state and local level through a closer working relationship of wildlands and structural fire fighting resources.

APPROACH (a)

The Department of Natural Resources will propose a special an appropriation of $100,000 for the Division of Forestry for each of two years to expand the presently funded, Rural Community Fire Protection Program that provides $64,000 annually, which has been administered by the Department since 1976.

RATIONALE

The federal program has remained at $64,000 annually for many years, while the acreage the state is responsible for protecting increases almost every year. A key element in the strategy of the Department is to involve local fire departments to provide the initial response to accessible wildlands fires. Local response is advantageous to the state because local forces may succeed in extinguishing the blaze, and if not, will at least retard the spread, and thereby limit the damage. To assist local departments, whose primary objective is structural fire suppression, to be better equipped to fight all rural fires requires more than the existing federal and state aid currently available. An appropriation of $100,000 for each of two years will substantially meet existing needs without any major staff additions in the department. Subsequent-year funding will be incorporated into the Department's budget request to the Governor and the legislature.

APPROACH (b)

The Division of Foretry will transfer or make loan of wildlands fire prevention and suppression apparatus, equipment and tools from the Division of Forestry to rural firefighting agencies, primarily during the non-fire season.

RATIONALE

The wildlands fire season extends from spring until fall, but during the late fall, winter and early spring, wildlands firefighting capabilities are largely in storage, and only skeleton crews are available. The Department is willing to loan certain items of equipment that are not being used during the non-fire season to local fire departments to improve their response capabilities. The cost of maintenance must be borne by local departments. The state may experience a more frequent replacement period and the cost of increased property records and accountability.

(GOAL G - Continued)

APPROACH (c)

The Division of Forestry will expand the existing level of training of local fire departments in the techniques of wildlands fire prevention and suppression.

RATIONALE

The present training of personnel in local fire departments is on a time-available basis, which is inadequate. Additional training would be available on a scheduled basis by extending the employment period of a few seasonal employees of the Department and providing some travel funds and training aids. Annual cost is estimated at $50,000.

APPROACH (d)

In coordination with the State Fire Marshal, the Division of Forestry will provide technical assistance to groups interested in forming a volunteer fire department where none now exists, and develop agreements with local fire departments concerning their assistance in wildlands firefighting.

RATIONALE

Assisting local groups of interested citizens who wish to form a fire department will provide not only local structural fire protection, but also holds the potential for additional local suppression forces for wildlands fires. Agreements would provide for local departments making the initial attack on accessible wildlands fires. Coordination with the State Fire Marshal is essential in organizing new departments. This phase could be accomplished by $15,000 for travel expenses for existing forestry staff.

APPROACH (e)

The Division of Emergency Services within the Alaska Department of Military Affairs, the Division of Forestry within the Department of Natural Resources, and the State Fire Marshal's Office within the Department of Public Safety should plan for and implement a program that will provide the trained and organized manpower and the suppression equipment that will be needed to meet the demand of rural fire disasters that could occur within the state because of the increase in urban-rural interface.

RATIONALE

The federal government has recognized for many years that expanding rural populations create the potential for disaster fires that spread in a vegetative ground cover to involve improvements such as homes, schools, industries, businesses, farms, crops, recreation residences and many other types of developments. These fires threaten human lives as well as heavy property loss. Such fires may originate from many causes, including related disasters such as earthquake or explosions.

The federal government has set up a program under the Disaster Relief Act of 1974 (Public Law 93-288) to provide assistance to states when a disaster reaches certain proportions and relief has been requested by the Governor of the state. This program requires that the Federal Emergency Management Agency review the potential impact of a fire before assistance is granted. The State of Alaska has requested assistance for fire disasters under this program several times in the past but has received assistance on very few occasions mainly because of the delays imposed by the number of agencies and people involved.

The State of Alaska needs a disaster relief program that can be implemented in a shorter time frame than is now possible under the federal program. This program should be capable of being implemented before a fire reaches the proportions of a federal disaster.

A statewide fire disaster preparedness plan and the resources to cope with such a disaster could and should be implemented by the Division of Emergency Services, the State Fire Marshal, and the State Forester prior to the fire disaster that will occur because of the presently occurring urban-wildlands interface.

APPROACH (f)

Structural and wildlands firefighting agencies should provide mutual assistance to each other in matters requiring legislative action.

RATIONALE

Historically, wildlands and structural firefighting agencies have independently pursued their legislative objectives with little or no coordination between themselves. The Fire Chiefs Association and Firefighters Association have jointly hired a lobbyist to represent them. The Department of Natural Resources has pursued its legislative needs through the executive budget process of state government. Recognizing that both structural and wildlands firefighters are part of the fire protection community, coordination of their respective objectives would present a stronger case in the Legislature and generally enhance the protection afforded to the citizenry of the state.

GOAL H - INTERAGENCY PLANNING, COORDINATION, AND CONSOLIDATION

The Governor shall require interagency planning and coordination by all state agencies having fire safety responsibilities.

OBJECTIVE 1

Increase the accuracy, timeliness, and scope of all fire-related data in Alaska.

(GOAL H - Continued)

APPROACH (a)

Expedite final approvals by Department of Administration and Department of Public Safety, to implement the micro-computer project involving long fire departments and the State Fire Marshal's Office.

RATIONALE

The computer project involves $100,000 for the purchase of micro-computers and associated terminals. The equipment is slated for installation in the 10 local fire departments with the greatest volume of fire incidents. This will enable local departments to input their ANFIRS information directly, rather than for later entry by the Fire Marshal's Office, and for obtaining information from the data base for a number of reasons, such as for budgeting purposes, public information programs, etc. The system also allows the local departments to keep records about vehicle maintenance, training records, etc.

APPROACH (b)

The State Fire Marshal's Office and the Department of Natural Resources should jointly explore whether the ANFIRS data base can be expanded to include wildlands fire data also, thereby creating a single point for compilation of all fire-related data in Alaska.

RATIONALE

Currently, state wildlands fire data is gathered and analyzed by the state Department of Natural Resources, and fire data from local fire departments is gathered and analyzed by the State Fire Marshal. Some degree of duplication of effort and possibly computer resources must occur. Although, historically, wildlands firefighting and structural firefighting have been thought of as essentially separate elements, the increasing state wildlands fire responsibility, the build-up of structures in semi-rural settings, and the proposed increase in coordination between these two fire-related functions all seem to argue convincingly that the data-gathering resources of both agencies might be combined, with a broader scope and higher-quality data output as the result. A combined data function would also serve to further coordinate the activities of both agencies.

APPROACH (c)

The State Fire Marshal, in conjunction with the state's forensic pathologists will determine how to improve the reporting data concerning fires and fire fatalities, caused directly or indirectly by alcohol abuse.

RATIONALE

Existing statistics about causes of fires often indicate the cause as "wood stove," "cigarette," or similar causal factor. Unavailable is any reliable data that show the extent to which, if any, alcohol

abuse contributes to these fires. The fire caused by a "woodstove," may in fact have occurred as the result of an intoxicated person throwing a flammable liquid on the fire to get it burning a bit better. The "cigarette," in itself a difficult way to start a fire, may have dropped onto the bed, when the intoxicated person passed out, and who several hours later died from smoke inhalation from a smoldering mattress. Other, almost unlimited examples are known to fire service personnel through out the state.

The extent of alcohol abuse as the basic cause of the fire must be known if Alaska is to have any significant success with its fire prevention efforts, since the thrust of the prevention effort must be directed to the true cause of the fire. The cause of the fatality on the smoldering couch was, in strict medical terms asphyxiation, but in practical terms was alcohol abuse.

To the extent alcohol abuse can be shown to be a major cause of fire, then prevention efforts should be expanded to include work with alcohol abuse agencies and through them, to stress the fire-related hazards of alcohol abuse.

OBJECTIVE 2

The state will perform Master Fire Planning as a cooperative venture with related agencies at the federal, state, regional and local levels.

APPROACH (a)

In cooperation with the Department of Law and the several borough governments, the State Fire Marshal will research whether future Fire Service areas at the local level will, to the extent possible, be developed in such a manner as to preclude creation of islands with no fire protection services, and whether existing islands with no fire protection services will, to the extent possible, be incorporated into one or more of the existing Fire Service areas.

RATIONALE

The problem created in the wake of newly emerging fire service districts is that certain areas do not elect to provide fire protection for themselves and, as a result, form islands surrounded by Fire Service districts. Fires occur within these islands with no fire fighting capabilities, and from time to time result in substantial loss of property and even life. The most recent of a long series of incidents that could be quoted occurred in the Fairbanks area in which two single family dwellings were completely destroyed by fire. One resulted in a fatality, and the other an injury. Such incidents cause considerable anguish to neighboring firefighters, and always result in substantial media coverage. This problem, and the closely allied one of fires occurring next to a Fire Service district, have plagued the Fire Service since before statehood. The fact that the problem still exists is an indication of the difficulties encountered when attempting to solve it.

Although some may say that the residents didn't vote for fire protection and thus were not part of a Fire Service area, and therefore deserve no protection, the fact remains that the minority who did vote for fire protection have been denied it by the majority who, for their own reasons, voted the issue down. There is also the humanitarian aspect of firefighters who hear anguished cries for help, as a person literally burns to death, as occurred in the Fairbanks example, but who cannot respond to those cries for help because the house is not in a Fire Service area.

The issue has defied resolution for many years, and cannot be solved by a three-month effort by the Task Force. However, the problem is recognized here as one of the most pressing issues within the Fire Service community, and deserves continuing analysis and work toward solving it.

Several approaches merit further research:

(1) When new areas are proposed for creation of a new Fire Service area, boroughs may be able to require that such efforts cannot result in islands of unprotected territory. Thus, the lines of the proposed Fire Service district would have to be redrawn to ensure that no unprotected pockets occur.

(2) Seek legal opinion, and possibly legislative action authorizing the State Fire Marshal to request a fire department to respond to a fire outside their area, although without adversely affecting protection resources within the area.

(3) Legislative authorization to charge the homeowners in the unprotected areas for liability insurance, use of equipment and personnel time of the responding department.

None of the foregoing are without disadvantages, and as a result, this report recommends no specific action at this time, other than the extreme necessity of further analysis and research of the matter, with the hope of leading to a resolution of the problem.

APPROACH (b)

The state will establish by legislation a State Fire Commission, as a part of state government, to function as a central focal point for all fire-protection-related projects and programs.

RATIONALE

At present, there are only two agencies within state government with significant responsibilities for fire protection -- the Department of Natural Resources, with authority for wildlands firefighting, and the Division of Fire Prevention within the Department of Public Safety. The Division, popularly referred to as the Fire Marshal's Office, has only 13 professionals and four support personnel in the entire state. This agency never has been able to meet all of its statutory responsibilities, due to inadequate staffing. The

Department of Natural Resources has only recently assumed major wildlands firefighting programs, having earlier relied on federal agencies. The agency assumes steadily increasing amounts of acreages resulting from transfers of lands to private ownership through the Alaska Native Claims Settlement Act and other programs, and consequently, there is need to increase its fire suppression capabilities.

When the Task Force first met, the idea of a State Fire Commission as a broad policy making body to determine what is in the best interests of the state as concerns fire protection was initially discussed, but was deferred pending completion of all the Goals, Objectives, and Programs the Task Force knew they had to consider. As the Goals and Objectives part of the Task Force report developed, the key to implementation of the various "Approaches" was, in almost every case, action by the state. As the process continued, it became clear that a very substantial increase in personnel would have to occur in the State Fire Marshal's Office, if the recommendations in the "Approach" sections would have any chance of success. A cursory review of all the "Approaches" in the preceding goals will bear out the overwhelming work load being proposed for the State Fire Marshal. However, even if adequately staffed, the Fire Marshal is not involved in all aspects of fire protection in the state, such as industrial fire safety and fire insurance in the private sector, local fire departments, aviation firefighting, or fire service training. Similarly the Division of Forestry is involved only in wildlands fires. Thus neither is able to act as a focal point for all fire related programs in the state, both public and private.

When the report was finished, Task Force members felt they had identified most, if not all, of the serious and pressing issues facing the Fire Service community in Alaska, and had proposed reasonable ways to address the issues, but they were not satisfied with having identified the means whereby their recommendations could be successfully carried out. Few members are optimistic about being able to obtain the additional employees needed in the Fire Marshal's Office, which since statehood has been subservient to the primary concerns of the Department of Public Safety which is law enforcement. Even if the prospect of obtaining additional employees is bright, the State Fire Marshal's Office could not offer the perspective and flexibility that could be obtained from a relatively autonomous, broadly conceived, policy and advisory group to the Chief Executive for dealing with the broad range of issues of concern to the entire fire service community at all levels of government, as well as the private sector.

The idea of a State Fire Commission was again considered in the context of a means to implement the actions recommended by the Task Force. Envisioned is a body similar to the State Board of Education, or the Board of Fisheries, the Board of Game, or the Liquor Control Board. Each is a policy-setting body within their respective fields. The State Board of Education for example, sets policy regarding education in grades K-12, but doesn't administer the Department of Education, nor do the Fish and Game Boards administer

the Department of Fish and Game. In similar manner, the State Fire Commission would set policy for state agencies with fire protection responsibilities, would not administer the Fire Marshal's Office, or any other agency with program resposibilities. The Fire Commission could not, of course set policy for local departments, federal agencies or private industry, but could make recommendations to them.

The need for a policy setting body within the fire service at the state level can be well illustrated. One group of needs concerns decision-making by state fire program administrators. Fire Service training at the state level for example is now determined by one person -- the program supervisor. Due to fiscal constraints he has determined that his program would not become involved in training industrial fire brigades. With no overall policy setting group, private industry can only take their concerns to a local legislator, write the Governor or do nothing. Similarly, other officials make decisions about aviation fire safety, fire code enforcement, plans review, wildlands firefighting, etc. All hope their decisions are in the best interest of the state, but at the moment are made in the context of their own agency programs and goals because they are without a mechanism to determine how their decisions impact other state, local, or federal agency fire-related efforts, i.e. there is no overall policy setting group to indicate otherwise, and thus no system of checks and balances with or coordination among state-level fire-related activities.

Another reason for a policy group is to determine what activities the state, local governments and private industry are <u>not</u> performing that should be performed in order to reduce the toll of fire deaths to provide focus or programmatic guidelines. This information would be in the form of recommendations to the Governor for state actions, to the professional fire associations and the Municipal League as concerns local actions, to individual federal agencies appropriate to the recommendations, etc. In short a Fire Commission is seen as providing the broad base of reference or perspective not now available but seen needed to address the wide array of problems and issues facing the Fire Service, and to coordinate a largely diverse group of agencies with fire service programs and responsibilities at all levels of government, and in private industry.

The concept of a Commission has substantial precedence in the other emergency services fields. The law enforcement field is represented by the Police Standards Council whose function is not as broad as that forseen for the Fire Commission. The Emergency Medical Services has a State Advisory Council on Emergency Medical Services comprised of an eleven-member, Governor-appointed board which advises the Department of Health and Social Services on a wide array of planning policies and priorities. Of the three emergency services, only the Fire Service has no broad, relatively autonomous, policy-setting group of the nature of a Council or Commission.

Envisioned by the Task Force is a legislatively-created State Fire Commission, with clearly defined duties, that would in effect

provide for overall coordination and balance within the state's fire prevention and control program, and develop and oversee the actual implementation of the state's Fire Service program. Fortunately, certain other states have well-functioning Fire Commissions, and the U. S. Fire Administration has written extensively about a "model" Fire Commission. The Task Force has borrowed from both, after having previously and independently arrived at the conclusion that a Fire Commission could best address Alaska's fire protection needs.

Both the federal model, and the commissions in more than 20 other states the Task Force has information about, have membership that strongly reflects the fire service and affected groups which provides the mechanism for balancing the various views, and represents a true focal point for all fire prevention and control activities.

The State Fire Commission concept being recommended by the Task Force would have members broadly representative of the Fire Service in the state, both in terms of functional specialty and geographic representation, with staggered terms to ensure continuity. Members would be chosen by the Governor. Functional specialties should include code enforcement, wildlands fire protection, structural fire protection in both urban and rural areas, aviation fire protection, marine fire protection, arson investigation, fire insurance, industrial fire protection, fire prevention, public fire education and training for the fire service. Agencies representing these specialties, and others deemed desirable for agency representation include:

- Fire Insurance Industry
- Department of Labor (codes)
- Fire Marshal (codes, fire prevention and public education)
- The technical building professions (codes)
- Department of Natural Resources (wildlands fires)
- Urban Fire Departments (structural fires)
- Association of Fire and Arson Investigators (arson)
- The Legislature
- Rural Fire Departments (structural and wildlands fires)
- Alaska Fire Chiefs/Firefighters Association (fire officers and firefighters)
- Coast Guard (marine firefighting)
- Department of Transportation and Public Facilities (aviation firefighting)
- Supervisor, State Fire Service Training Program (training and education)
- Alaska Municipal League (local government)
- Department of Community & Regional Affairs (fire-related projects with local government)

The proposed State Fire Commission would be located within the Governor's Office and would be administratively tied to either the Governor's Office or to the Department of Public Safety through the Fire Marshal's Office.

The members of the Commission would elect a chairman from their membership. The Commission would also hire an executive director who would serve at the pleasure of the Commission. A two- or three-person staff, (similar to the staff of the Police Standards Council and the EMS Council), and a secretary to accomplish the staff work as directed by the Commission would be needed. The director and staff should be co-located with the State Fire Marshal for maximum coordination of activities and access to information and technical assistance. This location would also permit close liaison with the Division of Forestry and the State Forester for wildlands-fires-related information and technical assistance, and to the Department of Transportation with their aviation fire safety responsibilities.

The State Fire Commission members would serve without compensation, except for travel and per diem, which would be paid by the state at the prevailing rates. The Commission should meet monthly during its formative period during the first year, then reduce the frequency to every other month, or quarterly meetings thereafter.

Specific Responsibilities of the Commission would include:

* Obtain, study, and analyze data, statistics, and other information concerning fire causes and prevention in Alaska, and develop recommendations leading toward increased fire safety in the state.

* Exercise policy making authority and establish operational guidelines for all state agencies with fire protection responsibilities and make recommendations to private industry, local governments and federal agencies having fire protection programs.

* Develop and maintain a liaison with all fire protection agencies within the state, both public and private, in the furtherance of Commission activities.

* Foster research and inquire into both the unique causes of fire related to the arctic environment and methodologies of successful fire prevention and control under arctic conditions, including an informational exchange program with other nations similarly situated within the Arctic Rim.

* Recommend legislative and executive actions that will result in more effective and efficient fire prevention and suppression.

* Recommend information and actions designed to resolve conflicts among agencies with overlapping fire-related programs and responsibilities.

* Act as a focal point for all federal assistance and program liaison between the State of Alaska and federal agencies pertaining to fire prevention and control.

* Develop and submit an annual report to the Governor, the Legislature, and the Fire Service community on the activities, recommendations, and accomplishments of the Commission during the preceeding fiscal year.

* Develop a statewide Master Fire Plan, in cooperation with all agencies in the fire service community.

* Take such other actions as may be deemed necessary or appropriate to carry out its mandate of reducing fire losses in Alaska.

* * *

There appear to be three options available to the Governor and the Legislature in order that Alaska's fire losses -- the worst in the western world -- can be effectively reduced.

A. Maintain the Status Quo.

This option, in the view of the Task Force, is not a viable one, since it would perpetuate the fractured, diverse, and uncoordinated Fire Service effort that presently exists, and that undoubtedly contributes to Alaska's fire-loss record being the worst in the United States and the industrialized world. Nonetheless, it is a choice.

B. Substantially increase the capabilities of the State Fire Marshal's Office, through additional staff.

This option would improve the overall situation, but would not provide the broad base of support, perspective, and involvement that a State Fire Commission offers.

C. Create a State Fire Commission.

A State Fire Commission, for all the reasons previously described, offers the best way to address the wide array of fire protection issues and needs for Alaska.

The Task Force earnestly asks the support of the Governor and the Legislature to create the Alaska State Fire Commission, so that the recommendations of both the first Task Force and the second Task Force can be implemented, the fire loss record in Alaska be reduced, and improve the safety and well-being of the residents of Alaska.

IV.

ANNUAL ACTION PLAN

GOAL A - FIRE EDUCATION AND PUBLIC AWARENESS

Inform the people of Alaska of all aspects of fire prevention, protection, and control.

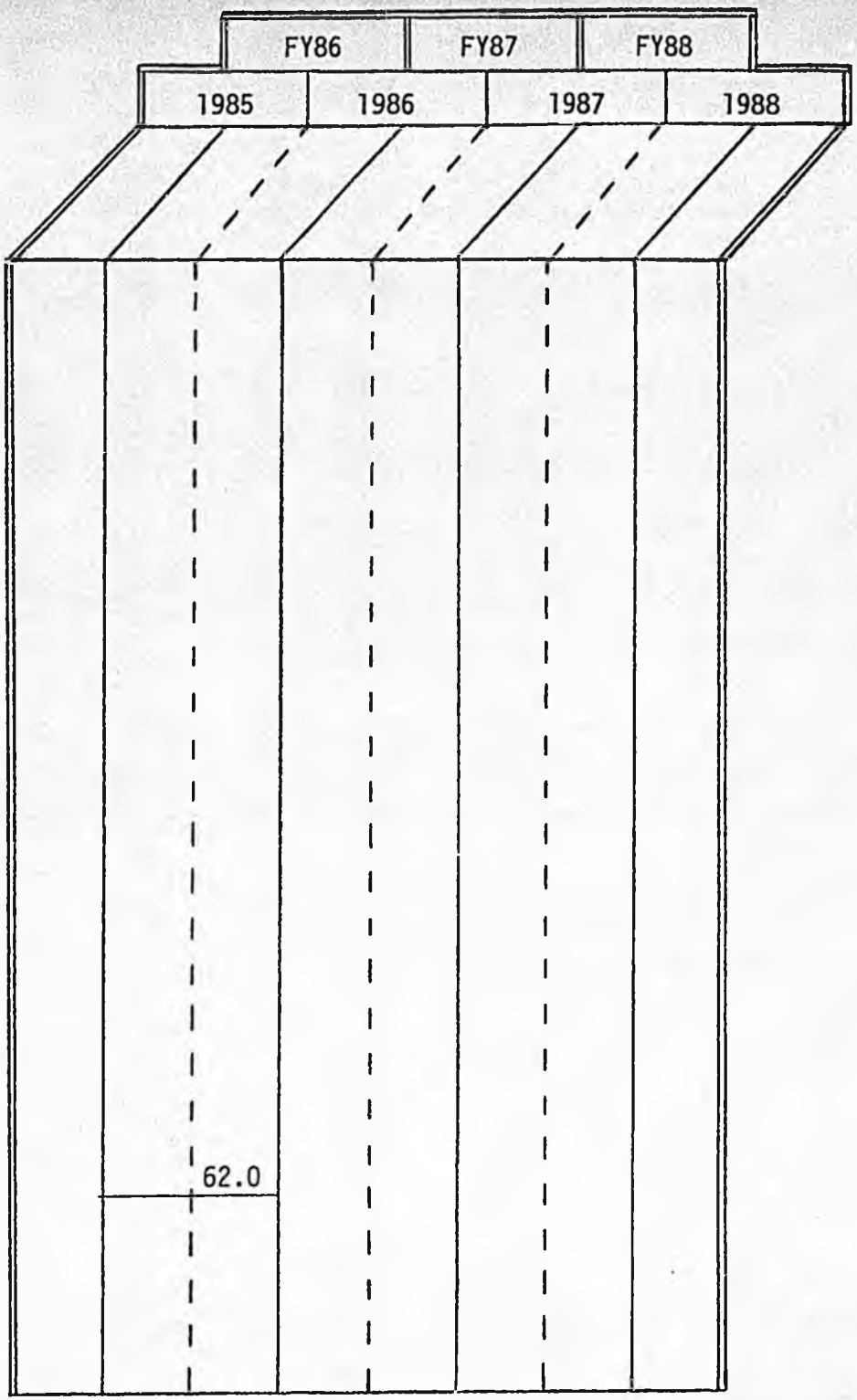
OBJECTIVE 1

The State will substantially expand its fire prevention and education efforts generally, with particular emphasis upon preventing fires in all buildings, particularly in dwellings which are both the most common places of fire occurrence and fire deaths, and the least affected by governmental efforts to ensure fire and life safety.

The following approaches are intended to be illustrative of fire prevention efforts, but are not limited to other initiatives.

APPROACH (a)

In consultation with the fire insurance industry, local fire departments, regional housing authorities, and others, the State Fire Marshal's Office will initiate and coordinate a program of reduction of fires in dwellings by determining the feasibility of installing sprinkler systems in homes and the rate reduction in fire insurance premiums some insurance companies have for installation of home sprinkler systems, placement of smoke alarms, fire extinguishers, dead bolts, voluntarily-initiated home inspections through the local fire departments, and such other actions as deemed appropriate. (One year feasibility effort includes hiring a full time Education Specialist)



(GOAL A - FIRE EDUCATION & PUBLIC AWARENESS, Continued)

APPROACH (b)

If sprinklers prove economically feasible, legislation should be coordinated through the State Fire Marshal by all elements of the Fire Service community to establish low- interest loans to homeowners for installation of sprinklers in a similar manner to existing low-interest energy conservation loans within the Department of Community and Regional Affairs.

APPROACH (c)

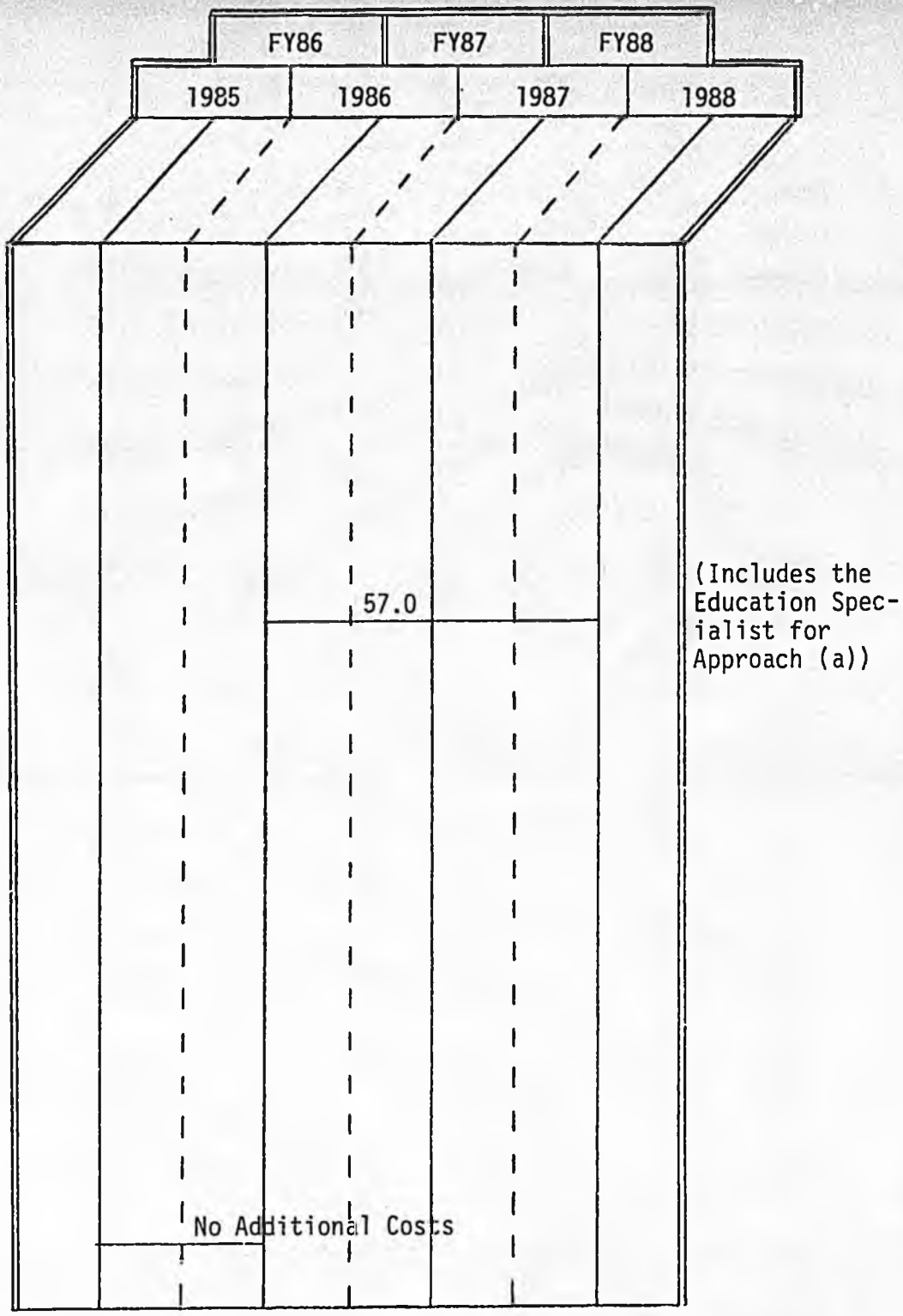
Upon determining that home sprinklers are feasible, the State Fire Marshal, in cooperation with the professional Fire Service organizations and individual firefighters in Alaska, will seek legislation that mandates lower fire insurance rates for homes with sprinkler systems.

APPROACH (d)

The Fire Marshal's Office, in cooperation with local fire departments, will initiate educational programs for bankers, architects, and builders concerning potential cost savings of insurance premiums to the homeowner as the result of sprinklers in new home construction.

APPROACH (e)

The State Fire Marshal and the State Fire Service Training Program, in cooperation with the State Troopers, will review the Village Public Safety Officer program to determine how existing training and equipment acquisition can be expanded to address the high rate of structural fires in rural Alaska.



(GOAL A - FIRE EDUCATION & PUBLIC AWARENESS, Continued)

APPROACH (f)

Through the Governor's Office, the State Fire Marshal will seek to expand the Alaska Safety and Health Advisory Council to include a permanent member of the Fire Service in Alaska to represent their interests and to contribute to the Council.

APPROACH (g)

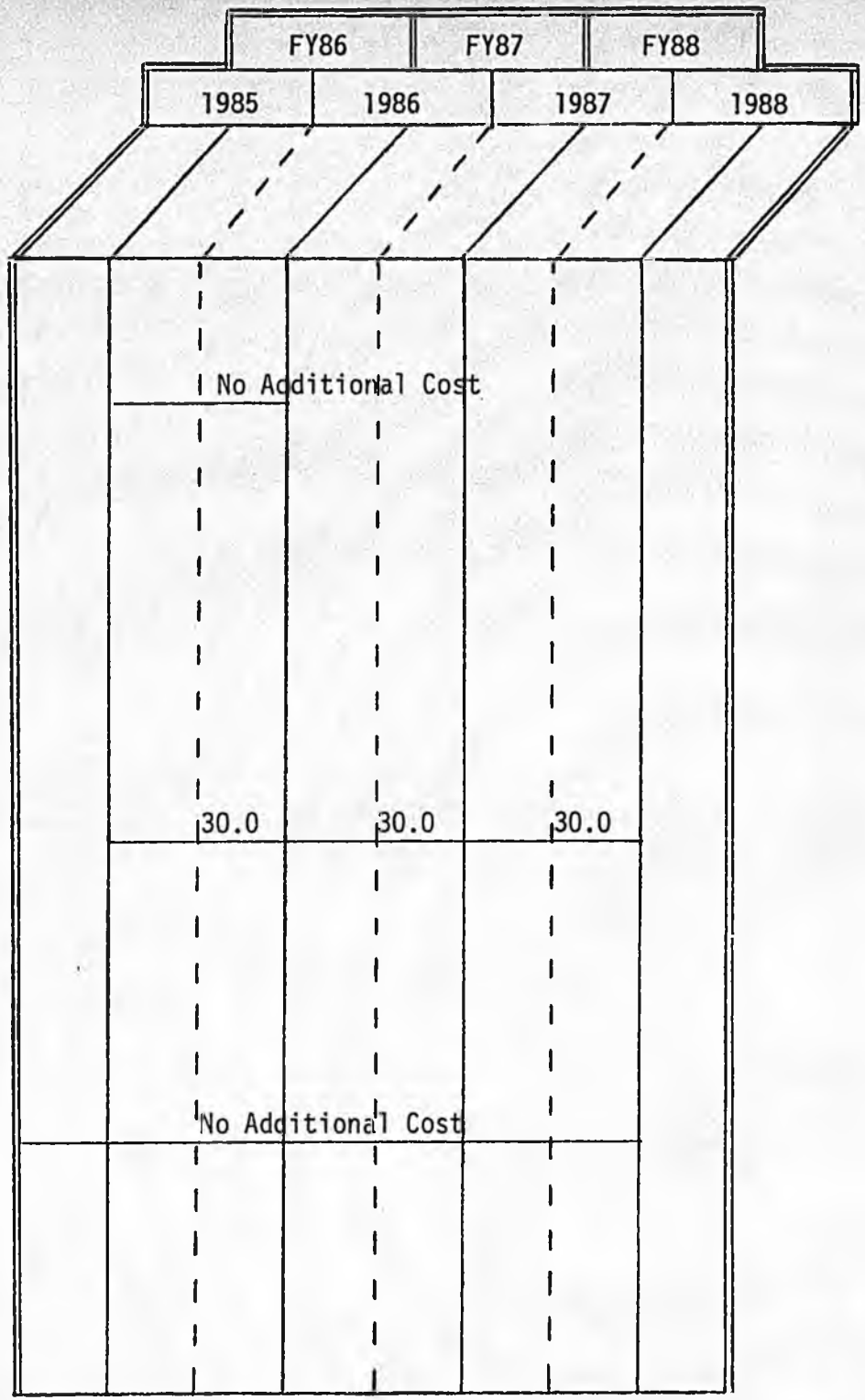
The State Fire Marshal and the State Fire Service Training Program will establish regional resource centers - (perhaps at community colleges and Regional Fire Training Centers) - of audio and visual materials appropriate to prevention-oriented efforts by local fire departments, government agencies at all levels, Native regional nonprofit corporations, and others with fire protection programs and responsibilities. Copying facilities would also be helpful at these resource centers.

APPROACH (h)

The State Fire Marshal, in cooperation with all agencies of the Fire Service community will initiate an on-going dialogue to address the tremendous disparity between where Alaska's fire deaths occur--in the home, and where prevention-oriented efforts exist--in the larger buildings where fire deaths rarely occur.

OBJECTIVE 2

The state will actively support and promote fire safety training in the public school systems in the state.



(GOAL A - FIRE EDUCATION & PUBLIC AWARENESS, Continued)

APPROACH (a)

In cooperation with various professional educational organizations, the State Fire Marshal's Office will attempt to institute the "Learn Not To Burn" curriculum in the public school system in Alaska and provide for financial assistance to offset program costs, through the Department of Education or the Legislature.

GOAL B - FIRE SERVICE TRAINING

Improve the level of fire protection by assisting in the development of Fire Service personnel to their maximum performance potential.

OBJECTIVE 1

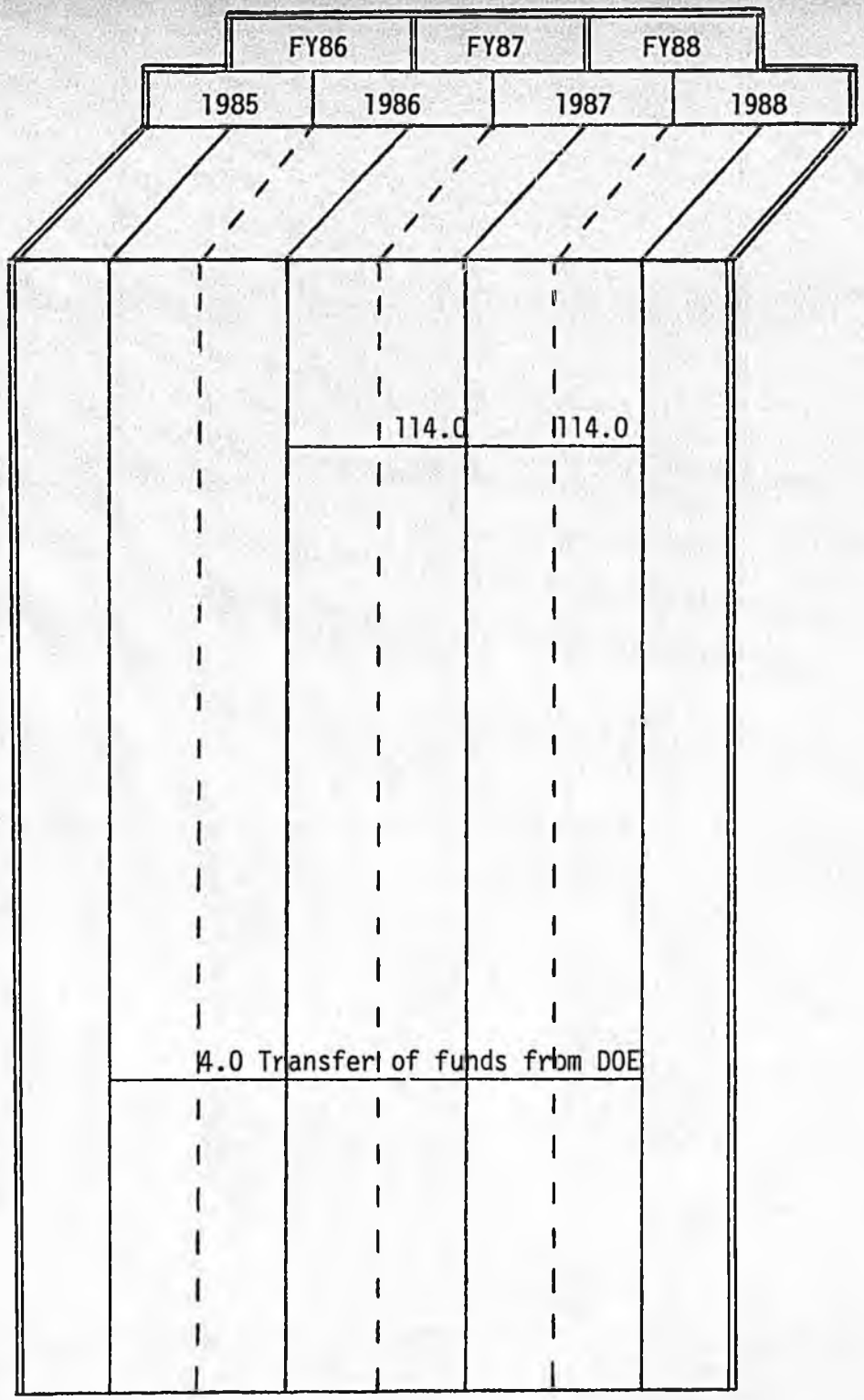
The state will assist local governments and other agencies with fire protection responsibilities to develop and maintain a comprehensive Fire Service Training Program to provide instructional and related services to the Fire Service community and other emergency services personnel.

APPROACH (a)

Relocate the State Fire Service Training Program to the State Fire Marshal's Office, by request of the Governor.

APPROACH (b)

The State Fire Service Training Program will continue to expand upon existing Fire Service Training Programs to ensure professional development courses for all ranks of personnel within the Fire Service. (See Following Page)



(GOAL B - FIRE SERVICE TRAINING, Continued)

APPROACH (c)

The State Fire Service Training Program will reestablish the Technical Assistance Teams, trainee travel funds, and continue with the Itinerant Fire Instructor program.

APPROACH (d)

The State Fire Service Training Program will develop new curriculum and training resources based upon state and national professional standards.

APPROACH (e)

The State Fire Service Training Program will expand training and education standards for Fire Service personnel in all fire service activities.

APPROACH (f)

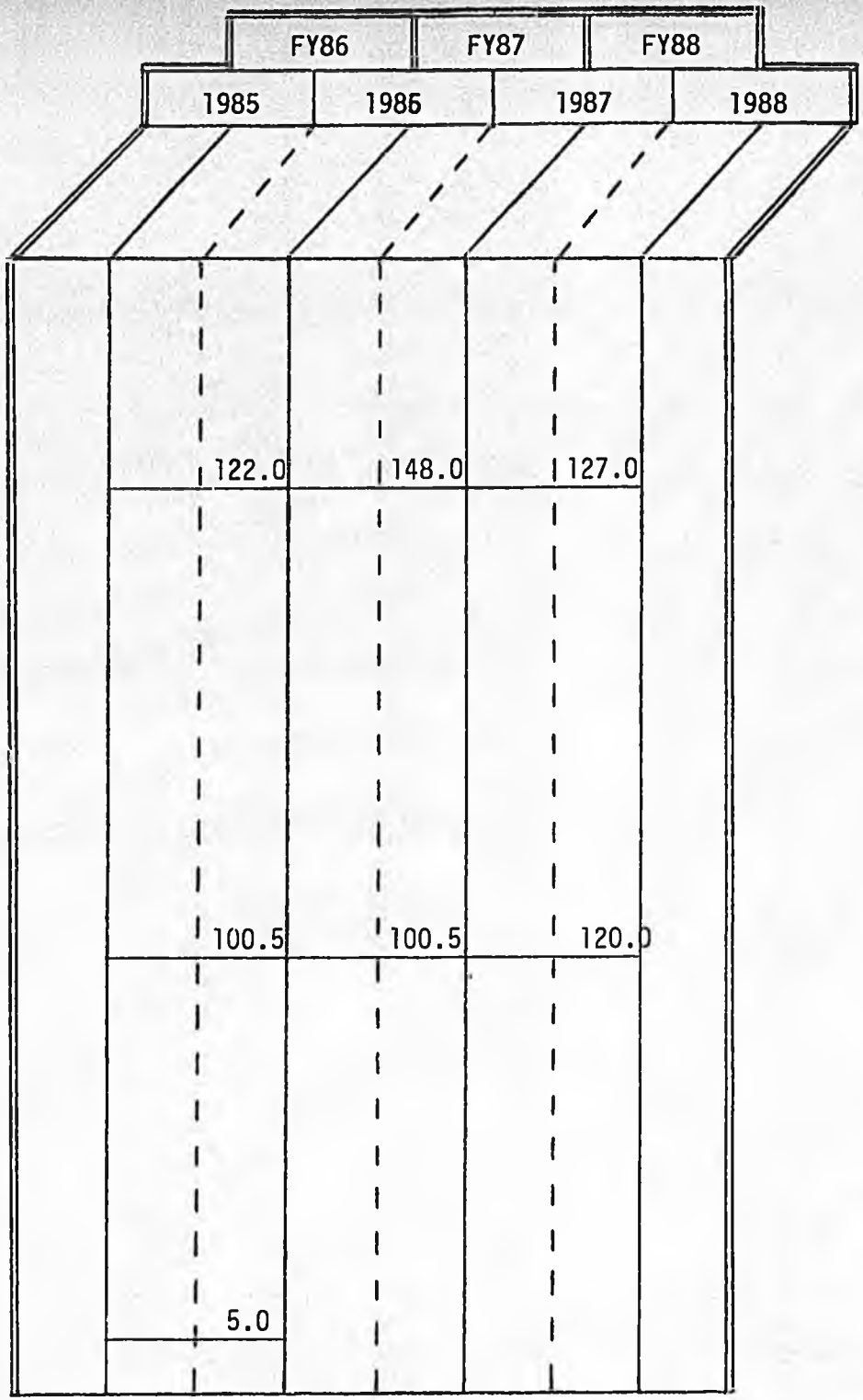
The State Fire Service Training Program will continue to administer an adequate grant award program to support local and regional training programs.

OBJECTIVE 2

The state will maintain and encourage expansion of a comprehensive Fire Science Technology program within the community college system.

APPROACH (a)

Through the professional Fire Service organizations and the State Fire Marshal's Office, the State Fire Service Training Program, will coordinate efforts with the University of Alaska, and the community colleges



to support and further develop the Fire Science Technology programs, including exploring the nonresident extension program as a delivery system. In addition, although present circumstances do not support a four-year degree program in Alaska, information should be compiled about how a four-year degree in the Fire Science field could be attained through a combination of existing opportunities in the community college/University of Alaska system, and other universities in other states, such as Oregon, and make this information available to the personnel in the Fire Services.

OBJECTIVE 3 -

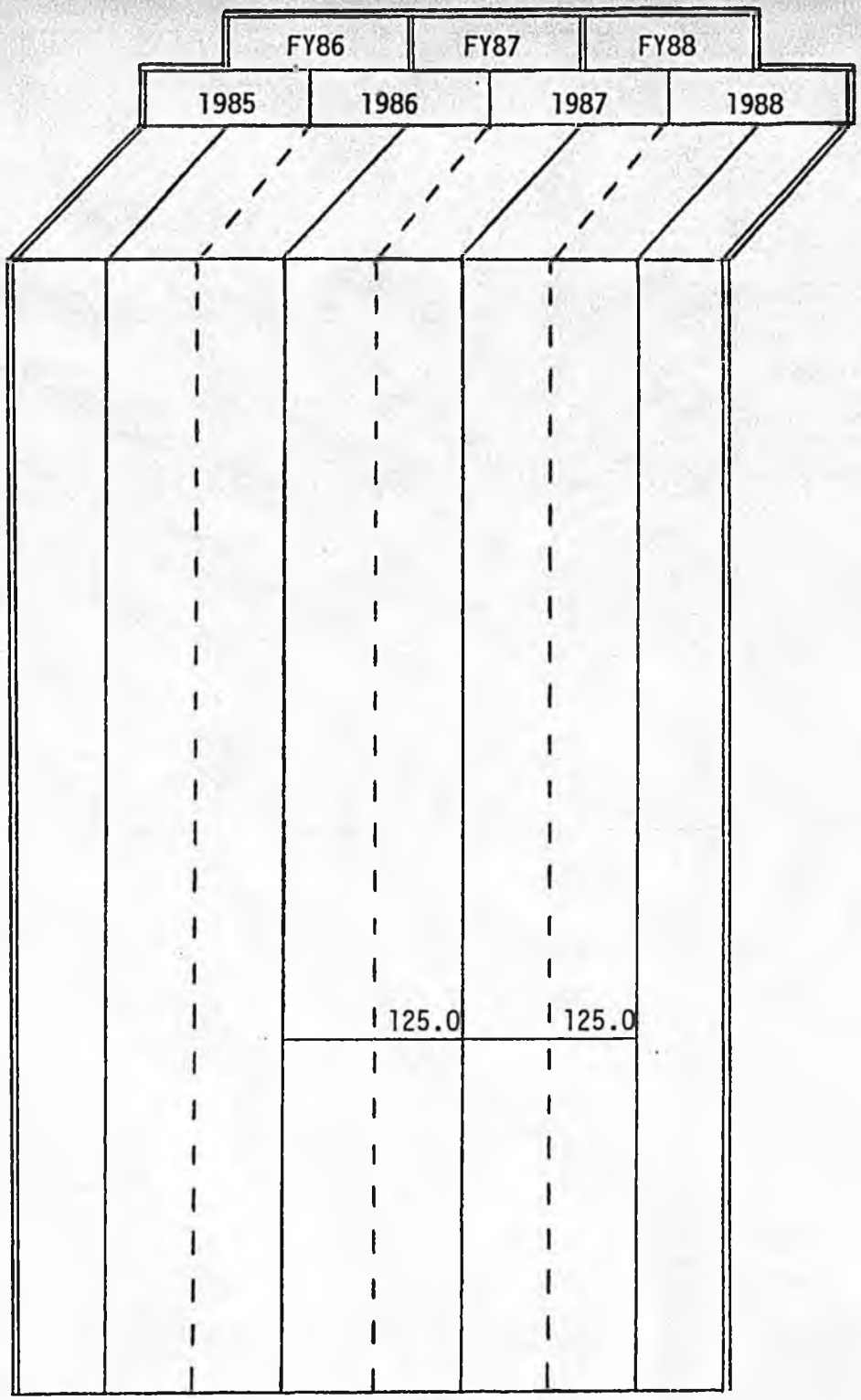
Encourage and support financial assistance to the five Regional Fire Training Centers to enhance regional training capabilities.

APPROACH (a)

The State Fire Marshal's Office, in conjunction with the State Fire Service Training Program will seek an appropriation of $250,000 for a two-year period for an urban and a rural regional fire training center to enable each to support raining program development, course costs, student travel, training coordinators, and related administrative costs.

GOAL C - CAPITAL PROJECTS

The state will support capital projects for fire and life safety on a cooperative basis with local government.



(GOAL C - CAPITAL PROJECTS, Continued)

OBJECTIVE 1

The state will attempt to enhance the understanding of local government officials concerning sources of revenue and the state's capital budget process as it relates to fire protection projects and the responsibilities local governments assume when such projects are approved.

APPROACH (a)

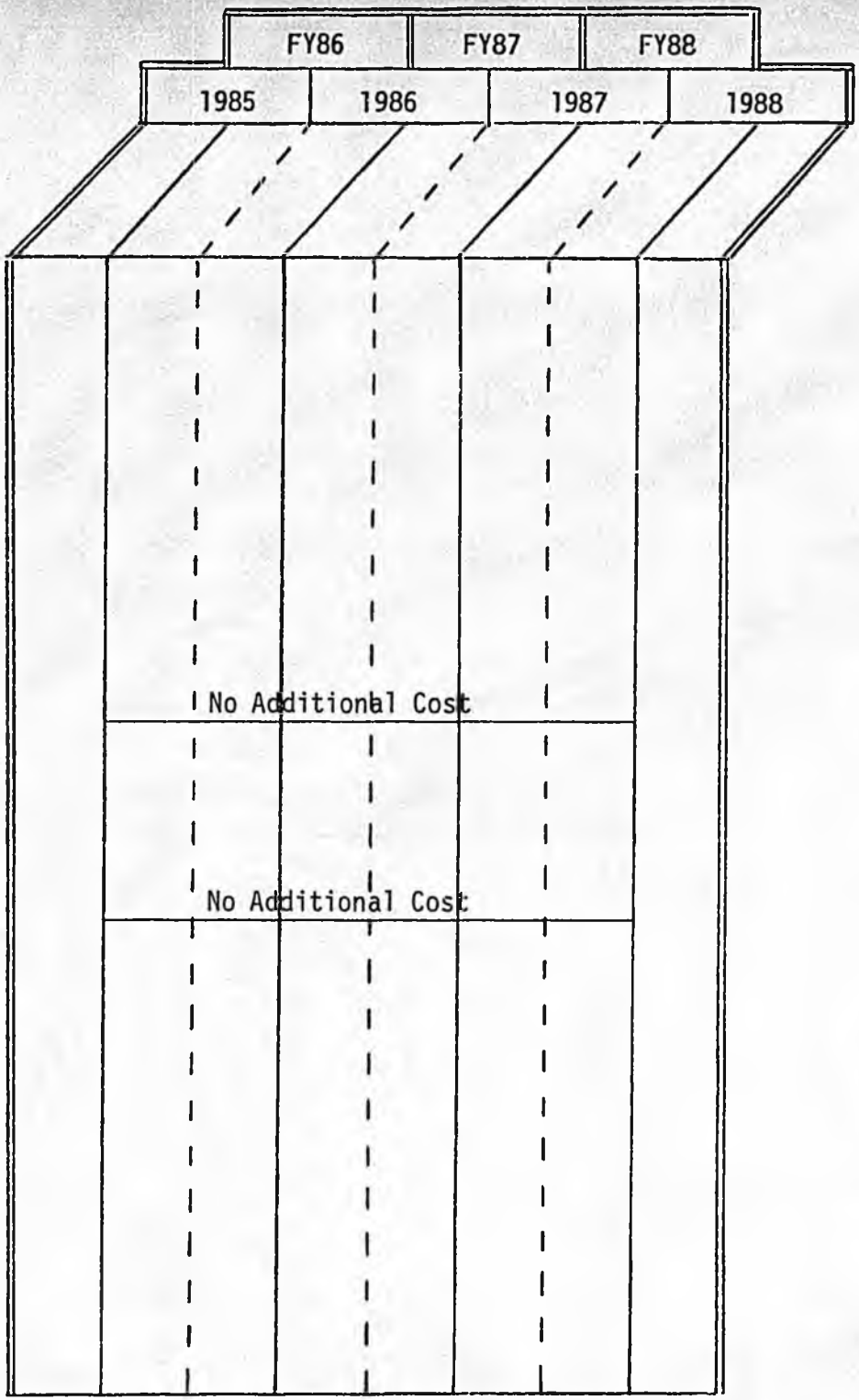
In cooperation with the Department of Community and Regional Affairs, appropriate sections of future editions of the "Rural Capital Improvements Guidebook," and its counterpart, the "Urban Capital Improvements Guidebook," will be expanded to include a section pertaining to Objective 1. Other initiatives within the Department may also be appropriate.

APPROACH (b)

Revenue sharing funds, derived from the existence of fire protection capabilities, should be considered by local governments for the enhancement of fire protection services.

OBJECTIVE 2

A project review mechanism is needed to ensure that communities have both the necessary information about the most appropriate facility and/or fire protection equipment for their community, and an understanding of the specific responsibilities that must be assumed by the community.



(GOAL C - CAPITAL PROJECTS, Continued)

APPROACH (a)

A directory of various kinds of fire and life safety apparatus appropriate to the smaller communities should be developed by the State Fire Marshal's Office as a guide for local communities that wish to institute or upgrade existing fire and life safety capabilities.

APPROACH (b)

In accordance with AS 18.70.080-085, the revenue requests for capital projects and equipment destined for communities without a well- developed Fire Service should be reviewed by the State Fire Marshal's Office.

GOAL D - ARSON

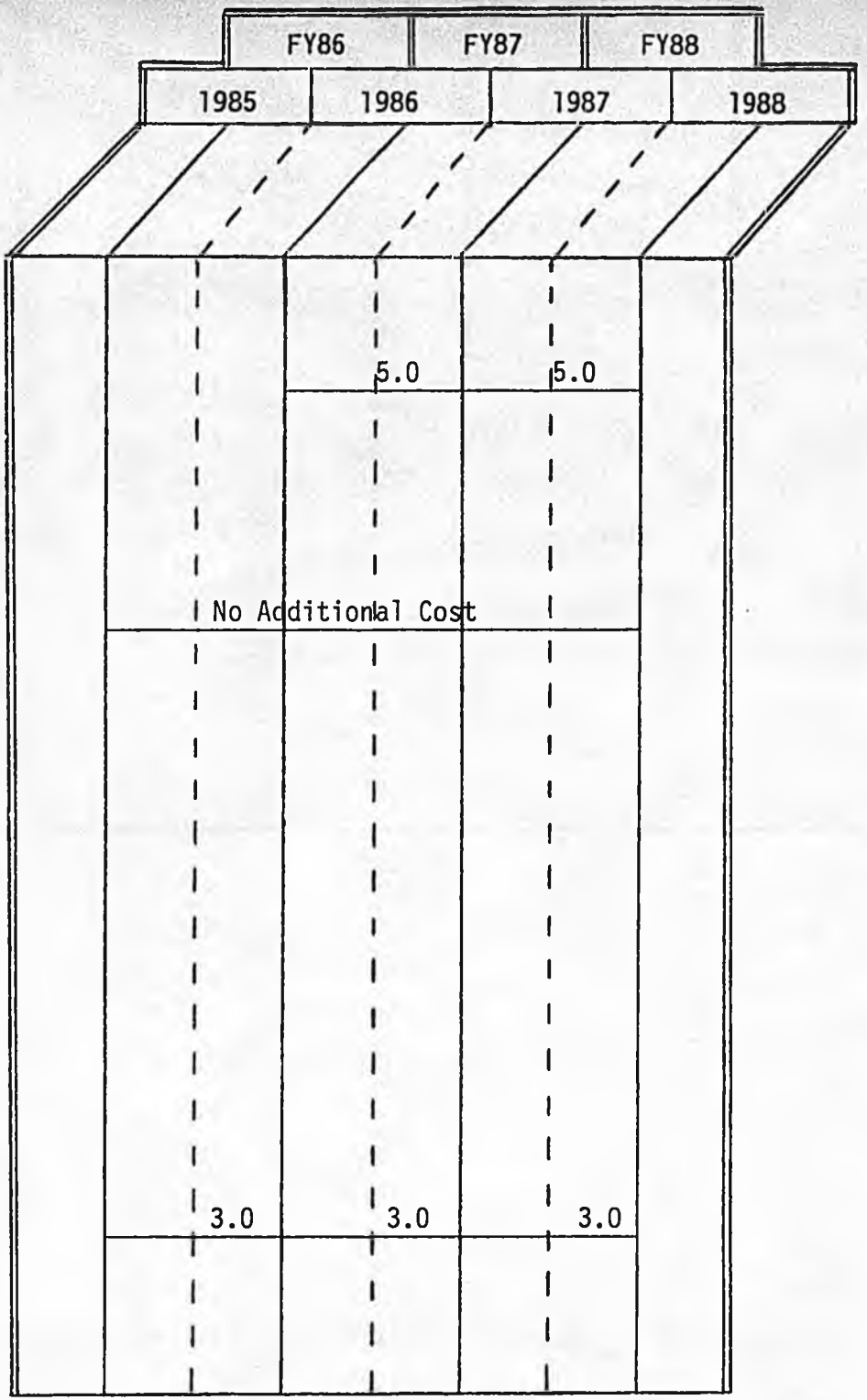
Reduce the impact and incidence of arson fires in Alaska.

OBJECTIVE 1

Coordinate the efforts and improve the efficiency and effectiveness of the various agencies that deal with the crime of arson, including but not limited to Fire Service, law enforcement, prosecutors, the insurance industry, business owners, and the public.

APPROACH (a)

Training curriculum and certification be developed by the State Fire Service Training Program for emergency services personnel involved in investigation of fire cause and origin.



(GOAL D - ARSON, Continued)

APPROACH (b)

The State Fire Service Training Program will develop and offer arson training courses for local fire departments.

APPROACH (c)

In coordination with the Alaska Association of Fire and Arson Investigators, the Commissioner of Public Safety and the Attorney General shall jointly develop and maintain a special fire investigation team of persons with the needed expertise and background in the fields of fire cause and origin, criminal investigation, and prosecution who can be called upon, at no cost, to respond to requests for assistance at no cost anywhere in the state.

APPROACH (d)

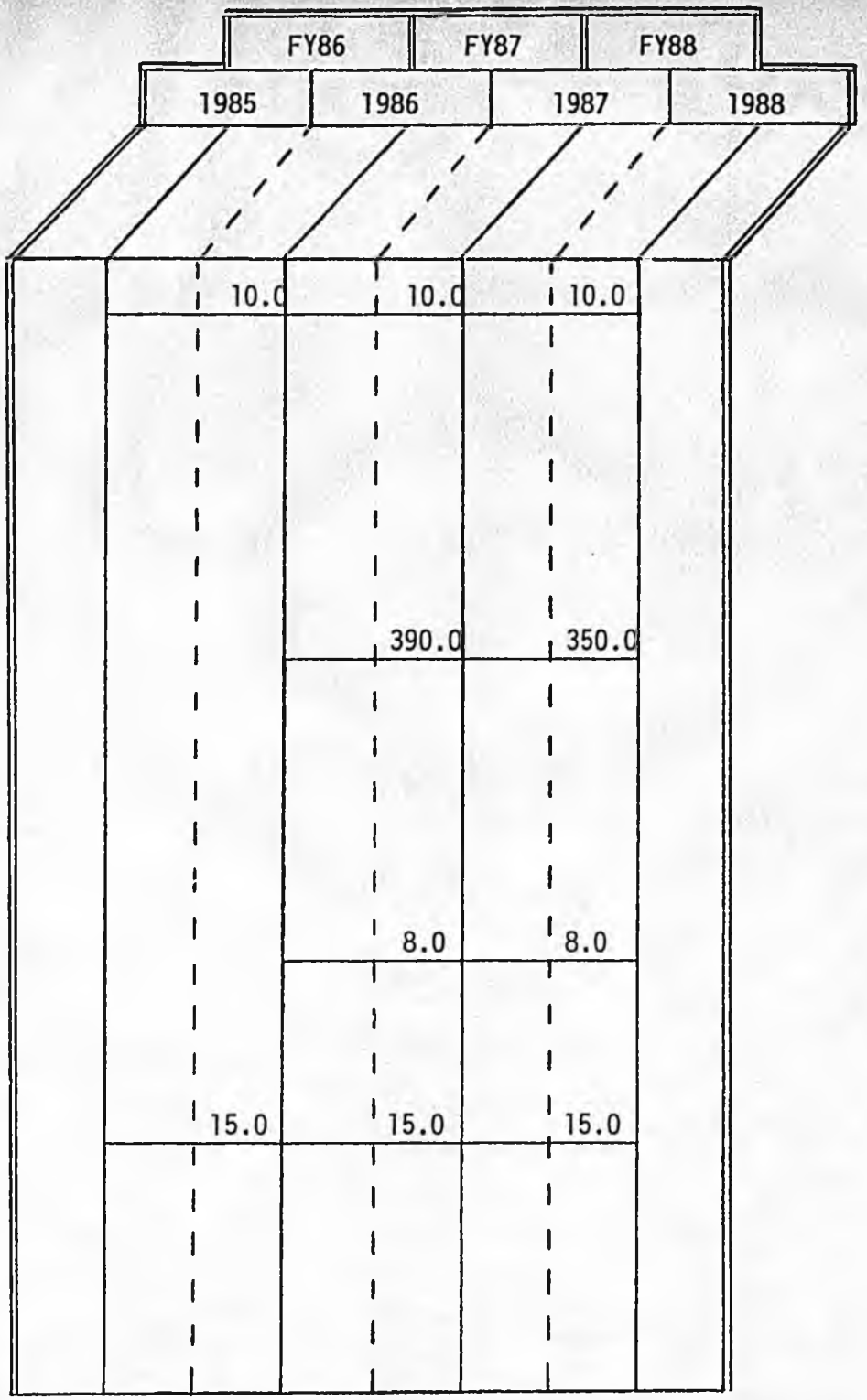
The State Fire Marshal's Office, in conjunction with the Alaska Association of Fire and Arson Investigators, will explore the establishment of a statewide, toll-free Arson Hot Line in the State Fire Marshal's Office, and availability of private funds for an award program.

APPROACH (e)

Part of the fire education program within the State Fire Marshal's Office will contain information about arson prevention.

GOAL E - CODE ENFORCEMENT

Ensure that at least minimum fire and life safety codes are adopted in a timely manner and enforced, at the state and/or local government levels.



(GOAL E - CODE ENFORCEMENT, Continued)

OBJECTIVE 1

The state shall promote a uniform interagency system for building and safety code enforcement to encompass all aspects of construction and building maintenance, including but not limited to fire, electrical, structural, plumbing, sanitation, energy, handicapped and accident safety, and provide incentives for local jurisdictions to administer their own programs.

APPROACH (a)

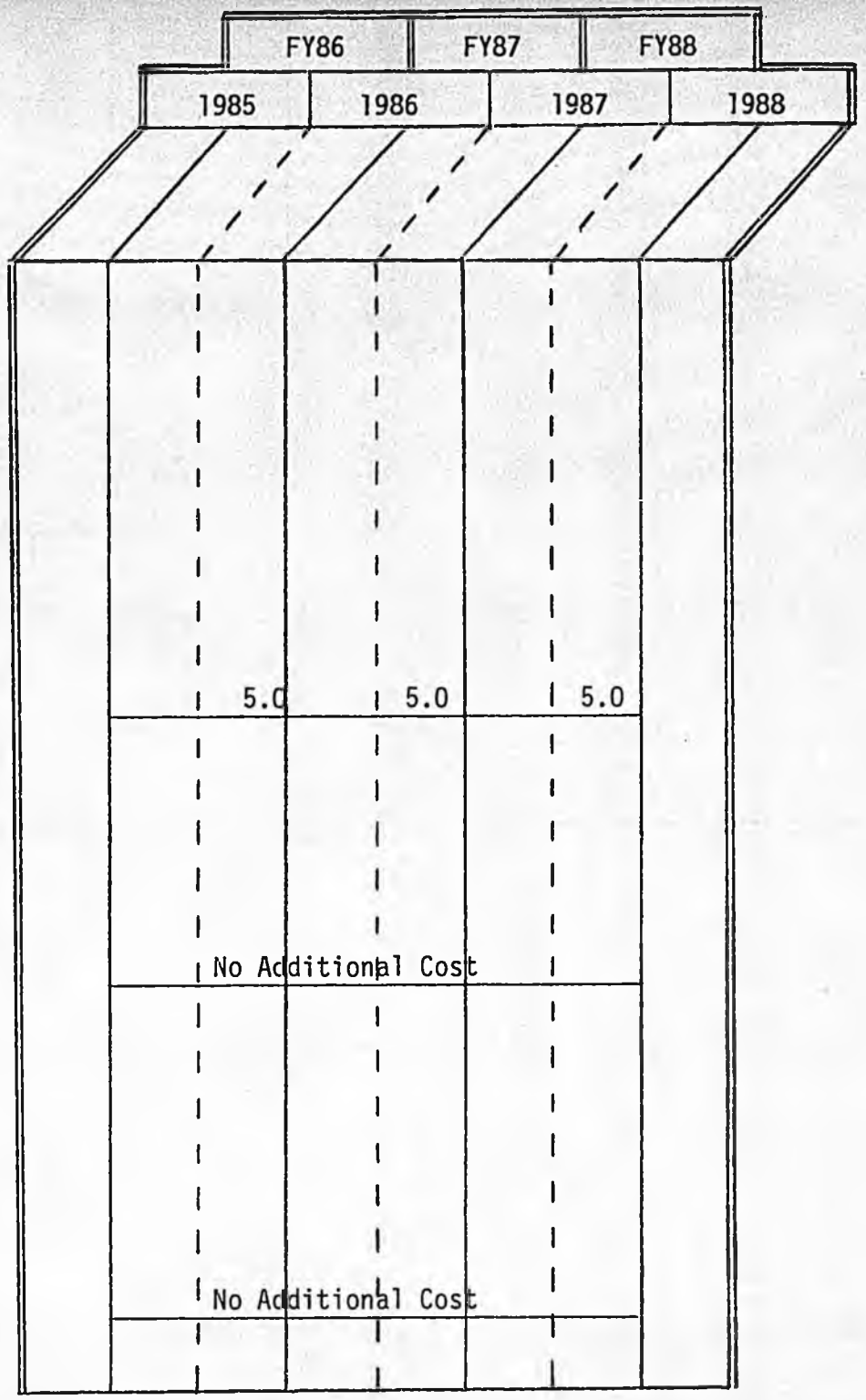
The State Fire Marshal's Office will conduct semi-annual interagency workshops involving all agencies charged with code enforcement to resolve interpretational differences, overlapping authority and related problems, and to establish consistent enforcement procedures.

APPROACH (b)

Through the State Fire Marshal's Office, all state agencies charged with code enforcement should mutually explore the establishment of professional standards for all personnel involved in code enforcement, to ensure creditable service to the citizens of Alaska.

APPROACH (c)

Through the Division of Governmental Coordination in the Office of Management and Budget, all state agencies charged with fire and life safety code enforcement should review their respective new safety standards as quickly as possible after they become available, and should prepare them as a package for review to the Department of Law, leading to their adoption or rejection, within six months of their publishing date.



APPROACH (d)

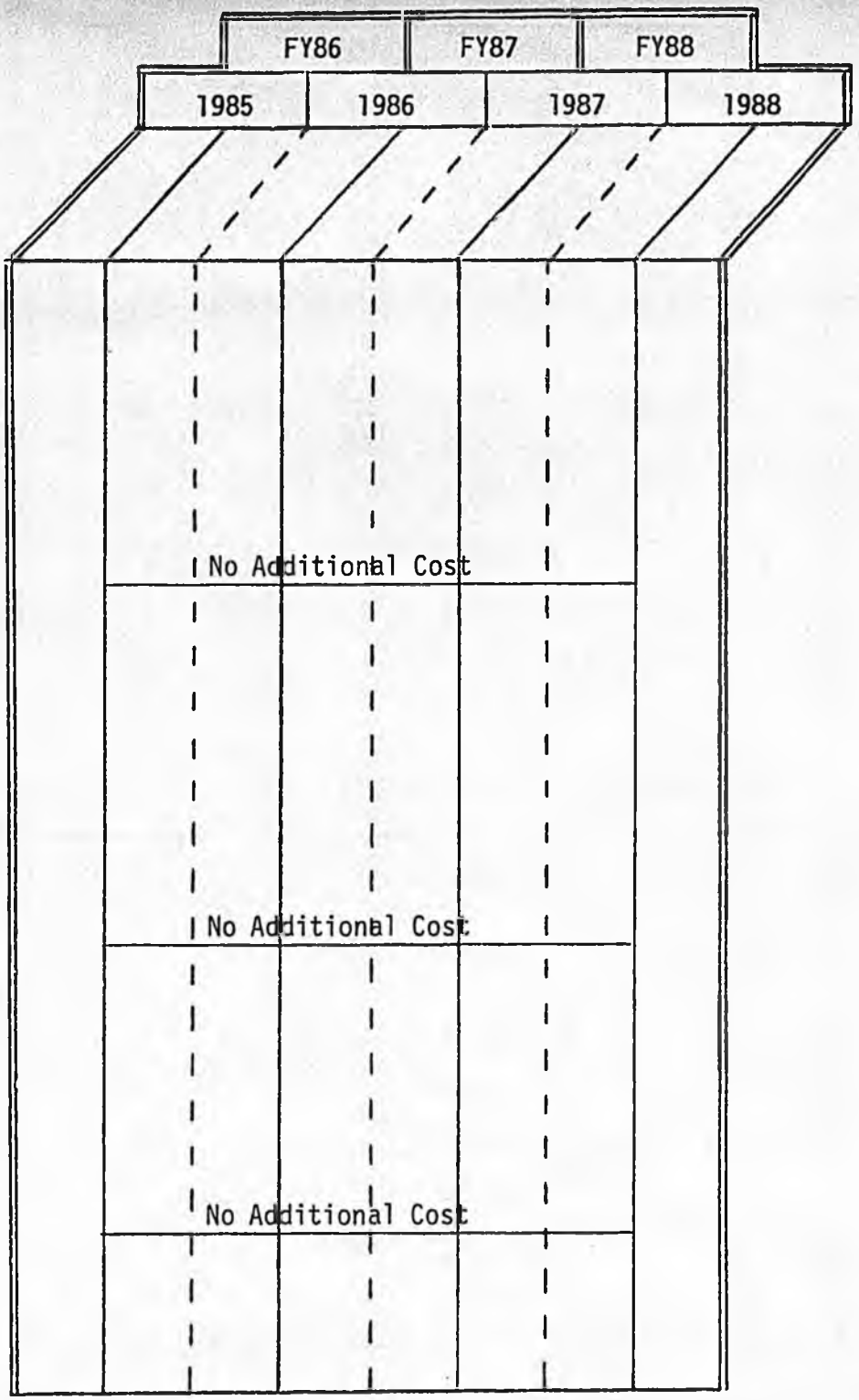
The State Fire Marshal's Office and the Department of Labor, Division of Labor Standards and Safety, will explore the concept of state and local code enforcement and plans review personnel being located together, while retaining individual agency identification, thereby creating a one-stop shopping center for architects and others seeking building safety approval and to explore the concept of code compliance for both new construction and remodeling of single-family dwellings, where not performed by local building officials.

APPROACH (e)

Legislation should be developed by the State Fire Marshal's Office providing for substantial sanctions against anyone who knowingly changes approved plans and specifications relating to new construction without obtaining prior approval by the State Fire Marshal, and to anyone who circumvents life-safety codes thereby endangering the life and safety of future building occupants.

APPROACH (f)

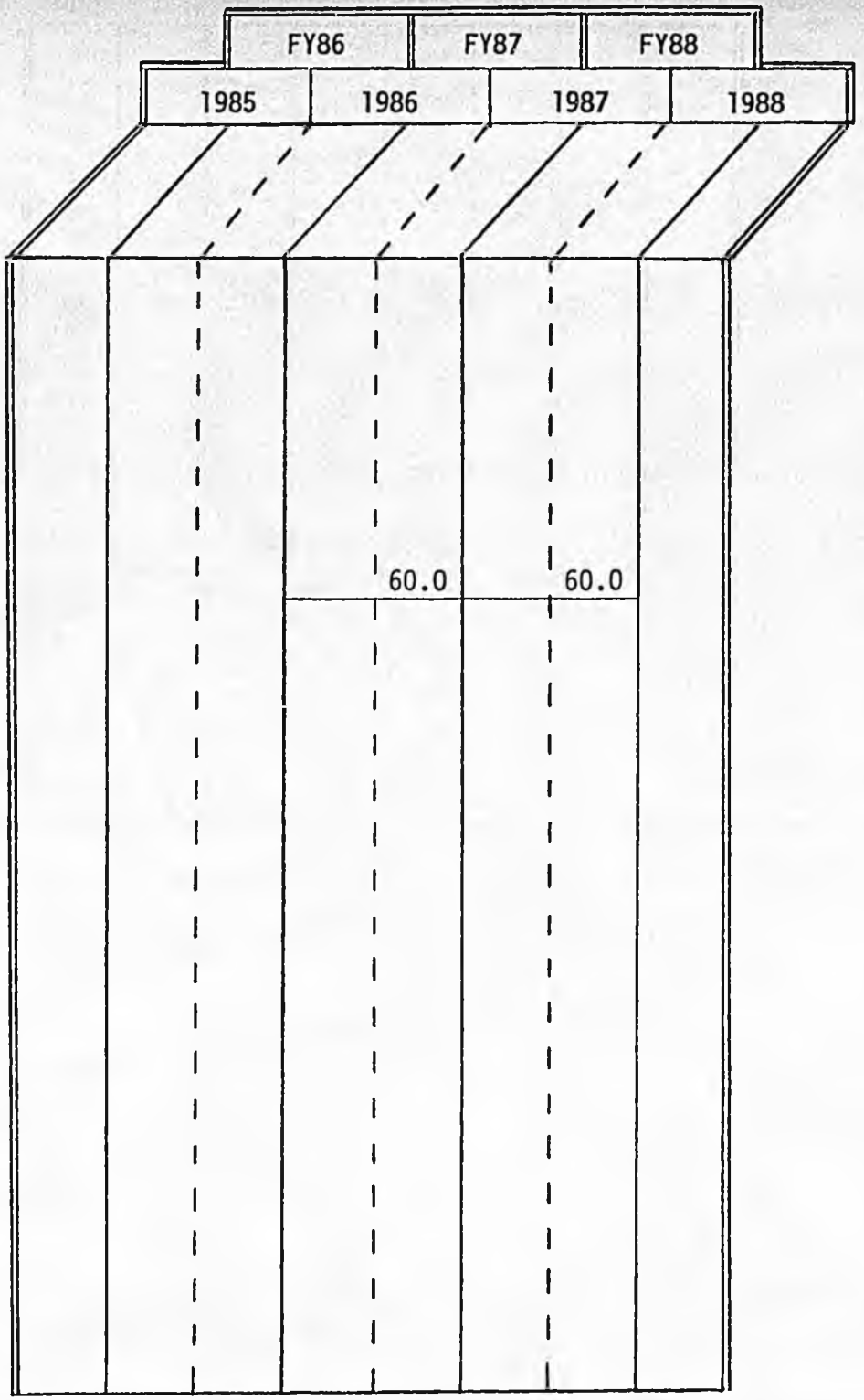
In cooperation with appropriate federal agencies, the State Fire Marshal's Office and local political subdivisions will explore the adoption of NFPA 101 standards and/or the state will impose its own standards for health care facilities in coordination with federal authorities.



(GOAL E - CODE ENFORCEMENT, Continued)

APPROACH (g)

Through the State Fire Marshal's Office, local governments will be encouraged to undertake fire and life safety code enforcement, consistent with their desires and long-term objectives in fire prevention. In support of local code enforcement, legislation will be prepared by the State Fire Marshal and the Department of Community and Regional Affairs for funds to provide the cost of the first two years' efforts by three local governments for plan reviews and subsequent building inspection. Provisions will be made whereby the State Fire Marshal's Office visits these communities periodically to support local code enforcement.



GOAL F - EMERGENCY MEDICAL SERVICES

The overall goal of the Alaska Emergency Medical Services (EMS) program is to establish a comprehensive, coordinated system of emergency medical services to the citizens of Alaska.

OBJECTIVE 1

Ensure that citizens and visitors gain easy access to Emergency Medical Services, that initial response is expeditious, that appropriate lifesaving and stabilization measures are rendered at the scene, and that patients are transported or transferred in a timely and efficient manner to facilities capable of effecting maximum recovery and rehabilitation.

(GOAL F - EMERGENCY MEDICAL SERVICES, Continued)

APPROACH (a)

The Emergency Medical Services Section, within the Department of Health and Social Services, should continue to coordinate federal, state, and regional official and volunteer agencies involved in Alaska EMS system by providing overall medical direction for statewide EMS system development.

APPROACH (b)

Certify emergency medical personnel and services according to state statutes and regulations to ensure certain minimum standards of emergency medical care.

APPROACH (c)

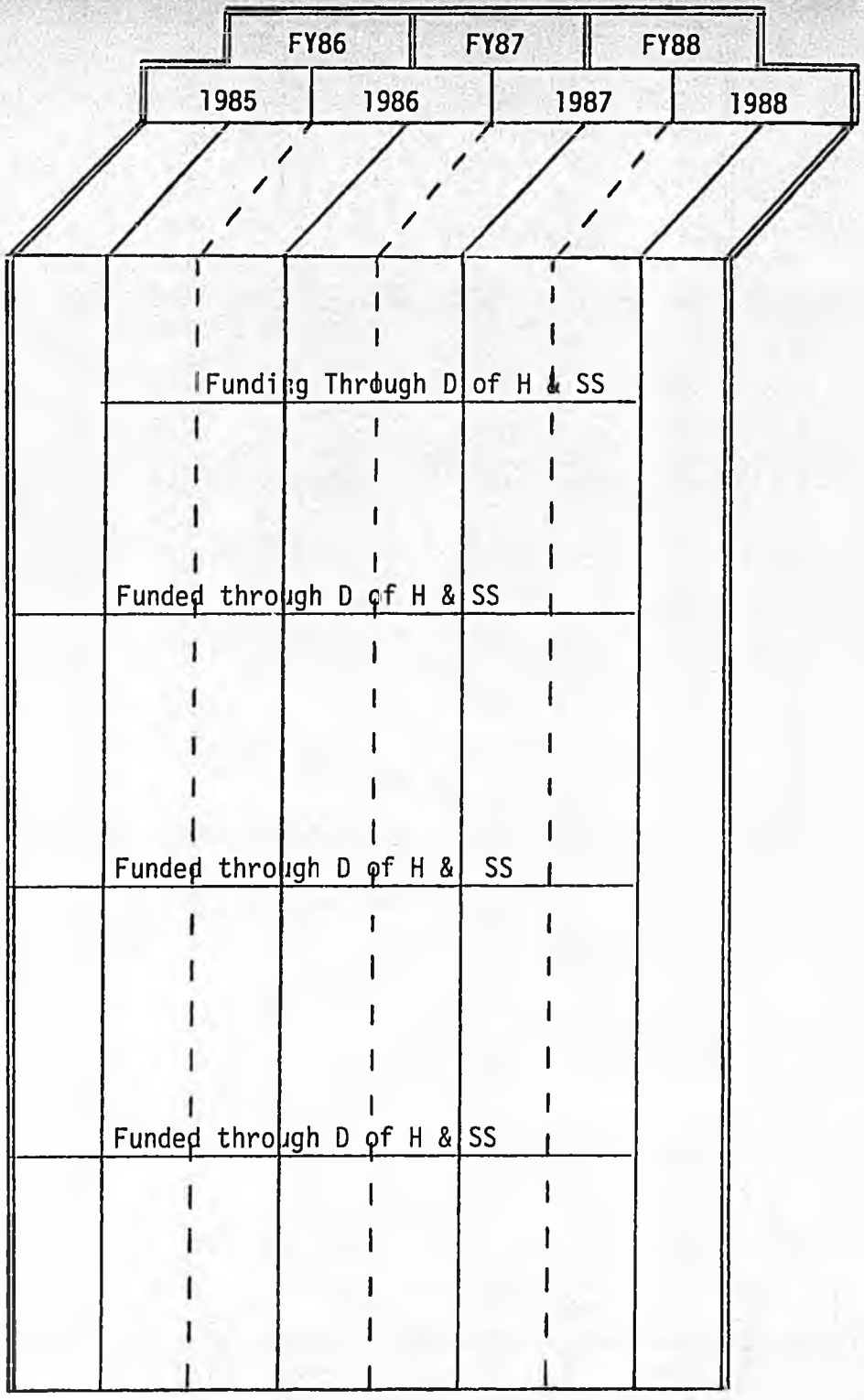
The Regional EMS Councils should continue to provide and administer financial assistance for Regional EMS development, provide technical assistance to regional and local EMS agencies, and educate the public about appropriate action in emergencies and emergency procedures.

APPROACH (d)

Seek improved Emergency Medical Services through legislative action by monitoring and evaluating EMS system development throughout the state and by planning and prioritizing continued program development based on systematic needs assessment and epidemiological research.

GOAL G - WILDLANDS FIRE PROTECTION

Improve the system of fire protection for both wildlands and structures in all areas of Alaska.



(GOAL G - WILDLANDS FIRE PROTECTION, Continued)

OBJECTIVE 1

Better utilize, and increase existing fire protection capabilities of the state and local level through a closer working relationship of wildlands and structural firefighting resources.

APPROACH (a)

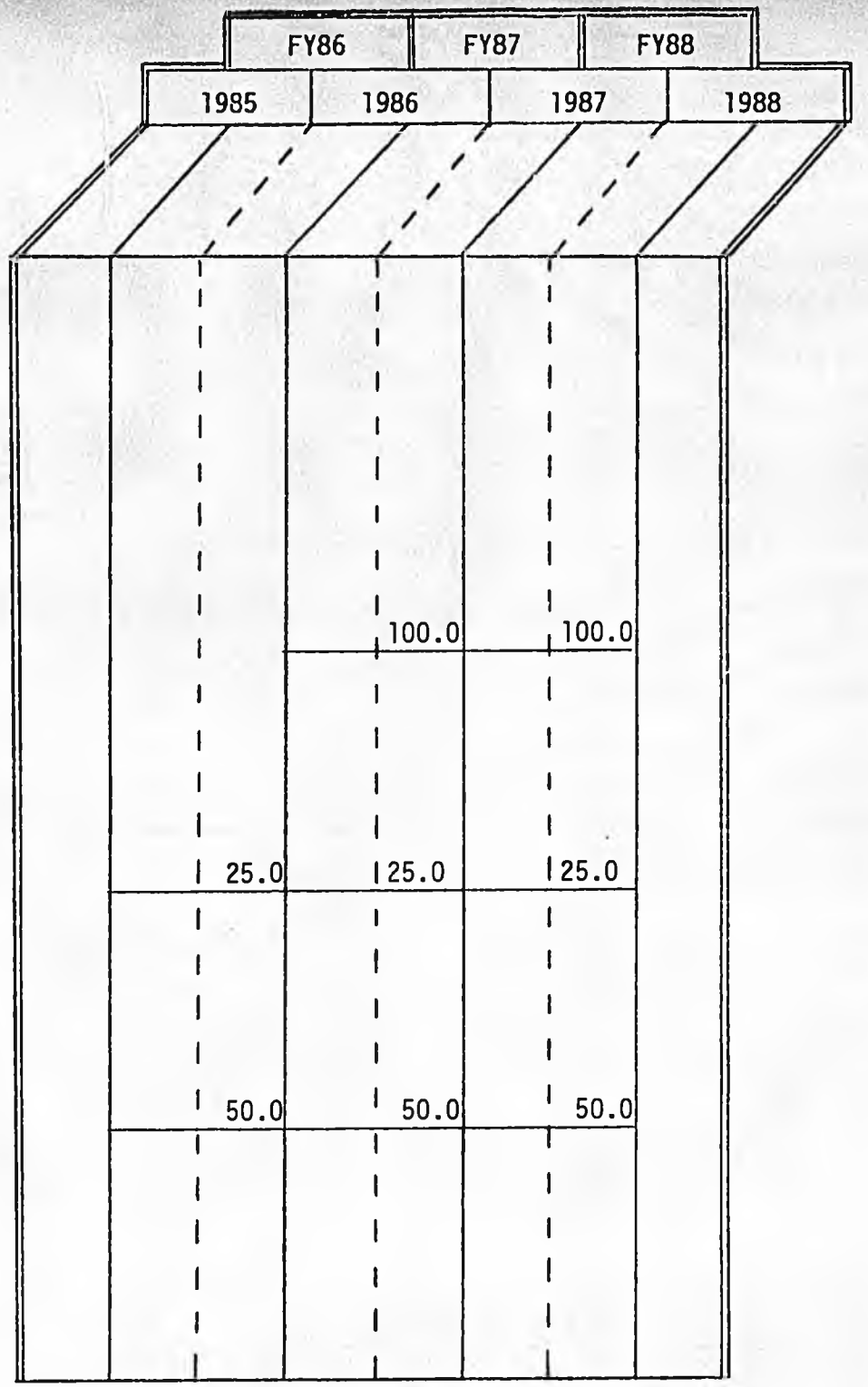
The Department of Natural Resources will request an appropriation of $100,000 for the Division of Forestry for each of two years to expand the presently-funded, primarily wildlands fire protection-oriented Rural Community Fire Protection Program that provides $64,000 annually, which has been administered by the Department since 1976.

APPROACH (b)

The Division of Forestry will transfer or make loan of wildlands fire prevention and suppression apparatus, equipment and tools from the Division of Forestry to structural firefighting agencies, primarily during the nonfire season.

APPROACH (c)

The Division of Forestry, in cooperation with the State Fire Service Training Program expand the existing level of training of local fire departments in the techniques of wildlands fire prevention and suppression.



(GOAL G - WILDLANDS FIRE PROTECTION, Continued)

APPROACH (d)

In coordination with the State Fire Marshal, the Division of Forestry will provide technical assistance to groups interested in forming a volunteer fire department where none now exist, and develop agreements with local fire departments concerning their assistance in wildlands firefighting.

APPROACH (e)

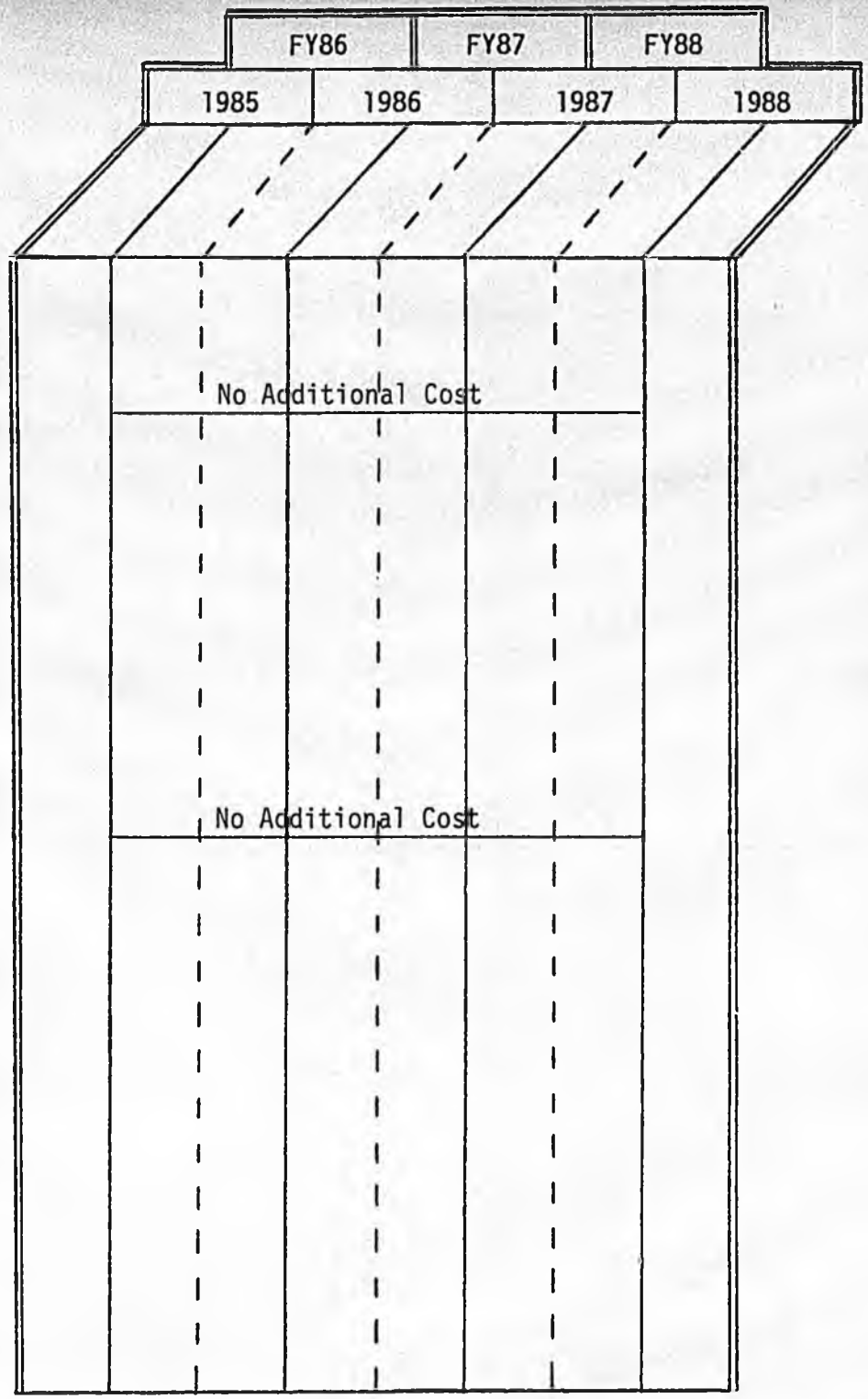
The Division of Emergency Services within the Alaska Department of Military Affairs, the Division of Forestry within the Department of Natural Resources, and the State Fire Marshal's Office within the Department of Public Safety should plan for and implement a program that will provide the trained and organized manpower and the suppression equipment that will be needed to meet the demand of rural fire disasters that will occur within the state because of the increase in urban-rural interface.

APPROACH (f)

Structural and wildlands firefighting agencies should provide mutual assistance to each other in matters requiring legislative action.

GOAL H - INTERAGENCY PLANNING, COORDINATION, AND CONSOLIDATION

The Governor shall require interagency planning and coordination by all state agencies having fire safety responsibilities.



(GOAL H - INTERAGENCY PLANNING, COORDINATION, AND CONSOLIDATION, Continued)

OBJECTIVE 1

Increase the accuracy, timeliness, and scope of all fire-related data in Alaska.

APPROACH (a)

Expedite final approvals by Department of Administration and Department of Public Safety, to implement the micro-computer project involving local fire departments and the State Fire Marshal's Office.

APPROACH (b)

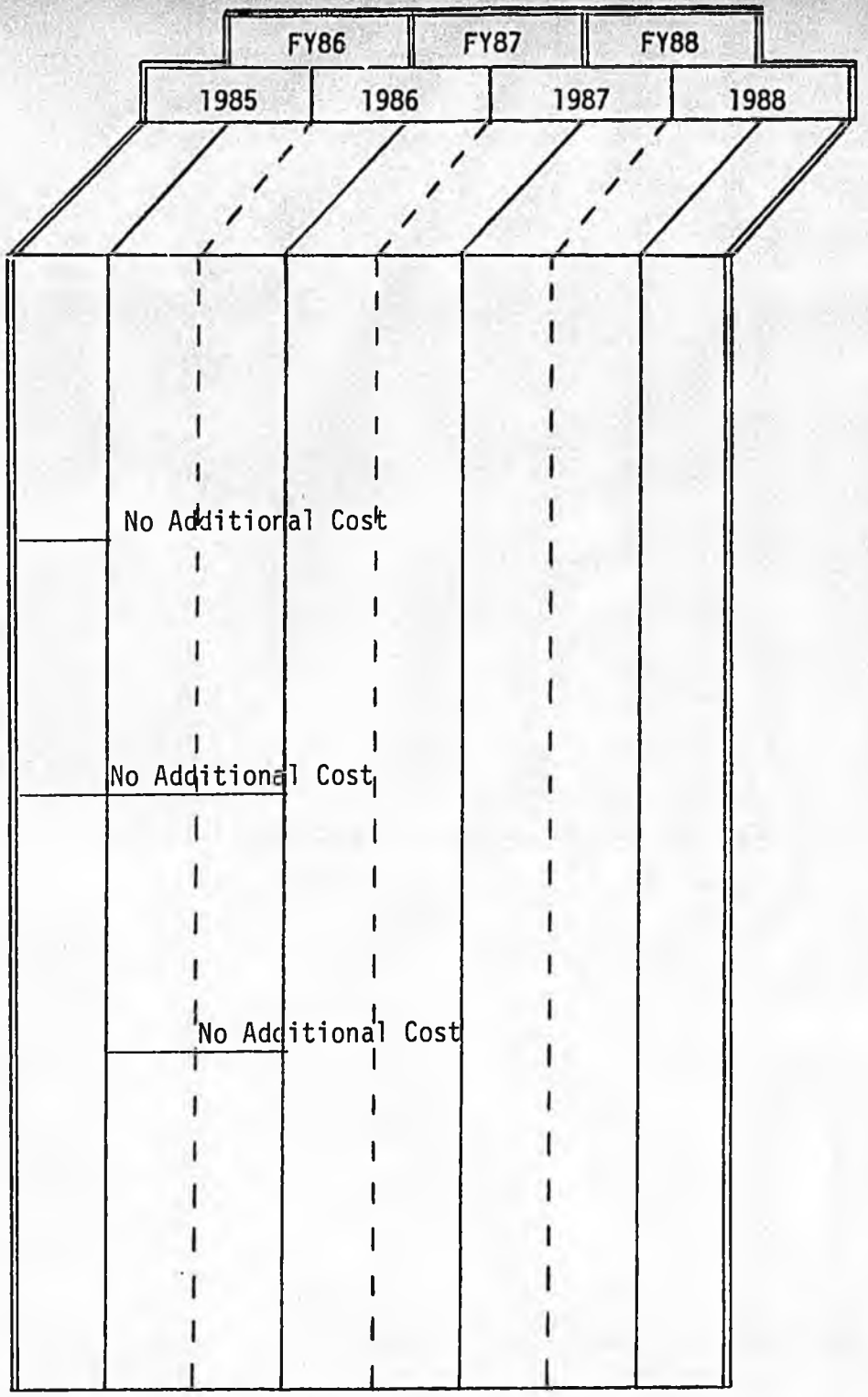
The State Fire Marshal's Office and the Department of Natural Resources should jointly explore whether the ANFIRS data base can be expanded to include wildlands fire data, thereby creating a single point for compilation of all fire-related data in Alaska.

APPROACH (c)

The State Fire Marshal, in conjunction with the state's forensic pathologists, will determine how to improve the reporting data concerning fire and fire fatalities caused directly or indirectly by alcohol abuse.

OBJECTIVE 2

The state will perform Master Fire Planning as a cooperative venture with related agencies at the federal, state, regional, and local levels.



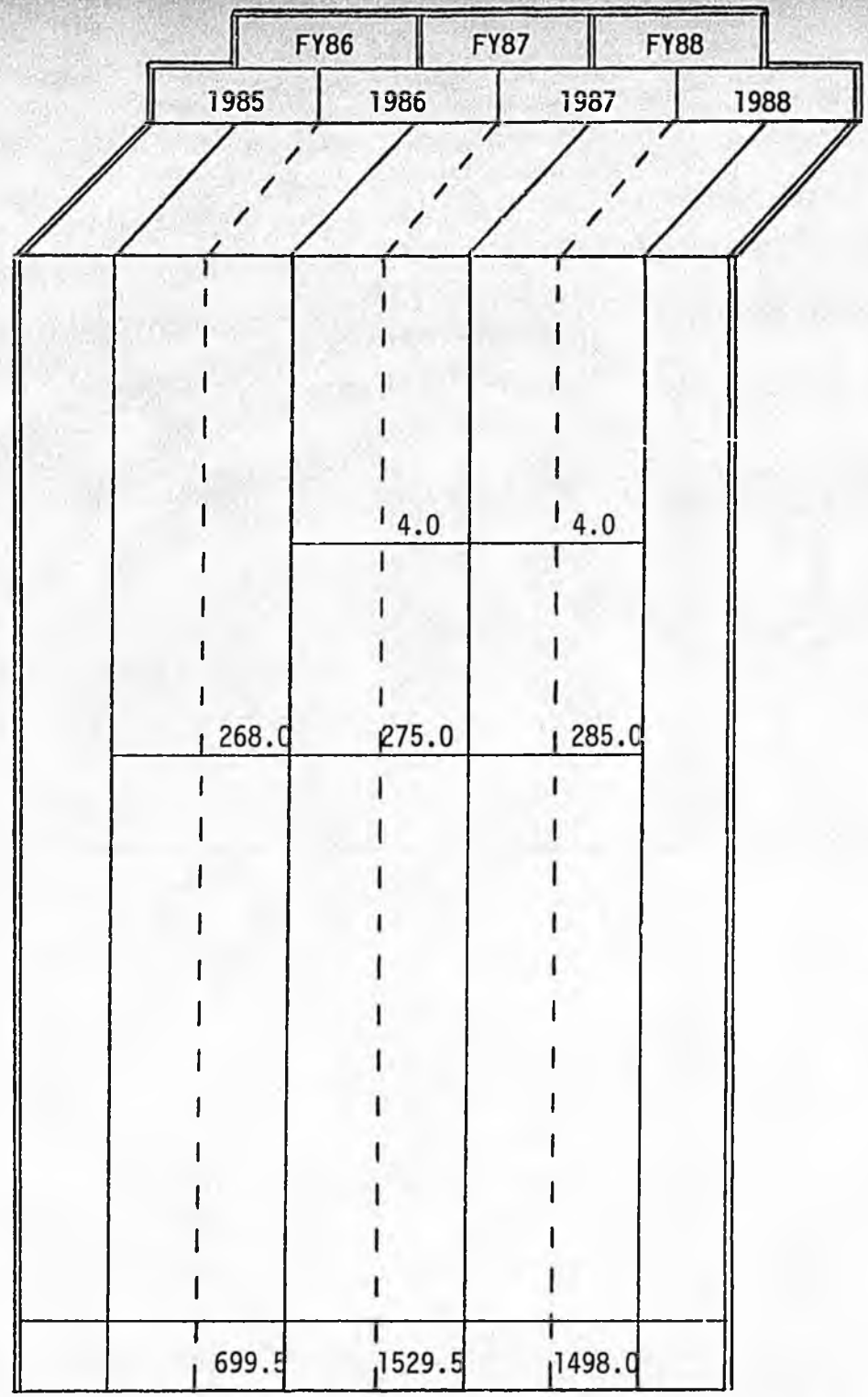
(GOAL H - INTERAGENCY PLANNING, COORDINATION, AND CONSOLIDATION - Continued)

APPROACH (a)

In cooperation with the Department of Law, and the several borough governments, the State Fire Marshal will research whether future Fire Service areas at the local level will, to the extent possible, be developed in such a manner as to preclude creation of islands with no fire protection services and whether existing islands with no fire protection services will, to the extent possible, be incorporated into one or more of the existing fire service areas.

APPROACH (b)

The state will establish by legislation a State Fire Commission as a part of state government, to function as a central focal point for all fire-protection-related projects and programs.



V.

PROPOSALS FOR LEGISLATIVE ACTION

V. PROPOSALS FOR LEGISLATIVE ACTION

Although each of the legislative proposals recommended by the Task Force are contained in the previous Goals and Objectives Section, they are also restated here, both as an aid to monitoring the implementation of the recommendations, and to comply with the provisions of the enabling legislation.

Following are the recommendations of the Task Force that require legislative action:

1. Provide low-interest loans to homeowners for the purpose of installing sprinklers in residences. (Recommended for introduction in 1985-1986 session).

   (GOAL A, Objective 1, Approach (b), Page 40)

2. Provide for an appropriation to fund the program development of both an urban and a rural fire training center.

   (GOAL B, Objective 3, Approach (a), Page 47)

3. Provide for sanctions against anyone who knowingly changes approved building plans and specifications relating to new construction without obtaining prior approval by the State Fire Marshal, and anyone who circumvents life safety codes thereby endangering the fire and life safety of future building occupants.

   (GOAL E, Objective 1, Approach (e), Page 56)

4. Provide an appropriation to fund start-up expenses for the first two years for local governments who elect to perform fire and life safety code enforcement.

   (GOAL E, Objective 1, Approach (g), Page 57)

5. Provide an appropriation to the Department of Natural Resources for a grant program to local governments for the improvement of rural firefighting capabilities.

   (GOAL G, Objective 1, Approach (a), Page 62)

6. Provide for the establishment of the Alaska State Fire Commission and its funding to act as the coordinating mechanism of all fire-related functions and responsibilities of government and private organizations in Alaska.

   (GOAL H, Objective 2, Approach (b), Page 67)

VI.

PROPOSALS FOR EXECUTIVE ACTION

VI. PROPOSALS FOR EXECUTIVE ACTION

Most of the recommendations of the Task Force can be implemented through increased attention, priority, and resources, by the various department heads in state government, as approved by the Governor. A few actions, however, seem more appropriately implemented by an Executive Order or similar support by the Governor. These are as follows:

1. Provide for consolidation of fire-related programs by relocating the Office of the State Fire Service Training Program from the Department of Education to the Department of Public Safety, Division of Fire Prevention.

   (GOAL B, Objective 1, Approach (a), Page 43)

2. Provide for consolidation of fire-related responsibilities, specifically fire and life safety code enforcement, by having code enforcement personnel in the Department of Labor co-located within the Department of Public Safety, Division of Fire Prevention, while maintaining existing departmental identities.

   (GOAL E, Objective 1, Approach (d), Page 55)

3. Provide for the continuation of the Alaska Fire Prevention and Control Task Force on an ad hoc basis, through request to the Commissioners involved, in order to continue to develop approaches to fire safety in Alaska, and to monitor the progress of the recommendations in this report, as required by the enabling legislation.

   (Part VII, Page 92)

4. Expand the existing "ad hoc" Task Force to include at least one member from the wildlands firefighting community.

   (Part VII, Page 92)

5. Adopt the concept of the Alaska State Fire Commission and include it as part of the Executive Budget to the Legislature for the 1984-85 session.

   (GOAL H, Objective 2, Approach (b), Page 67)

VII.

REVIEW OF THE IMPLEMENTATION PROCESS

VII. REVIEW OF THE IMPLEMENTATION PROCESS

The enabling legislation that created the second Task Force on Fire Prevention and Control (SB 80 and 81, HB 687 and 688) required that the Task Force identify methods "to review the progress of the implementation" (emphasis added). This provision seems to indicate that the Legislature intended that the work of the Task Force would in some way continue after the Task Force itself ceased to exist after the legislatively prescribed 120 days. With one exception, all Task Force members are government employees at the local or state level. Each has volunteered to continue in an ad hoc capability after the Task Force expires should that be desired, since each member wants the efforts of the Task Force utilized to reduce Alaska's fire losses. Each has indicated the possibility of attending additional meetings utilizing respective agency funds for any required travel. The Task Force could therefore continue in an unofficial capacity to monitor the implementation of its recommendations - at least until July 1, 1985.

The Task Force as presently constituted does not include anyone representing wildlands fire prevention and control. If the Task Force continues as an ad hoc group, it could better represent the entire fire service community if a representative of the Division of Forestry was appointed by the Governor to the ad hoc Task Force.

Without doubt, the recommendation of the greatest impact is to legislatively create the Alaska State Fire Commission, as more completely described in Goal H. The primary purpose of the Commission is to be the single state focal point for all aspects of the fire service in Alaska. Within this broad mandate is the inherent responsibility to coordinate the numerous and presently diverse fire-protection-related efforts of federal, state, and local governments, as well as professional organizations, private industry, and the public at large, into a cohesive, well-planned effort to reduce the fire problem in Alaska.

Legislative action to create the State Fire Commission is recommended during the 1985 session of the Legislature. If enacted, the Commission would become active on July 1, 1985, replacing the ad hoc Task Force.

Therefore, it is recommended that with the Governor's approval, the Task Force continue the momentum developed to date by shifting into and acting in an unofficial status until July 1, 1985, when it is hoped the State Fire Commission comes into being which can then continue to oversee the implementation of means to reduce Alaska's fire burden in an official capacity.

APPENDICES

APPENDIX A

Indentical enabling legislation was introduced into both Houses of the Legislature. HB 687 which follows and the HB 688 which was the appropriations measure was introduced and passed in the House. SB 80 and SB 81 were indentical measures in the Senate.

IN THE HOUSE BY THE FINANCE COMMITTEE

HOUSE BILL NO. 687

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act providing for a task force on fire prevention and control; and providing for an effective date."

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

* Section 1. TASK FORCE ON FIRE PREVENTION AND CONTROL. The Alaska Task Force on Fire Prevention and Control is established in the Office of the Governor.

* Sec. 2. MEMBERSHIP. The task force consists of seven members appointed by the governor, without regard to political affiliation, to be selected as follows:

(1) one person who is a member of both the Alaska State Firefighters Association and the Alaska Fire Chiefs Association from a list of nominees provided by the associations;

(2) the state fire marshal;

(3) the supervisor of the fire service training program in the Department of Education;

(4) a representative from the emergency medical services advisory council from a list of nominees submitted by the council;

5) a representative of the division of local government assistance in the Department of Community and Regional Affairs;

6) a representative of the division of labor standards and safety in the Department of Labor; and

(7) a representative from the Office of the Governor who shall serve as chairman of the task force.

* Sec. 3. OBJECTIVES. The objectives of the task force are to complete

the work of the former Alaska Task Force on Fire Prevention and Control established in sec. 1, ch. 157, SLA 1980, including to

(1) identify and provide a detailed account of the fire loss problem in the state, including causal factors;

(2) identify and define the present roles and relationships of the agencies in the state that are involved in fire protection activities at the local, regional, state, and federal levels;

(3) recommend organizational or operational modifications to improve the effectiveness of the state's fire protection system;

(4) provide documentation that will assist all government agencies and fire fighting services in effectively meeting their fire protection responsibilities.

* Sec. 4. MEETINGS AND HEARINGS. The task force shall meet at the call of the chairman. Public hearings and meetings may be held in areas of the state that are representative of its urban and rural fire protection problems.

* Sec. 5. COMPENSATION. The members of the task force serve without compensation but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

* Sec. 6. DUTIES. The task force shall

(1) request and review information concerning the causes and nature of fire losses in the state;

(2) study the activities of the various fire protection agencies in the state;

(3) submit to the governor and the legislature its final report making recommendations to improve fire prevention and control in the state, identifying methods to implement the recommendations and to review the progress of the implementation, and proposing legislation for recommendations needing legislative action.

* Sec. 7. This Act is repealed 120 days after the effective date of this Act.

* Sec. 8. This Act takes effect immediately in accordance with AS 01.-10.070(c).

SB

211

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

3/4/85

Date 3/21/85

Mr. President

The Committee on STATE AFFAIRS considered SB 211

compensation for victims of certain crimes.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 211(SA)

[ ] new title

[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT"

[X] NEW FISCAL NOTE

[X] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS

Edna DeVries No Rec

Tim Kelly No Rec

Chairman

No Rec

Chairman recommendation

Edwards
3/20/85-

Original sponsors: Rodey, Ziegler, Josephson and Sturgulewski

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 211 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to compensation for victims of certain crimes."

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

* Section 1. It is the intent of the legislature that ch. 96, SLA 1983 is retroactive to October 23, 1981 for the purpose of compensating victims under AS 18.67.080 and sec. 2 of this Act.

* Sec. 2. Notwithstanding AS 18.67.130(a)(1), compensation may be made under AS 18.67.080 for injuries or death suffered by a victim after October 22, 1981 and before October 23, 1983 as a result of the operation of a motor vehicle, boat, or airplane by an intoxicated offender if the application for compensation is filed with the board no later than two years after the effective date of this Act.

Suggested CS CSSB 211

FISCAL NOTE ANALYSIS
SB 211

The Violent Crimes Compensation Board has 39 claims pending, for the specified time period, that would be affected by this bill. Historically, the Board's denial rate is approximately 1/3 of the claims filed. This means approximately 26 claims would be awarded. The average cost per claim is $5000.00. Victims of drunk drivers have a much higher average award cost due to the multiple injuries incurred and the length of time needed for recuperation. The states that compensate DWI victims place the average award at double the cost for these victims. Of the 39 claims, approximately 2/3 or 26 claims would be awarded. Nineteen of the claims would be awarded at $10,000.00 per claim, and ten would be awarded at $5000 per claim for a total of $225,000.00.

The Highway Safety Planning agency gave us the number of alcohol-related accidents which have occurred in 1981, 1982 and 1983. For those three years, there were 157 fatalities and 2,912 injuries. While many of these would not apply for a number of reasons, a conservative estimate would be 15 fatalities (10 fatalities @ $25,000.00 each and 5 fatalities @ $40.000.00 each) for a total cost amount of $450,000.00; an estimated 50 injuries ($10,000.00 each) would apply for a total cost of $500,000.00.

Because of the increased claims, there would be more hearings and more travel for the hearings. A conservative estimate would be 20 more hearings at a cost of approximately $800.00 per hearing and the travel to the hearings would be 20 trips at $400.00 per trip.

This should be a single separate <u>continuing</u> appropriation.

fiscal note & analysis

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: 3/20/85

REQUEST

Bill/Resolution No.: SB 211
Title: An Act Relating To Compensation
Sponsor: Rodey
Requestor: Sen State Affairs
Date of Request: 3/21/85

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Admin. Justice
BRU, Program or Subprogram(s) Affected: Violent Crimes Compensation Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		8.0				
300 CONTRACTUAL		16.0				
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS		1,175.0				
800 MISCELLANEOUS						
TOTAL OPERATING		1,199.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,199.0				
FEDERAL FUNDS						
OTHER						
TOTAL		1,199.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached page.

Prepared By: Nola K. Capp, Administrator Phone: 465-3040
Division: V.C.C.B. Date: 3/20/85

Approved by Commissioner: [signature] Date: 3/22/85
Agency: Public Safety

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 211

SUPPORT

SB 211 - "An Act relating to compensation for victims of certain crimes."

The intent of this bill is to make the amended statute (ch. 96, SLA 1983) retroactive to October 1981.

The statute was amended to include victims living with or related to the offender and victims of drunk drivers and the effective date of this amendment was October 23, 1983. This bill would make the amended statute retroactive to October of 1981, which gives the new classes of victims two years to apply for compensation. The original statute gives victims two years in which to apply. The Board supports this bill because it gives all classes of victims the same eligibility requirements.

Robert V. Sundberg
Commissioner

SB 21

ELECT - QUERY
0001 ALL CHAPTER EQ CH096

HAPTER96 DOCUMENT= 1 OF 1

BILL = HCSCSSB86(JUD)AMH
CHAPTER = CH096
ROOT = SB0086
YEAR = 83
OOT SB0086
ILL HCSCSSB86(JUD)AMH
HAPTER NUMBER
  CH096
PECIAL INFO
  CHAPTER 96
  SOURCE: HCSCSSB86(JUD)AMH
  APPROVED BY THE GOVERNOR: JULY 25, 1983
  ACTUAL EFFECTIVE DATE: OCTOBER 23, 1983
ELATING TO

AN ACT

  RELATING TO COMPENSATION FOR VICTIMS OF VIOLENT CRIMES.
EXT BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
  * SECTION 1. AS 18.67.080(A) IS AMENDED BY ADDING A NEW PARAGRAPH TO READ:
  (4) TO THE PROVIDER OF A SERVICE UNDER AS 18.67.110(B).
  * SEC. 2. AS 18.67.101(2) IS AMENDED TO READ:
  (2) THE COMMISSION OR ATTEMPT ON THE PART OF ONE OTHER THAN THE APPLICANT TO COMMIT ANY OF THE FOLLOWING OFFENSES: MURDER IN ANY DEGREE, MANSLAUGHTER, CRIMINALLY NEGLIGENT HOMICIDE, ASSAULT IN THE FIRST OR SECOND DEGREE, KIDNAPPING, SEXUAL ASSAULT IN ANY DEGREE, SEXUAL ABUSE OF A MINOR, ROBBERY IN ANY DEGREE, CONTRIBUTING TO THE DELINQUENCY OF A MINOR UNDER AS 11.51.130(A)(4), BORE THREATS TO DO BODILY HARM(_, OR DRIVING WHILE INTOXICATED OR ANOTHER CRIME RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, BOAT, OR AIRPLANE WHEN THE OFFENDER IS INTOXICATED_).
  * SEC. 3. AS 18.67.110 IS AMENDED BY ADDING A NEW SUBSECTION TO READ:
  (B) THE BOARD MAY ORDER THAT COMPENSATION UNDER (A) OF THIS SECTION FOR A SERVICE PROVIDED AS A RESULT OF THE PERSONAL INJURY OR DEATH OF THE VICTIM BE PAID DIRECTLY TO THE PROVIDER OF THE SERVICE.
  * SEC. 4. AS 18.67.130(A) IS AMENDED TO READ:
  (A) NO ORDER FOR THE PAYMENT OF COMPENSATION MAY BE MADE UNDER AS 18.67.080 UNLESS
  (_(1)_) THE APPLICATION HAS BEEN MADE WITHIN TWO YEARS AFTER THE DATE OF THE PERSONAL INJURY OR DEATH(_;_) B, AND
  (2) THE PERSONAL INJURY OR DEATH WAS THE RESULT OF AN INCIDENT OR OFFENSE LISTED IN AS 18.67.101 (_THAT_) WHICH HAD BEEN REPORTED TO THE POLICE WITHIN FIVE DAYS OF ITS OCCURRENCE OR, IF THE INCIDENT OR OFFENSE COULD NOT REASONABLY HAVE BEEN REPORTED WITHIN THAT PERIOD, WITHIN FIVE DAYS OF THE TIME WHEN A REPORT COULD REASONABLY

HAVE BEEN MADE(_; AND_)

(_(3) IN THE DISCRETION OF THE BOARD, THE APPLICANT HAS COOPERATED WITH LAW ENFORCEMENT AND PROSECUTION OFFICIALS TO FURTHER PROSECUTION OF THE OFFENDER IF APPROPRIATE AND TO AVOID FURTHER INJURY BY THE OFFENDER TO THE APPLICANT AND INJURY TO PERSONS IN THE CARE OF THE APPLICANT WHO ARE EXPOSED TO POSSIBLE INJURY BY THE OFFENDER._)

* SEC. 5. AS 18.67.130(B)(4) IS AMENDED TO READ:

(4) IS INJURED AS A RESULT OF THE OPERATION OF A MOTOR VEHICLE, BOAT OR AIRPLANE UNLESS THE VEHICLE WAS USED (_BY THE OFFENDER WHILE INTOXICATED OR_) AS A WEAPON IN A DELIBERATE ATTEMPT TO INJURE OR KILL THE VICTIM.

* SEC. 6. AS 18.67.130(C) IS AMENDED TO READ:

(C) NO COMPENSATION MAY BE AWARDED UNDER THIS CHAPTER IN AN AMOUNT IN EXCESS OF $25,000 PER VICTIM PER INCIDENT. HOWEVER, IN THE CASE OF THE DEATH OF A VICTIM WHO HAS MORE THAN ONE DEPENDENT ELIGIBLE FOR COMPENSATION, THE TOTAL COMPENSATION (_THAT_) ðWHICHē MAY BE AWARDED AS A RESULT OF THAT DEATH MAY NOT EXCEED $40,000. THE BOARD MAY PRORATE THE TOTAL AWARDED AMONG THOSE DEPENDENTS ACCORDING TO RELATIVE NEED. ðALL PAYMENTS SHALL BE MADE IN A LUMP SUM.ē

* SEC. 7. AS 18.67 IS AMENDED BY ADDING A NEW SECTION TO READ:

SEC. 18.67.162. CRIME VICTIM COMPENSATION FUND. THERE IS CREATED A CRIME VICTIM COMPENSATION FUND WHICH SHALL BE ADMINISTERED BY THE VIOLENT CRIMES COMPENSATION BOARD. THE FUND CONSISTS OF MONEY APPROPRIATED TO IT BY THE LEGISLATURE. THE FUND SHALL BE ADMINISTERED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER. MONEY DISTRIBUTED FROM THE FUND SHALL BE IN ADDITION TO OTHER SOURCES OF COMPENSATION PROVIDED IN THIS CHAPTER.

* SEC. 8. AS 18.67.130(B)(1) AND (2) ARE REPEALED.

0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

JoANNE C. BOYLE, Appellant, vs. VIOLENT CRIMES COMPENSATION BOARD, STATE OF ALASKA Appellee.	)

RECEIVED
KLM FEB 04 1985
Hughes Thorsness, Gantz
Powell & Brundin

Case No. 3AN-84-4982 Civ.

AFFIDAVIT OF HUGH MALONE

STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

Hugh Malone, being first duly sworn upon his oath, states as follows:

1. That I was a member of the State of Alaska House of Representatives, Thirteenth Legislature, First Session.

2. That during my service in that session, I offered Floor Amendment No. 2 to Senate Bill No. 86 which amendment provided that the provisions of the bill be retroactive to January 1, 1981. Floor Amendment No. 2 was passed by the House and subsequent to notice of reconsideration, I was approached and advised that the amendment was probably in part redundant because incidents occurring two years prior to the effective date of the act would be covered. As a result, I directed research and inquiries be conducted on this question, and upon being advised that the provisions of the Bill would cover incidents occurring up to two years prior to its effective date, I moved and asked the House for unanimous consent that Senate Bill 86 be returned for a second reading for the purpose of rescinding the adoption of Floor Amendment No. 2 and for

HUGHES THORSNESS
GANTZ POWELL & BRUNDIN
ATTORNEYS AT LAW
509 WEST THIRD AVENUE
ANCHORAGE, AK 99501
(907) 274-7522

Boyle vs. Violent Crimes Comp

unanimous consent that Amendment No. 2 be withdrawn. The House made no objection and it was so ordered and Senate Bill 86 passed the house unamiously on reconsideration.

3. That I communicated the information which I obtained regarding coverage of incidents occurring up to two years prior to the effective date of the Act to fellow legislators prior to withdrawal of my amendment and passage of Senate Bill 86.

4. That I would not have sought withdrawal and reconsideration of my Floor Amendment No. 2 unless I had been informed and believed that provisions of the Bill would cover incidents occurring up to two years prior to the effective date of the Act. Based on the original passage of my Amendment No. 2 by a margin of 28 in favor and 10 against it is my belief that my Floor Amendment No. 2 would have been retained as a part of Senate Bill 86 except for my request for withdrawal and rescission.

5. That based on all of the foregoing it is my opinion and belief that Senate Bill 86 was passed with the intent that its coverage include incidents occurring up to two years prior to the effective date of the legislation.

FURTHER YOUR AFFIANT SAYTH NAUGHT.

Dated this 1 day of ~~January~~ Feb. 1985.

H Malone

Hugh Malone

SUBSCRIBED AND SWORN to before me this 5 day of ~~January~~ February, 1985.

Janet A Fowler

Notary Public in and for Alaska
My Commission Expires: 10/26/87

HUGHES THORSNESS GANTZ POWELL & BRUNDIN
ATTORNEYS AT LAW
509 WEST THIRD AVENUE
ANCHORAGE, AK 99501
(907) 274-7522

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

JoANNE C. BOYLE,

Appellant,

v.

VIOLENT CRIMES COMPENSATION BOARD, STATE OF ALASKA

Appellee.

No. 3AN 84-4982 Civ.

RECEIVED
JUL 31 1984
Hughes, Thorsness, Gantz
Powell & Brundin

AFFIDAVIT OF NOLA K. CAPP

State of Alaska)
: ss.
First Judicial District)

Nola K. Capp, being first duly sworn under oath, states as follows:

1. I am the Administrator for the Violent Crimes Compensation Board, and have been emplcyed in this position since July, 1976.

2. As Administrator for the Board, I am responsible for maintaining the records of the Board; for preparation of the Board's budget, including fiscal notes attached to legislation; for the processing of claims for compensation, including reviewing applications, gathering additional information and presenting claims to the Board.

3. During the First Session, Thirteenth Alaska Legislature, I prepared fiscal notes for Senate Bill 86 and House Bill 104; however, no fiscal note was prepared for the final version of HCS CSSB 86 (Jud) am H.

4. Upon adoption of Senate Bill 86 as Ch. 96, SLA 1983, the legislature included $287,000 to fund expanded coverage of claims under the Violent Crimes Compensation Act (AS 18.67).

5. On or about June 26, 1983, during consideration of SB 86 on the House floor, I received a phone

STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT, JUNEAU, ALASKA 99811
PHONE (907) 465-3670

call from Royce Weller, Legislative Assistant to Representative Hugh Malone. Mr. Weller asked whether a specific case, which occurred during 1982, would be eligible for compensation. I told Mr. Weller that it was my belief, consistent with previous Board action, that if the class of eligible individuals was expanded, eligibility would be retroactive under AS 18.67.130(a).

6. Subsequent to the passage of SB 86, on or about July 26, 1983, I spoke with Assistant Attorney General Patrick W. Conheady, to ascertain the effective date of SB 86 and to seek a more definitive opinion on the retroactive application of the new law. Mr. Conheady advised me that the effective date of the new law would be October 23, 1983, and that it appeared to him that coverage would be retroactive to October 23, 1981.

7. At the suggestion of Douglas F. Standberg, Chairman of the Board, and Assistant Attorney General Conheady, on July 27, 1983 letters were sent out advising potential claimants of the presumed retroactive application of Ch. 96, SLA 1983.

8. At the direction of the Board in order to further clarify certain provisions of the new law, I requested on November 29, 1983, a written opinion from Assistant Attorney General Conheady regarding time limitations for eligibility under the amended statute.

9. On February 7, 1984, I received a written opinion from Assistant Attorney General Conheady which reversed his earlier oral opinion regarding retroactive application of the new law.

10. Since receipt of the opinion, the Board has denied all claims for compensation for injuries to the newly created class of victims which occurred prior to October 23, 1983.

STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT, JUNEAU, ALASKA 99811
PHONE (907) 465-3678

11. Attached to this affidavit are true and exact copies of records maintained by me for the Board, including:

a) copies of fiscal notes prepared on SB 86 and HB 104;

b) copies of letters regarding expanded coverage of the Violent Crimes Compensation Act, as amended;

c) copies of the application submitted by JoAnne Boyle;

d) copies of the minutes of the executive meeting of the Board held on April 7 and 8, 1984 wherein Ms. Boyle's claim was denied;

e) a copy of the notice sent to Ms. Boyle notifying her of the denial of her claim.

Further your affiant sayeth naught.

Nola K Boyle

SUBSCRIBED AND SWORN to before me this 29th day of June, 1984.

DAEA (ANN) MILLER
Notary Public in and for Alaska
My Commission Expires: 2-9-88

STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT, JUNEAU, ALASKA 99811
PHONE (907) 465-3678

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

JoANNE C. BOYLE, Appellant, v. VIOLENT CRIMES COMPENSATION BOARD, STATE OF ALASKA, Appellee.	)

Case No. 3AN-84-4982 Civ.

AFFIDAVIT OF NOLA K. CAPP

STATE OF ALASKA)
) ss:
FIRST JUDICIAL DISTRICT)

Nola K. Capp, being first duly sworn upon her oath, states as follows:

1. That there are 37 claims presently pending before the Violent Crimes Compensation Board similarly situated to the claims of JoAnne C. Boyle in this matter which claims are covered by the stipulation as to application and the resultant order dated July 12, 1984.

2. That in my capacity as administrator for the Violent Crimes Compensation Board, I prepared the fiscal notes for Senate Bill 86 and Sponsor Substitute for House Bill 104, First Session, Thirteenth Alaska Legislature and my calculations in preparing those fiscal notes were based on the assumption that applicants who had been injured under circumstances which would allow coverage under the expanded portions of the act within two years prior to the effective date of the act would be eligible to make application for compensation.

3. That consistent with that understanding, upon the passage of Chapter 96 SLA, 1983 I wrote letters to each of the district attorneys for the State of Alaska and advised them that victims of drunk drivers would be eligible to apply for compensation "if the incident occurred on or before OCTOBER 23, 1981." Attached hereto as Exhibit A is a true and correct copy of a

STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT, JUNEAU, ALASKA 99811
PHONE (907) 465-3678

letter dated August 12, 1983 to Victor Krumm, District Attorney, Anchorage, Alaska, which is identical to the letters sent to all district attorneys in the State of Alaska.

4. That consistent with my understanding set forth above, I advised various newspaper reporters that victims of drunk drivers involved in accidents dating back to October 23, 1981, were eligible to apply for compensation under Chapter 96, SLA 1983. Attached hereto as Exhibit B is a true and correct copy of an Anchorage Daily News article published on August 17, 1983 which reflects the information provided by this office to various newspapers through the state of Alaska including the Anchorage Daily Times, the Anchorage Daily News and the Fairbanks Newsminer.

5. That in approximately August of 1983, I appeared on a daytime television interview show in Anchorage, Alaska as a representative of the Violent Crimes Compensation Board and stated that coverage for victims of drunk drivers under Chapter 96, SLA 1983 extended to incidents occurring after October 23, 1981.

6. That in June of 1983, I was contacted by Royce Weller, Administrative Assistant to Representative Hugh Malone and he inquired whether the amendments to the Violent Crime Compensation Board authority proposed by Senate Bill 86 would apply only to incidents occurring after the effective date of the act or whether it would extend back two years from the effective date of the Act. I informed him, based on my understanding of the statute, that coverage would extend back to in///

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STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT, JUNEAU, ALASKA 99811
PHONE (907) 465-3678

cidents occurring within two years prior to the enactment of the provisions set forth in the bill.

DATED this 19th day of November, 1984.

Nola K. Capp

Nola K. Capp

SUBSCRIBED and SWORN to before me this 19th day of November, 1984.

Notary Public, State of Alaska
My Commission Expires: 7/28/85

STATE OF ALASKA
DEPARTMENT OF LAW - PRETRIAL SERVICES
POUCH KT, JUNEAU, ALASKA 99811
PHONE (907) 465-3678

Exhibit A

(907)465-3040

August 12, 1983

RECEIVED
AUG 17 1984
Hughes, Thorsness, Gantz
Powell & Brundin

Victor Krumm
District Attorney
1031 W. 4th Avenue, #520
Anchorage, AK 99501

Re: Crime victims

Dear Mr. Krumm:

The Violent Crimes Compensation Board statute was recently revised to include two new classes of victims who were previously excluded:

VICTIMS OF DRUNK DRIVERS

VICTIMS RELATED TO OR LIVING WITH OFFENDERS

Any victims in these classes are eligible to apply if the incident occurred on or after OCTOBER 23, 1981, as this law becomes effective on October 23 of this year. After that date, the two-year limit will apply to these victims just as it applies to all others.

We are enclosing a supply of revised application forms. Please discard any of the old goldenrod applications and the old green emergency award applications, along with the old brochures. The new applications are green and the new emergency award applications are blue.

Victim advisement cards are still good, as these restrictions were not listed. New posters and brochures will be available within three months. Meanwhile, please blank out restriction #5 on the poster. We will be distributing these new materials to you as soon as possible.

Please distribute this to your staff, and do not hesitate to call us if you have any questions about the new law.

Sincerely,

(Mrs.) Nola K. Capp
Administrator

Sue Johnson
Administrative Assistant

Victims of drunken drivers covered in new la

A. D. N.
8-17-83

By TOM KIZZIA
Daily News reporter

Victims injured by drunken drivers will be eligible for up to $25,000 from the state under a new law that goes into effect in October.

Under the law, the Violent Crimes Compensation Board can cover costs for victims of drunken driving accidents dating back to Oct 23, 1981. The crime victims law previously excluded motor vehicle, boat and airplane accident victims from receiving compensation.

The state provided $465,000 to victims of violent crimes last year, says program administrator Nola Capp, and has alloted $552,000 for next year.

"It's awfully hard to know how many claims we're going to have," Capp said. "We're just holding our breath."

In addition to expanding the program to cover drunken drivers, the new version also allows the state to provide payments to relatives of people convicted of crimes.

Capp cited as an example the case of an 11-year-old Kenai boy who was present when his father killed his mother in 1982. The father was convicted and the boy moved in with his grand ents in Oregon, who living on tight fixed inco Under the new law, the program will be able to vide aid for the boy.

Payments from the vi compensation" program limited to $25,000 to an vidual and $40,000 for a f ly. Applications can be m up to two years after crime took place, Capp sa

EXHIBIT B

SB 211

domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;

(3) "domestic violence" means a crime specified in AS 11.41 when the victim is a spouse or a former spouse of the defendant, or a member of the social unit comprised of those living together in the same dwelling as the defendant;

(4) "domestic violence program" means a program that provides services to the victims of domestic violence, their families, or perpetrators of domestic violence;

(5) "local community entity" means a city or borough or other political subdivision of the state, a nonprofit organization, or a combination of these;

(6) "sexual assault" means a crime specified in AS 11.41.410 — 11.41.450;

(7) "sexual assault program" means a program that provides services to the victims of sexual assault, their families, or perpetrators of sexual assault. (§ 1 ch 101 SLA 1981; am § 9 ch 78 SLA 1983)

Effect of amendments. — The 1983 amendment deleted "or AS 11.51.130(a)(4)" from the end of paragraph (6).

Chapter 67. Violent Crimes Compensation Board.

Section
80. Awarding compensation
101. Incidents and offenses to which AS 18.67.010 — 18.67.180 apply
110. Nature of the compensation
130. Limitations on awarding compensation
162. Crime victim compensation fund

Sec. 18.67.080. Awarding compensation. (a) In a case in which a person is injured or killed by an incident specified in AS 18.67.101(1), or by the act of any other person which is within the description of offenses listed in AS 18.67.101(2), the board may order the payment of compensation in accordance with the provisions of this chapter:

(1) to or for the benefit of the injured person;

(2) in the case of personal injury or death of the victim, to a person responsible or who had been responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury or death;

(3) in the case of death of the victim, to or for the benefit of one or more of the dependents of the victim; or

(4) to the provider of a service under AS 18.67.110(b).

(b) For the purposes of this chapter, a person is considered to have intended an act notwithstanding that by reason of age, insanity, drunkenness, or otherwise, he was legally incapable of forming a criminal intent.

Statute Reference

(c) In determining whether to make an order under this section, the board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, his need for financial aid, and any other relevant matters.

(d) An order may be made under this section whether or not a person is prosecuted or convicted of an offense arising out of the act which caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the board may suspend proceedings under this chapter for a period it considers appropriate on the ground that a prosecution for an offense arising out of the act which caused the injury or death involved in the application has been commenced or is imminent. (§ 1 ch 203 SLA 1972; am § 5 ch 132 SLA 1975; am § 3 ch 35 SLA 1979; am § 1 ch 96 SLA 1983)

Effect of amendments. — The 1983 amendment added paragraph (a)(4).

Sec. 18.67.101. Incidents and offenses to which AS 18.67.010 — 18.67.180 apply. The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death which resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; or

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses: murder in any degree, manslaughter, criminally negligent homicide, assault in the first or second degree, kidnapping, sexual assault in any degree, sexual abuse of a minor, robbery in any degree, contributing to the delinquency of a minor under AS 11.51.130(a)(4), threats to do bodily harm, or driving while intoxicated or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is intoxicated. (§ 2 ch 35 SLA 1979; am § 2 ch 96 SLA 1983)

Effect of amendments. — The 1983 amendment substituted the language beginning "threats to do bodily harm, or driving while intoxicated" for "or threats to do bodily harm" at the end of paragraph (2).

Sec. 18.67.110. Nature of the compensation. (a) The board may order the payment of compensation under this chapter for

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of the victim, and reasonable expenses of job retraining of or similar employment-oriented rehabilitative services for the victim;

(3) pecuniary loss to the dependents of the deceased victim; and

(4) any other loss resulting from the personal injury or death of the victim which the board determines to be reasonable.

(b) The board may order that compensation under (a) of this section for a service provided as a result of the personal injury or death of the victim be paid directly to the provider of the service. (§ 1 ch 203 SLA 1972; am § 7 ch 132 SLA 1975; am § 3 ch 96 SLA 1983)

Effect of amendments. — The 1983 amendment added subsection (b).

Sec. 18.67.130. Limitations on awarding compensation. (a) No order for the payment of compensation may be made under AS 18.67.080 unless

(1) the application has been made within two years after the date of the personal injury or death;

(2) the personal injury or death was the result of an incident or offense listed in AS 18.67.101 that had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made; and

(3) in the discretion of the board, the applicant has cooperated with law enforcement and prosecution officials to further prosecution of the offender if appropriate and to avoid further injury by the offender to the applicant and injury to persons in the care of the applicant who are exposed to possible injury by the offender.

(b) No compensation may be awarded if the victim

(1) *[Repealed, § 8 ch 96 SLA 1983.]*

(2) *[Repealed, § 8 ch 96 SLA 1983.]*

(3) violated a penal law of the state, which violation caused or contributed to his injuries or death; or

(4) is injured as a result of the operation of a motor vehicle, boat or airplane unless the vehicle was used by the offender while intoxicated or as a weapon in deliberate attempt to injure or kill the victim.

(c) No compensation may be awarded under this chapter in an amount in excess of $25,000 per victim per incident. However, in the case of the death of a victim who has more than one dependent eligible for compensation, the total compensation that may be awarded as a result of that death may not exceed $40,000. The board may prorate the total awarded among those dependents according to relative need.

(d) Orders for payment of compensation under this chapter may be made only as to injuries or death resulting from incidents or offenses occurring on and after July 1, 1971. (§ 1 ch 203 SLA 1972; am §§ 9, 10 ch 132 SLA 1975; am § 4 ch 35 SLA 1979; am §§ 4 — 6, 8 ch 96 SLA 1983)

Effect of amendments. — The 1983 amendment, in subsection (a), added the paragraph (1) and (2) designations, added paragraph (3), and made minor word changes. In subsection (b), the amendment repealed paragraphs (1) and (2) and inserted "by the offender while intoxicated or" in paragraph (4). In subsection (c), the amendment deleted the former last sentence and made a minor word change.

Sec. 18.67.162. Crime victim compensation fund. There is created a crime victim compensation fund which shall be administered by the Violent Crimes Compensation Board. The fund consists of money appropriated to it by the legislature. The fund shall be administered in accordance with the provisions of this chapter. Money distributed from the fund shall be in addition to other sources of compensation provided in this chapter. (§ 7 ch 96 SLA 1983)

Chapter 80. State Commission for Human Rights.

Article
1. Creation and Organization of Commission (§ 18.80.060)

NOTES TO DECISIONS

Alaska's civil rights statute should be broadly construed to further the goal of eradication of discrimination. Alaska USA Fed. Credit Union v. Fridriksson, Sup. Ct. Op. No. 2478 (File No. 5230), 642 P.2d 804 (1982).

Article 1. Creation and Organization of Commission.

Section
60. Powers and duties of the commission

Sec. 18.80.010. Creation.

NOTES TO DECISIONS

Cited in McDaniel v. Cory, Sup. Ct. Op. No. 2383 (File Nos. 4793, 4794), 631 P.2d 82 (1981).

Sec. 18.80.050. Regulations.

NOTES TO DECISIONS

Quoted in Borkowski v. Snowden, Sup. Ct. Op. No. 2688 (File No. 6541), P.2d (1983).

Sec. 18.80.060. Powers and duties of the commission. (a) In addition to the other powers and duties prescribed by this chapter the commission shall

(1) appoint an executive director approved by the governor;

(2) hire other administrative staff as may be necessary to the commission's function;

(3) exercise general supervision and direct the activities of the executive director and other administrative staff;

(4) accept complaints under AS 18.80.100;

(5) study the problems of discrimination in all or specific fields of human relationships, and foster through community effort or goodwill, cooperation and conciliation among the groups and elements of the population of the state, and publish results of investigations and research as in its judgment will tend to eliminate discrimination because of race, religion, color, national ancestry, physical handicap, age, sex, marital status, changes in marital status, pregnancy or parenthood;

(6) make an overall assessment, at least once every three years, of the progress made toward equal employment opportunity by every department of state government; results of the assessment shall be included in the annual report made under AS 18.80.150.

(b) In addition to other powers and duties prescribed by this chapter, the commission may

(1) delegate to the executive director all powers and duties given it by this chapter except the duties and powers given it by AS 18.80.120 and 18.80.130;

(2) call upon the departments and agencies of the state, with the approval of the governor, for cooperation and assistance in carrying out this chapter;

(3) hold hearings under AS 18.80.120.

(c) A commissioner or an employee authorized by the commission may administer oaths, certify to all official acts, and issue subpoenas, subpoenas duces tecum and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts, and documents in any inquiry, investigation, hearing, or proceeding before the commission in the state. The commission, a commissioner, or an employee authorized by the commission may petition a court of this state to enforce its subpoenas, subpoenas duces tecum, and other process. (§ 1 ch 15 SLA 1963; am § 1 ch 117 SLA 1965; am § 1 ch 119 SLA 1969; am §§ 1 — 3 ch 104 SLA 1975; am § 2 ch 75 SLA 1978; am § 49 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote this section.

SB 21

ALASKA STATE SENATE

PATRICK RODEY
SENATOR

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3793
(907) 465-3754

July 10, 1984

Nola Capp
Administrator
Violent Crimes Compensation Bd
POUCH F
Juneau, Alaska 99811

Dear Ms. Capp:

I understand that due to a reversal of opinion by Patrick Conheady several victims of DWI whose applications had been accepted in good faith by the Board have been denied compensation.

The case testing Conheady's opinion, Joanne Boyle v VCCB & St of Alaska, has just been given a briefing schedule. At the earliest, an opinion may be expected in December. If the opinion goes against the victims, we may want to consider corrective legislation.

My question is how many people were effected by this reversal? What is the amount of their claims? How many more claims can we expect? Essentially, what would be the cost if the state allowed claims back to October 23, 1981?

Sincerely yours,

Pat Rodey

sponsors backup & stmts

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

POUCH N
JUNEAU, ALASKA 99811

VIOLENT CRIMES COMPENSATION BOARD

907-465-3040

August 7th, 1984

Patrick Rodey, Senator
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

In reply to your letter requesting information on the cost to the State if the opinion on the case of Joanne Boyle vs. V.C.C.B. and the State of Alaska goes against the victims, the following is the best estimate we are able to project.

In FY 84, we received 37 claims which would be effected by this reversal. Historically, two-thirds of the claims received are awarded. The average amount per claim is $10,000.00 (other states have informed us that victims of drunk drivers cost approximately twice the amount of other types of victims, due to the multiple injuries incurred) and if the 24 claims were awarded, the cost would be approximately $240,000.00.

It is impossible to predict with a great deal of accuracy as we do not have any count on the number of D.W.I. incidents since October of 1981. However, $240,000.00 to $250,000.00 per year should be sufficient.

Thank you for your interest in our program.

Sincerely,

Nola Capp

(Mrs.) Nola K. Capp,
Administrator
Violent Crimes Compensation
Board

NKC/tr

12-L6LH

MEMORANDUM

State of Alaska

TO: Elizabeth Hickerson
Senate Advisory Council

DATE: March 1st, 1984

FILE NO:

TELEPHONE NO:

FROM: Nola K. Capp, Administrator
Violent Crimes Compensation Board

SUBJECT: Two Year Limitation
On Amended Statute

This is in reply to your verbal request as to the sequence of events leading up to the verbal opinion from the Attorney General's Office regarding the two year limitation.

On Saturday, June 25th, 1983, Royce Weller from Representative Malone's Office called me in Anchorage (I was there for a Board Meeting). I attempted to call him back that night, but no response, and he called me early Sunday morning, June 26th. He asked if a specific case would be eligible for compensation if Senate Bill 86 passed. The case in question happened in 1982, and I told Mr. Weller, according to the Statute, a claimant had two years in which to apply, so that case would be eligible.

CSSB 86 was signed by the Governor on July 25th, 1983. I called Pat Conheady in the Attorney General's Office to find out when the law would become effective. He said this would happen ninety days after the Governor signed it, which would be October 23rd, 1983, and since the claimant had two years in which to apply, any incident occurring after October 23rd, 1981, would be eligible.

Because of this verbal opinion, I informed Law Enforcement agencies, District Attorney Offices and claimants they would be eligible if the incident occurred after October 23rd, 1981.

At the Board Meeting in November, the Board requested I get this opinion in writing. As you know, the written opinion states nothing prior to October 23rd, 1983, will be eligible.

NKC/tar

Alaska State Legislature

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

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

SENATE ADVISORY COUNCIL

TO: SENATOR JALMAR KERTTULA
FROM: ELIZABETH J. HICKERSON
RE: RETROACTIVE APPLICATION OF AMENDMENTS TO VIOLENT CRIME COMPENSATION ACT
DATE: FEBRUARY 29, 1984

Please note the following correction to my memo on this matter early transmitted to your office.

Mr. Patrick W. Conheady, Assistant Attorney General, verbally assured Nola Capp that the bill would be retroactively applied on the day the Governor signed it, not on the day that the bill was voted on by the House. On the day the bill was voted on, Royce Weller, a legislative aide to Representative Malone, called Ms. Capp and asked if victims would have two years in which to apply for compensation. She replied in the affirmative. Thereafter, the amendment which would make the bill retroactive was withdrawn.

I have requested Nola Capp to write me a letter detailing all conversations that she had with Rep. Malone, his staff and Mr. Conheady.

Alaska State Legislature

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

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

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: SENATOR JALMAR KERTTULA

FROM: ELIZABETH J. HICKERSON

RE: RETROACTIVE APPLICATION OF AMENDMENTS TO VIOLENT CRIME COMPENSATION ACT

DATE: FEBRUARY 29, 1984

Last session you introduced SB 86 which amended the Violent Crimes Compensation Act by enlarging the class of injuries which are compensable under the Act to include offenses wherein the victim is related to the offender. SB 86 was amended by the House of Representatives to also include victims of drunk drivers. The bill became law (Ch. 96, SLA 1983) with an effective date of October 23, 1983.

I was informed by Nola Capp, Director of the Violent Crimes Compensation Board, that the Attorney General's Office ~~had~~ issued an opinion on February 7, 1984. The opinion stated that the enacted amendments could not be given retroactive application and therefore the Board should not award compensation for any injury wherein the offense occurred before October 23, 1983, if the applicant was a victim that was related to the offender or if the injury was the result of an offense involving a drunk driver. Attached is a list of applications that will be ineligible because of this opinion. I was also contacted by Sara Hannan of your staff and requested to respond to this Attorney General's opinion, as your office had had inquiries on this matter.

A copy of the AG's opinion is enclosed. I contacted Keith Levy, Legal Services, and requested that he review the opinion. Mr. Levy agreed with the opinion and its conclusion that the amendments could not be given retroactive application. A copy of Mr. Levy's memorandum is enclosed.

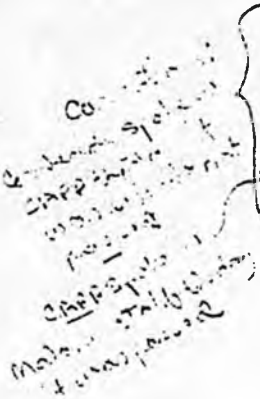
Both the Attorney General and Mr. Levy based their conclusions on the following facts.

1. No statute is retrospective unless expressly declared therein. (AS 01.10.090)

2. Chapter 96, SLA 1983 contains no express provision making it retrospective.

3. An amendment to make SB 86 retrospective was introduced in the House and was subsequently withdrawn, which indicated an intent to make the revisions adopted prospective only.

What Mr. Patrick W. Conheady, Assistant Attorney General, did not include in his opinion is the fact that on the day SB 86 was being considered by the House he was contacted by Nola Capp and verbally assured her that the bill would allow consideration of claims arising up to two years prior to the effective date. This information was conveyed to Representative Malone and therefore the retrospective amendment was withdrawn.



This action by the House seemed to be reasonable given the fact that AS 18.67.130 provides:

> No order for the payment of compensation may be made under AS 18.67.080 unless
> (1) the application has been made within two years after the date of the personal injury or death.

Therefore, the legislature assumed that if the effective date of SB 86 would be sometime in 1983 (October 23, 1983 actual date) those persons injured within the preceding two years would be eligible to apply for compensation. Unfortunately, Mr. Conheady changed his opinion.

According to Mr. Levy, if the legislature intended Chapter 96, SLA 1983 to be retrospectively applied this could be accomplished by amending the law. I requested Mr. Levy to draft legislation which would achieve this. You should be receiving it tomorrow. I have not indicated that you support a change in the law, but rather have requested this draft for your review.

Please contact my office when you have made a decision on this matter.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

February 24, 1984

SUBJECT: Retroactive effect of amendments to Violent Crimes Compensation Act (Chapter 96, SLA 1983)

TO: Elizabeth Hickerson KBL
Senate Advisory Council

FROM: Keith B. Levy
Legislative Counsel

You have requested an opinion on the impact of a memorandum by the Attorney General dated February 7, 1984, relating to the retrospective effect of certain amendments to the Violent Crimes Compensation Act made by ch. 96, SLA 1983. I have reviewed the Attorney General's opinion and agree with his conclusions. Specifically, there is a general rule that legislation is not retrospective unless the legislature exhibits a clear intent that it operate retrospectively. Since ch. 96, SLA 1983 does not show such intent, it is prospective only.

AS 01.10.090 specifically provides, "no statute is retrospective unless expressly declared therein." Citing this section, the Supreme Court of Alaska has consistently stated that statutes are not to be applied retrospectively unless the bill contains a specific clause indicating retroactive application, or some other manifest intent of retrospective effect by the legislature. City and Borough of Juneau v. Commercial Union Insurance Co., 598 P.2d 957 (Alaska 1979); Matanuska Maid v. State, 620 P.2d 182 (Alaska 1980); Stephens v. Rogers Construction, 411 P.2d 205 (Alaska 1966).

Chapter 96, SLA 1983 contains no express provision making it retrospective. Moreover, as the Attorney General points out, an amendment to make it retrospective was introduced, and subsequently withdrawn. This action would actually indicate a contrary intent, that the amendments to the Violent Crimes Compensation Act be prospective only.

Therefore, I agree with the Attorney General's conclusion that ch. 96, SLA 1983 does not have retrospective effect.

If the legislature wishes to cure this problem by making the operation of the amendments to the Violent Crimes Compensation Act retrospective, this could be done by amending ch. 96, SLA 1983 to add a specific clause making the Act retrospective. A new bill would be required, and as you are aware, it would have to be introduced by a committee since the personal bill deadline has already passed. In this way the legislature could make ch. 98, SLA 1983 retrospective to any specific date it chooses.

KBL:ojb
J4/003

MEMORANDUM State of Alaska

TO: Douglas Strandberg, Chairman
Violent Crimes Compensation
Board

DATE: February 7, 1984

FILE NO: 36629384

TELEPHONE NO: 465-3678

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Retroactive application of amendments to violent crime compensation act

Daniel W. Hickey
Chief Prosecutor

BY: Patrick W. Conheady
Assistant Attorney General
Chief, Pretrial Services

You have requested our opinion on the retroactive application of recently enacted amendments to the Violent Crimes Compensation Act, AS 18.67. These amendments, contained in Ch. 96, SLA 1983, enlarge the class of injuries which are compensable under the Act to include offenses to innocent victims arising out of driving while under the influence accidents, and offenses wherein the victim is related to the offender. You further request our opinion as to the extent of retroactivity, if found, that should be accorded compensation under the Act given the Limitations of Actions section contained in the Act, AS 18.67.130 (a)(1). I have reviewed the legislative history of Ch. 96, SLA 1983, including committee action, letters of intent, debate in both Houses of the Legislature and floor action. Based on this review and research into other areas of the law, it is my considered opinion that Ch. 96, SLA 1983 cannot be given retroactive application; rather, in reviewing applications for compensation to the Board for injuries within the amended class, the Board should not award compensation for any injury wherein the offense occurred before the effective date of Ch. 96, SLA 1983, October 23, 1983.

Confusion as to the applicable time when the offense occurred arises under AS 18.67.130(a)(1), which provides:

> "No order for the payment of compensation may be made under AS 18.67.080 unless
> (1) the application has been made within two years after the date of the personal injury or death..."

This provision is a limitation on the actionable claim. It is the time period during which a claim must be brought, or it is foreclosed. By broadening the class of

actionable claims, the Legislature may have intended that any newly actionable claim which occurred two years prior to the effective date of the amendments, and which therefore could be claimed under AS 18.67.130(a)(1), should be compensable. In fact, that intent was conveyed to the Board's Administrator, Ms. Nola Capp, by Royce Weller, a legislative aide to Representative Malone during the course of floor action in the House of Representatives on June 25, 1983. However, absent a manifest intention of the Legislature to give these amendments this intent, retroactive application can not attach.

In construing these provisions, it is necessary to look to the General Rules of Statutory Construction. AS 01.10.020 provides:

> "The provisions of AS 01.10.040-01.10.090 shall be observed in the construction of the laws of the state unless the construction would be inconsistent with the manifest intent of the legislature."

AS 01.10.090 further provides:

> "No statute is retrospective unless expressly declared therein."

Construed together, these sections preclude retroactive application absent (1) a specific provision on retroactivity contained in Ch. 96, SLA 1983, or (2) some other manifest intent on the part of the Legislature. As has been recognized by our Supreme Court,

> "Statutes are not to be applied retrospectively unless the language used by the Legislature indicates the contrary."

City and Borough of Juneau v. Commercial Union Insurance Co., 598 P.2d 957, 958-959 (Alaska 1979) (emphasis added). This view has been consistently recognized by the Supreme Court. See Matanuska Maid, Inc. v. State, 620 P.2d 182 (Alaska 1980); Stephens v. Rogers Construction Co. 411 P.2d 205 (Alaska 1966).

In spite of the communication between Ms. Capp and Mr. Weller of Representative Malone's staff, the manifest intent necessary to overcome AS 01.10.090 is not present. In fact, the legislative history indicates a contrary intent.

The legislation containing these amendments (CSSB 86) was brought up for second reading in the House on June 25, 1983. At that time, the House adopted a judiciary committee substitute. This substitute was then amended to include the victims of drunk drivers. 1983 House Journal, 1990. A second amendment which would have given retroactivity to portions of the Act was then passed. 1983 House Journal, 1991. HCSSB 86am then passed the House.

Later that same legislative day, HCSSB 86am was brought back before the House on reconsideration. 1983 House Journal, 2006. The House returned the bill to second reading, the retroactive application amendment was withdrawn, and the legislation passed in its final form. This action may have resulted from the mistaken belief that AS 18.67.130(a)(1) allowed for consideration of claims arising up to two years prior to the effective date; however, the official legislative history clearly manifests a contrary intent--the Legislature clearly considered retroactive application and rejected it.

In that claims brought under the newly expanded class of offenses must be for an offense which occurred after October 22, 1983, it is not necessary for me to address your other questions. If you have need for further clarification on this issue, do not hesitate to contact me.

VIOLENT CRIMES
COMPENSATION BOARD

FEB 9 1984

VIOLENT CRIMES COMPENSATION BOARD - pending applications

Female, age 50, CLAIM # 84-079.....DWI. Involved in an accident with a drunk driver. Incident occurred on 10/10/83, received in our office on 12/27/83. Expenses and lost wages, represented by Janet Tempel in Soldotna. Claim is ready but has not been mailed to Board, holding for decision on statute. $3,768.95, medical & loss of earnings.

Male, age 41, CLAIM # 84-081.....DWI. Hit head-on by drunk driver. Incident occurred on 12/31/81, received in our office on 12/29/83. Asking expenses and loss of earning power. Case is pending Dr. and DA information. Requesting $16,509.26; loss of earnings.

Male, age 40, CLAIM # 84-083.....DWI. Riding with an intoxicated driver, suffered injuries to shoulder, head and right leg. Incident occurred on 5/8/83, received in our office on 1/3/84. Asking expenses and loss of earnings, $503.00.

Female, age 33, CLAIM # 84-084... SHOOTING. Shot by husband in chest. Incident occurred on 5/19/83, received in our office on 1/3/84. Extensive medical. Asking expenses and loss of earnings, $24,520.65.

Male, age 35, CLAIM # 84-091.....DWI. Hit head-on by drunk driver, extensive injuries. Occurred on 1/17/82, received in our office on 1/13/84. Asking expenses and loss of earnings; $15,000.00

Male, age 43, CLAIM # 84-093....SHOOTING. Shot by brother. Incident occurred on 7/14/84, received in our office on 1/20/84. Asking loss of earnings, $25,000.00 (retraining).

Female, age 41, CLAIM # 84-099. HOMICIDE. Husband shot and killed by claimant's son. Incident occurred on 5/23/83, received in our office on 1/27/84. Asking loss of earnings and expenses, $5,000.00.

Female, age 62, CLAIM # 84-013. HOMICIDE. Claimant's son was shot and killed by her other son. Date of incident is 12/25/81, received in our office on 8/29/83. Requesting pecuniary, $25,000.00.

Male, age 48, CLAIM # 84-110..... DWI. Claimant was hit by drunk driver, claimant's passenger killed and claimant suffered dental/medical. Incident occurred on 10/15/82, received in our office on 1/31/84. Asking expenses and loss of earning power, $25,000.00.

Female, CLAIM # 84-116 &
Male, age 12, CLAIM # 84-117,....HOMICIDE. Claimants are Mother of and son of victim, who was shot and killed by boyfriend she and son lived with. Incident occurred on 5/13/83, received in our office on 2/14/84. Asking maximum, $25,000.00.

Female, age 43, CLAIM # 84-015.....DWI Claim, incident occurred on 4/17/82, received her claim on 9/7/83. Was injured and not able to work for a period of time, her claim was sent to Board for review on 1/12/84. Requesting $13,965.66, loss of earnings

Female, age 36, CLAIM # 84-028.....DWI Claim, incident occurred on 3/4/83, received her claim on 9/23/83. Was injured very badly and is asking maximum, represented by Clifford Smith, Ketchikan. Requesting maximum, $25,000.00.

Female, age 37, CLAIM # 84-041.....INCEST claim, incident(s) occurred 1979 to 7/83.....received in our office on 10/11/83. Victim is child of claimant, alleged offender is father of victim. Requesting $3,000.00, loss of earnings.

Male, age 25, CLAIM # 84-046.....DWI claim, incident occurred on 10/30/81, claim received on 10/17/83. Injuries, loss of work. Claim sent to Board for review on 2/7/84. Requesting maximum, $25,000.00

Male, age 49, wife 45,CLAIM # 84-049.....DWI Claim, wife killed in a collision, driver drunk. Incident occurred on 10/14/82, claim received in our office on 10/24/83. Asking funeral, and expenses, and loss of income of wife. Sent to Board for review on 12/27/83, asking $25,000.00

Female, age 36, Claim # 84-054.....DWI Claim, husband killed in car collision, driver of their car was drunk. Victim was severely injured. Represented by Robert L. Manley, Anchorage. Date of incident is 10/31/81, received in our office 10/27/83. Asking $25,000.00. Sent to Board for their review on 1/12/84.

Female, age 39, Claim # 84-055.....Living with offender. Victim was shot in the thigh by her drunk room-mate. Incident occurred on 7/31/83, we received it 10/31/83. Case is pending arrival of more information. Requesting $25,000.00; medical & loss of earnings.

Male, age 25, CLAIM # 84-068.....DWI. Claimant was drunk and in truck with alleged drunk driver. Incident occurred on 4/13/83, we received it in our office on 12/7/83. Case is pending contact with claimant. Requesting $8,4000.00; loss of earnings.

Female, age 24, CLAIM # 84-071....Homicide. Had legal custody of murdered son, age 5, ex-husband had son at time of death. Boy was murdered by man living with ex-husband. Incident occurred on 10/13/83, received in our office on 12/12/83. Pending more information from claimant. Claimant has 7 year old boy in need of counseling. Requesting $5,536.50, funeral expenses & counseling.

SB

219

COMMITTEE REPORT

SENATE

FURTHER: HESS
JUDICIARY

3/8/85

Date 3/28/85

Mr. President

The Committee on STATE AFFAIRS considered SB 219

establishing a special unit for the investigation of criminally exploited and missing children; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[X] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Esther McCallum
Bill Keating
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Mike Halligan
Chairman

Chairman recommendation

Alaska Juvenile Crime Commission

P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 276-2066

OFFICERS-

Marroyce Hall
Director/Chairman

Levi Gudde
Vice Chairman

Mark P. Ernst
Treasurer

Nancy Sullivan
Secretary

Denise Gnagy
Recording Secretary

Board Members

Alyce Hanley
Representative

Joe Hoffbeck

Marlene Poulson

Ermalee Hickel

Gail Dial

Myrna Klingel

Barbara Gudde

Sue Dolman

Dave Duncan

Cheri Kersbergen

Paul Edgar

Margaret Behrend

William J. Sharrow
Brig. General, Ret.

LAW ENFORCEMENT ADVISORY

Capt. Richard Cummings
Fairbanks Police Dept.

Chief Louis Bencardino
Seward Police Dept

Rollie Port
Supervisor, Palmer
Investigative Unit
Ak. State Troopers

Detective Frank Feichtinger
Anchorage Police Dept.
Exploited Childrens Unit

Officer Preston Chapman
Anch. Police Dept.

Trooper Roy Sagraves
Anchorage Exploited
Childrens Unit

Robert Erwin
Ak. Supreme Court Justice, Ret.

Chief Richard Ross
Kenai Police Dept.

NATIONAL CONSULTANTS

John Rabun
Deputy Director,
National Center for Missing
and Exploited Children
Washington D.C.

Dr. Vincent J. Fontana
Professor of Clinical Pediatrics,
New York University, College
of Medicine
Medical Director, New York
Foundling Hospital

Jan. 29, 1985

Senator Edna Armstrong-DeVries
Pouch V
Juneau, Ak 99811

Dear Senator DeVries:

Enclosed is the information you requested regarding the establishment of an exploited child unit. I've included a draft of legislation which I hope will be helpful to you. Also, I've included letters from Anchorage Police Chief Brian Porter, Alaska State Trooper Colonel Mike Kolivosky and Corrections Commissioner Roger Endell which detail the concept of the unit. Please keep in mind these letters specifically referred to the unit as it was initially conceived, with a different manpower breakdown. What we envision now is an eleven-man unit staffed with five agents from the Anchorage Police Dept., four agents from the Alaska State Troopers and one from the Federal Bureau of Investigation. The total cost would be 985-thousand dollars a year.

Thank you very much for your efforts, further information on the problem of exploited children will be forthcoming.

Sincerely,

Marroyce Hall

Marroyce Hall,
Director

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM March 18, 1985

SUBJECT: Sectional analysis of SB 219

TO: Senator Edna DeVries

FROM: Billy G. Berrier BGB
Director
Division of Legal Services

You have requested a sectional analysis of Senate Bill 219 which establishes a special unit for investigation of criminally exploited and missing children.

Section 1 is legislative findings. The legislature finds there is an escalation of crime committed by and against children and that delinquent acts by children are frequently the result of their criminal and sexual exploitation. It further finds the need to establish a cooperative local, state and federal effort to combat incidents of certain named crimes against children.

Section 2 creates a new section of law, Sec. 18.65.086.

(a) Establishes a special unit within the State Troopers for investigating incidents of missing children and criminal exploitation of children.

(b) Requires the commissioner of public safety to annually submit to the legislature a report concerning the activities of the special unit. The report must be submitted within 30 days of convening of the legislature. The paragraph also contains a nonexclusive list of matters which must be included in the report.

(c) Contains definitions of terms as used in this section. A child is a person under 18. Criminal exploitation of children means the use of a child by an adult in a criminal manner for gratification or profit of the adult.

Section 3 provides that this act takes effect July 1, 1985.

It is to be noted that the investigative power of the special unit is cast in broad, general terms while the findings are in specific terms. The specificity is guidance for the special unit but is not limiting except for the stress in the findings on cooperative efforts.

BGB:csh
c3/052

Alaska Juvenile Crime Commission
P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 345-0277

SPECIAL UNIT FOR THE INVESTIGATION OF CRIMINALLY EXPLOITED AND MISSING CHILDREN

Juvenile Unit - Funded by direct appropriation apart from the current law enforcement budget. A new and separate investigative section would be established consisting of a minimum of nine investigators and a supervisor with appropriate clerical support. These investigators should be officers with experience in working with juveniles and in investigative techniques that relate to semi-organized and organized criminal activities. The purpose of the section would be to initiate and follow through investigation into the forces responsible for juvenile prostitution, both male and female, and those forces behind the rising juvenile drug problem and fencing operations involving juveniles. The notable difference between this unit and other units presently in existence is that they would self-initiate these investigations, rather than responding to isolated cases presented to them. It would allow this section to expand upon other investigations presented by other units and to initiate investigations based on intelligence reports from other agencies or information provided by informants. This unit should have the flexibility to work varying hours and have available communications equipment to permit discreet investigation and surveillance.

Specific areas of concern should be (1) juvenile pornography, both the sale and distribution of and the making of, (2) adults and groups who gain by juvenile prostitution activities, (3) organized or semi-organized activities involving the sale and use of drugs by juveniles, (4) organized or semi-organized activities in which juveniles are used as the source of stolen property to be fenced.

As cases in these areas begin to be made, consideration should be given to the establishment of special prosecutors to be funded to handle these cases from beginning to end for the purpose of maintaining the necessary confidentiality of any investigation involving juveniles as victims and/or participants in sensitive areas and for the purpose of maintaining direction in the legal system throughout investigations that will necessarily be involved, complicated and sensitive.

Position paper - AK Juvenile Crime Comm.
ATTACHMENT #1

Alaska Juvenile Crime Commission
P.O. Box 4-2850 Anchorage. Alaska 99509 Ph. (907) 345-0277

To be effective, this unit must have available to it sources of funds to be used for the paying of confidential informants and to be used for such special operations as purchases of stolen property and drugs through undercover operatives. In addition, this unit must have the capability to operate discreetly, involving the use of unmarked cars and certain kinds of surveillance equipment and office security equipment.

The Juvenile Unit would be utilized as appropriate to assist, coordinate and work with state and national law enforcement efforts in juvenile crime and exploitation cases.

Alaska Juvenile Crime Commission

P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 276-2066

SPECIAL UNIT FOR THE INVESTIGATION OF CRIMINALLY EXPLOITED AND MISSING CHILDREN.

The Child Exploitation Unit would be upgraded to encompass missing children and will be developed on the concept of the Metro Drug Unit with cooperation between law enforcement agencies.

This concept would be an efficient liason to actively work cases in connection with the new State Trooper Centralized Missing Persons Bureau.

The majority of Alaska's missing juveniles live in Anchorage or migrate from the Bush and rural community to Anchorage. Missing and runaway juveniles and children run the highest risk of exploitation by criminal adults. This co-effort will provide vital informational linkages in cases originating locally as well as State-wide.

MANPOWER UNIT

	Current Positions	New Positions	Total
State Trooper	1	3	4
APD Officer	1	4	5
Supervisory/Investigation	0	1	1
FBI Agent (Assigned)	1	0	1
Clerical			
			11

Alaska Juvenile Crime Commission

P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 276-2066

SPECIAL UNIT FOR THE INVESTIGATION OF CRIMINALLY EXPLOITED AND MISSING CHILDREN.

The Child Exploitation Unit would be upgraded to encompass missing children and will be developed on the concept of the Metro Drug Unit with cooperation between law enforcement agencies.

This concept would be an efficient liason to actively work cases in connection with the new State Trooper Centralized Missing Persons Bureau.

The majority of Alaska's missing juveniles live in Anchorage or migrate from the Bush and rural community to Anchorage. Missing and runaway juveniles and children run the highest risk of exploitation by criminal adults. This co-effort will provide vital informational linkages in cases originating locally as well as State-wide.

MANPOWER UNIT

	Current Positions	New Positions	Total
State Trooper	1	3	4
APD Officer	1	4	5
Supervisory/Investigation	0	1	1
FBI Agent (Assigned)	1	0	1
Clerical			
			11

add - Mat-Su
Kenai - Satellight

new

The originally stated title, SPECIAL UNIT FOR THE INVESTIGATION OF CRIMINALLY EXPLOITED AND MISSING CHILDREN should be retained for the following reasons:

(1) Currently "exploited and missing" is the most accepted phrase and the best definition for the specific kinds of child crimes to be addressed by the unit.

Other units and groups nationally include:

CHILD EXPLOITATION TASK FORCE, LOUISVILLE, KENTUCKY

EXPLOITED CHILD UNIT, LOS ANGELES, CALIFORNIA

SEXUALLY EXPLOITED CHILD UNIT, NEW YORK, NEW YORK

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, WASHINGTON, D.C.

(2) Start-up funds for Unit last year was designated to the Special Unit for the Investigation of Criminally Exploited Children.

(3) The ongoing effort to establish the Unit has had good newspaper coverage and public visibility. The terminology was accepted by all branches of law enforcement participating in the project last year. See appended material, Col. Kolivosky, Chief Porter, Roger Endell, Dan Hickey, Anchorage Times, etc.

As to the additional changes in the body of the bill, we queried our law enforcement and legal advisors. They felt that the terminology for the unit was not specific enough, and as written, could be mistaken for other child projects currently existing within law enforcement.

TASK FORCE on
EXPLOITED and MISSING CHILDREN
609 WEST JEFFERSON STREET, 2nd FLOOR
Louisville, Kentucky 40202
(502)587-3621

D.H.S. EXPLOITED & MISSING CHILD UNIT
(502)581-5787/588-2199

MITCH McCONNELL
COUNTY JUDGE/EXECUTIVE

BILL BARDENWERPER
COUNTY JUDGE'S LIAISON

DEPT. FOR HUMAN SERVICES
Jeanne Frank, Secretary
Earl Dunlap, Deputy Secretary

JEFFERSON COUNTY POLICE DEPT.
Col. E.G. Helm, Chief
Capt. James Black, Intelligence

LOUISVILLE DIVISION OF POLICE
Col. Richard Dotson, Chief
Major Wesley Cruse, Intelligence

FEDERAL BUREAU OF INVESTIGATION
Special Agent in Charge,
James Yelvington
Celest Armstead

KENTUCKY STATE POLICE
Lieut. Mike Moulton

U.S. POSTAL INSPECTION SERVICE
Ted Eklund, Postal Inspector

COMMONWEALTH'S ATTORNEY
David L. Armstrong
Dee Pregliasco, Asst.

COUNTY ATTORNEY
J. Bruce Miller
Don Kathro, Asst.

KENTUCKY ATTORNEY GENERAL
Steven L. Beshear
Frank Kleier, Agent

UNIVERSITY OF LOUISVILLE
J. Kerry Rice, Assoc. Prof.
Dr. Ron Holmes, Assoc. Prof.

SOUTHERN INDIANA POLICE DEPTS.

LOUISVILLE/JEFFERSON COUNTY
CRIMINAL JUSTICE COMMISSION
Bob Benson, Chairman
Terri Cox, Secretary

POLICE/SOCIAL WORK TEAM

DHS EXPLOITED & MISSING CHILD UNIT
John B. Rabun, ACSW, Manager
Margarete A. Sanders, LSW
Ellen M. Hammock
Leo D. Hobbs

POLICE MEMBERS
Lieut. Bill Spaulding, LDP
Det. Bob Hain, LDP
Det. Brian Ahearn, LDP
Det. Mary Lett, LDP
Det. Gary Smith, JCPD
Det. Mike Simpson, JCPD
Sgt. Schweinbeck, JCPD

ERNEST E. ALLEN
Chairman
RONALD J. PREGLIASCO
Vice-Chairman

August 1, 1983

Ms. Marroyce Hall, Chairperson
Alaska Juvenile Crime Commission
P.O. Box 4-2850
Anchorage, Alaska 99503

Dear Ms. Hall:

I wanted to take the time to formally follow up on our several discussions both in Anchorage and on the phone since then. In particular to salute the Alaska Juvenile Youth Commission for your excellent work in "Exploited Children - Juvenile Crime" published May, 1983. I was delighted to receive a copy from you and have shared it with our Crime Commission Director for Lou. and Jefferson Co., Ernie Allen. He too extends his compliments for a job well done.

It also occurred to me that I should probably share with you my thoughts on the creation of an exploited child unit in your city. Initially, I should indicate that other than my reading of your report I was in Anchorage only for 2 days as an expert witness in forensic social work with exploited children investigations for the State V. Chico Rodriguez case resulting in 25 guilts verdicts. During this time I got to practically "live with" Investigator Frank Feichtinger and had the in depth opportunity of examining his work as an investigator with/for child victims of exploitation. His knowledge of the "pressure points" in this work including the nexus between these children and the motor-cycle gangs, organized crime, and extortion of "community pillars" is exemplary. His ability to supportively work with and for the child victims of exploitation and commitment to their protection is truely outstanding. Inv. Feichtinger has brought the best of law enforcement skills and personal commitment to children AS CHILDREN to bear in an area of very limited expertise. He was selected by the F.B.I. as one of 27 national experts in this area of investigation to attend the first FBI "Seminar on the Sexual Exploitation of Children" at the FBI Academy, Quantico, Va., during the last week of May, 1983. His selection is certainly indicative of his national reputation as an excellent investigator in this area. As one of the attendees at that Seminar, I can attest to the level of expretise of each of those present as being inordinately high and thus a splendid reflection of his credentials/reputation in this field.

ATTACHMENT #3

All of this is to say that I would recommend that you continue to follow through with the plans developed by the Alaska Juvenile Crime Commission to set up a local/state exploited child unit. Further, it would be my hope and professional recommendation that Investigator Frank Feichtinger be secured as the law enforcement officer to lead such a unit is its early stages given his credentials and proven experience in this field. Such expertise is critical at the early stages of such a new unit/task force. Should an investigator "new" and/or "untried" be chosen no matter how good, you should expect a much more "bumpy road" in this most important project. Care must always be taken to remember that we must all work jointly in and for the best interests of the children who are victims of adult depravity. Inv. Feichtinger certainly has demonstrated in person to me and by reputation his ability and commitment to that end as an excellent exploited child investigator.

I would be most interested in receiving a copy of your newly passed laws in this area and any further developments along the way to the creation of an exploited child unit. Please be assurred that I stand reay to assist you in any way that might be helpful in such a cause. Feel free to share this letter with your colleagues.

Cordially,

John B. Rabun, Jr., ACSW, CSW, P.O.
Manager
Exploited & Missing Child Unit

P.S.: I have enclosed some recent articles that you may find of interest.

ALASKA JUVENILE CRIME COMMISSION REPORT

Statistical Progression of Sexually Abused Male Juveniles Into Criminal Behavior

ATTACHMENT #4

CONCLUSIONS:

FROM THESE VERY CONSERVATIVE STATISTICAL PROJECTIONS THE FOLLOWING CONCLUSIONS CAN BE INFERRED:

Sexual exploitation of juvenile males is a significant and highly contributing factor to subsequent delinquency and criminal behavior.

The cycle of victim progressing to criminal and to sexual offender/exploiter, if not broken, will lead to a geometric type progression of criminal behavior, dollar loss to society, and inability of law enforcement to contain criminal behavior.

Dollar loss noted in these statistics applies only to burglary crimes and does not include dollar loss due to other crimes such as larceny, robbery, fraud, etc. that would probably greatly exceed that mentioned.

Dollar loss to society in the form of increased jail requirements, law enforcement expenditures, court system costs, social service expenditures, etc. is not considered and is astronomical in comparison to dollar loss figures from burglary crimes alone.

Crimes that will result against persons such as assault, homicide, robbery, etc. are not addressed.

Sexual exploitation of children also covers categories not addressed in these projections such as female prostitution, male prostitution and incestuous crimes that probably equal if not exceed in dimension the projections listed here.

Sexual exploitation of children is a hidden problem that has been a significant and root cause of today's crime problem and that if left unaddressed and not diminished will geometrically progress into an out of control causational factor of criminal behavior to a greater impact on our state and future.

STATISTICAL PROGRESSION OF SEXUALLY ABUSED MALE JUVENILES INTO CRIMINAL BEHAVIOR

THE FOLLOWING FIGURES APPLY TO SEXUALLY EXPLOITED MALE JUVENILES WHERE THE SUSPECT IS OTHER THAN A FAMILY MEMBER. SIMILAR FIGURES COULD PROBABLY BE APPLIED WHERE FEMALE JUVENILES ARE VICTIMS. INFORMATIONAL SOURCES INCLUDE ANCHORAGE POLICE DEPARTMENT. F.B.I., ALASKA STATE TROOPERS. LOUISVILLE EXPLOITED CHILDRENS UNIT AND McLAUGHLIN YOUTH CENTER.

ASSUMPTIONS

1. THE AVERAGE ADULT MALE ABUSER WILL SEXUALLY EXPLOIT FIVE CHILDREN IN A ONE YEAR PERIOD.

2. SEXUAL ABUSE IS A SIGNIFICANT CONTRIBUTING FACTOR TO SUBSEQUENT DELINQUENT BEHAVIOR.

3. 50% OF THE MALE JUVENILES SO AFFECTED WILL ACT OUT IN A DELINQUENT MANNER.

   a. Each of this 50% of sexually assaulted youth will commit [average] 10 felony crimes in a one year period.

   b. Anchorage has approximately 3200 burglaries per year.

   c. 39.8% of all forceable entry burglaries and 30.7% unlawful entry burglary arrests were male juveniles. 42% of all auto thefts were juveniles.

   d. Average police time expended per burglary is 8 hours. [Police] [Add costs: court, probation, Mc Laughlin, support services].

   e. 80% OF ALL JUVENILES [MALE] WHO SEXUALLY ABUSE OTHERS, HAVE BEEN SEXUALLY ABUSED THEMSELVES.

   f. 50% of all male juveniles committing serious felony assaults [homicide and first degree assault] have been sexually exploited.

4. 20% of all boys admitted but not institutionalized at McLaughlin Youth Center have been sexually exploited. [One thousand boys are admitted to Mc Laughlin each year but not institutionalized.]

5. 60% OF ALL THE BOYS INSTITUTIONALIZED AT MYC HAVE BEEN SEXUALLY EXPLOITED.

PROJECTION OF ESTIMATED COST OF ACTIVITIES BASED ON KNOWN STATISTICAL FACTORS. (Cost covers only police man hours and actual dollar cost as a result of burglary property loss as an indicator of cost to the community.

COMPUTATION #1

1..... Sexual Exploiter.
2.5..... Males exploited (by the exploiter above) act out in a delinquent manner.
25..... Burglaries committed by the above juveniles in one year.
$75,000..... Property loss as a result of the 25 burglaries.
200..... Police man hours expended on these burglaries.

COMPUTATION #2

1600..... Burglaries committed by juveniles in Anchorage each year.
800..... Burglaries committed by sexually exploited juveniles each year in Anchorage.
$2,400,000... Property loss by sexually exploited juveniles in Anchorage each year.
6400..... Police man hours/year expended for burglaries committed by sexually exploited juveniles.
3.08..... Police Officers committed full time to investigating burglaries committed by sexually exploited juveniles.

COMPUTATION #3

ASSUMPTION: 23% of institutionalized boys sexually abuse someone else.

18.....Boys in MYC in one year have sexually abused someone else.
15.....Of these boys have been sexually exploited themselves.

COMPUTATION #4

ASSUMPTION:

Each sexually exploited boy institutionalized at MYC for a term of one year or more have usually been exploited by more than one exploiter.

48.....Boys have been sexually exploited in one year.
48.....Exploiters are involved.
48.....Exploiters have exploited 5 or more boys.
120.....Boys exploited by these exploiters will act out delinquently.

48.....Boys will be institutionalized as a result.
1200.....Felony crimes will be committed in one year by the boys.
9600.....Police man hours will be expended investigating these crimes.

4.6.....Police Officer detailed full time to these crimes committed by these sexually exploited boys.

COMPUTATION #5

ASSUMPTIONS:

1 EXPLOITER EXPLOITS 60 BOYS IN A 4 YEAR PERIOD. (Rodriquez)

30.....Boys will act out delinquently.
1200.....Felony crimes will be committed by these boys in a 4 year period.

1.2.....Police Officers will work full time for four years investigating these crimes.

ASSUMPTION:

EACH OF THE 30 BOYS COMMITTING THESE CRIMES WILL SPEND 5 YEARS IN JAIL IN A 10 YEAR PERIOD.

150.....Years in jail spent by victims of this one exploiter.

ASSUMPTION:

Of the 1200 crimes committed. 1000 will be burglaries.

$3,000,000.... PROPERTY LOSS IN 4 YEARS AS A RESULT OF THIS ONE EXPLOITER.

COMPUTATION #6

ASSUMPTION:

1. 200 boys admitted to MYC each year have been sexually exploited.

2. 200 additional boys not admitted to MYC have been exploited.

3. 400 additional boys have been exploited but have not displayed subsequent significant delinquent behavior during the year.

400.....Boys exploited who have acted out delinquently.
4000.....Felony crimes committed.
32.000.....Police man hours expended in investigation
15.4.....Police Officers investigating these crimes.

COMPUTATION #7

ASSUMPTIONS:

80.....Boys have been exploited each year.
200.....Will engage in a criminal lifestyle.
10.....Felony crimes will be committed by each boy each year.
60%.....Of those crimes will be property crimes with average dollar loss of $3,000.00.

23%.....Will sexually abuse others during that period.
200,000.....Felony crimes committed.
120,000.....Property crimes committed.
$36,000,000. Property loss.
46.....Sex offenders created.

ASSUMPTION:

Each of the 200 boys will spend 5 years in jail as a result of their crimes.

1000.....Man years of jail time over a 10 year period for each years victims of sexual exploitation.
10,000.....Man years each 10 years for victims of sexual exploitation.
100.....Exploiters.
250.....Kids/year (Delinquent)
2500.....Felony crimes (80% property crimes).
2000.....Property crimes.
$6,000,000.... Property loss.
9.6.....Officer full-time investigating victim's crimes.

COMPUTATION #8

ASSUMPTION:

Of the 46 sexual offenders created in one year, 25% will begin to sexually exploit juvenile males within 10 years.

10 years from now =

11..... New and additional sexual exploiters.
550..... Juvenile males sexually exploited by these additional exploiters in subsequent 10 year period.

137.....Of those exploited will lead a criminal lifestyle.
13,700.....Felony crimes will be committed by the juveniles so exploited in 10 year period.
34.....New sexual offenders will be created, at least 25% of whom will enter the exploiter cycle.

Alaska Juvenile Crime Commission

P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 345-0277

January 30, 1985

Senator Edna DeVries
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries:

I strongly recommend that Frank Feichtinger be invited to testify on legislation regarding the Child Exploitation Unit, background checks, the runaway bill, and hearsay evidence. Detective Feichtinger is currently assigned to investigate exploited child cases, as a result of the initial state funding for the Child Exploitation Law Enforcement Project. He was also selected by the FBI as one of the twenty-seven local and state experts in the nation three years ago.

Secondly, I have spoken with another member of the Unit, Agent Ken Marischen, FBI. Ken is specially trained in child exploitation cases, kidnapped, and missing children cases from a federal perspective. He indicated that he would also be glad to testify if invited through his supervisor.

Enclosures include Juvenile Justice Digest, FBI report referencing child exploitation and Frank Feichtinger, correspondence from John Rabun, Founder of the Exploited Child Unit, Louisville, Kentucky. John Rabun is currently Deputy Director of the National Center for Missing and Exploited Children.

Sincerely,

Marroyce Hall

Marroyce Hall, Director
Alaska Juvenile Crime Commission

Alaska Juvenile Crime Commission is a non-profit tax exempt corporation.

ATTACHMENT #5

The men behind the Rodriquez c

Troubled teens find a friend

by Jeff Berliner
Times Writer

Some of Anchorage's most troubled youngsters — teen-agers who continually have been on the wrong side of the law — seem to have found a friend on the right side of the law.

One might not suppose that a police officer would befriend those he puts behind bars.

But nothing about this cop and the things he's done are what you might list in your stereotype of a police officer.

The problem is that Frank Feichtinger, along with everything else, is self-effacing. And in his reluctance to talk about himself, he gives credit for his accomplishments to others.

Police Chief Brian Porter, various of his collegues in the Anchorage Police Department, a couple of former assistant district attorneys, the folks at McLaughlin Youth Center — they're all responsible for helping to crack the Chico Rodriquez case and awaken this community to the problems of abused youth, Feichtinger says.

That case — the biggest commercial child exploitation case in Alaska history — resulted in 25 felony convictions against Rodriquez for his role in using drugs and money to lure an estimated 60 Anchorage boys into the folds of a prostitution, pornography and burglary operation.

But if Feichtinger shuns the cop-with-a-cause label, he quietly goes about his business. The Rodriquez case is only the most famous of a series of cases he has cracked where the victims are young boys.

Rodriquez defense lawyer Mitchel Schapira attacked Feichtinger for befriending Rodriquez' victims, winning them over and thus winning the case.

That attack seemed to be the only thing that ruffled the otherwise soft-spoken Feichtinger throughout the tension-filled, three-week trial.

The trial is over, Rodriquez may spend the rest of his life in jail and Feichtinger has gone on to other cases. But he still maintains his relationships with many of the troubled youths involved in the case — and many others who had no part in the trial.

Teens who have broken more laws than they are years old look with respect at Feichtinger.

And Feichtinger, fully aware of all their legal transgressions, accepts these youths as individuals who need the care and concern of society if they are not to be relegated to a life of crime.

That's why, every year when he and his wife are finished wrapping Christmas presents for their own children, 6 and 4, they wrap more presents for society's rejects, housed at McLaughlin.

That's why when he contemplates a fishing trip to get away from the pressures of police work, he might take one of McLaughlin's delinquents out on a pass to join the weekend outing.

That's why when his family retreats into the peacefulness of its Eagle River home, it may be hosting a youth welcome nowhere else except McLaughlin.

Some of these self-confessed delinquents, who have rejected the values behind

See Officer, page B-2

Times file photo

Frank Feichtinger shows troubled youths the concern behind the badge

...ntle prosecutor

...ued from page B-1

Olson says he's been working almost non-stop ever since, so this summer "I decided to do all those things everybody comes up here to do" — fishing, kayaking, and getting out into the unpopulated wilds.

He went to Bristol Bay to fish at Egegik, south of Naknek, happy for a foray back nek, happy for a foray back into the bush, but this time leaving his lawbooks behind.

Single, with few possessions and nothing to tie him to Anchorage or Fairbanks, Olson probably has been the state's most-traveled prosecutor.

"It's great. I've seen a lot of the state," probably more than many who have been here far longer, he says. "I've never turned down an opportunity to go somewhere and do a trial."

Until the Rodriquez case vaulted his name into print almost every day last May, few had heard of him.

"I have closer friendships and know people better in the small towns in the state than in Anchorage," he says.

Flying out to a village to interview witnesses in preparation for trials, Olson says he frequently wanted to spend more time in the state's far-flung villages — and sometimes did.

But more often, his duties demanded that he leave these Bush villages before he was ready.

Then, in January, he decided to settle down — by his standards, anyway. Olson spent a full five months in the Anchorage office. Much of that time was spent preparing and trying the Rodriquez case.

Although he had called Anchorage or Fairbanks home for much of the previous five years, most of that time those cities were simply a home base from which he set out to rural Alaska on Bush cases.

When he decided to stay for the first half of this year, he took over the sex crimes unit because "I think the psychological aspect of it all is interesting."

He asks himself this: "What is it that causes these people to be sex offenders? And what is it that causes the victims (in the Rodriquez case, for example) to keep going back?"

Although Olson terms these cases "emotionally hard" — more so than other kinds of crimes he's prosecuted — "I've always liked dealing with kids. It's hard for these kids to get up and talk about this stuff.... It's such a major emotional assault for these kids. These kids really hurt. You can't help but feel for them."

More than presenting evidence necessary for conviction, Olson shares the injury and by so doing manages to get young victims of sexual assault to relate their painful experiences.

"I don't have any special training and I don't know how other people approach it," he says, "I just know you can't go in and pretend like you're their friend."

When the victims are young and must reveal bad things they have done, Olson says, "You have to convince them that you're doing it not just because it's your job as a prosecutor, but because you really care about them."

Olson says that has been what motivated him. If he wasn't concerned about the victims, he couldn't successfully prosecute the case, he says.

"You can't talk to a sexual assault victim without having something go between you."

That "something" was the ingredient that made the Rodriquez case his toughest, Olson says, because "each kid is a separate person, who reacts differently, and who must trust you."

But once that bond is established, Olson says he has what it takes to sound convincing to a jury.

Taking the Rodriquez case victory as his swan song, Olson has transformed his Alaskan wanderlust into wandering the world for a while.

Before leaving the country earlier this month, he came back to Anchorage for the Rodriquez sentencing. But the judge got sick, the sentencing was put off and Olson went on his way. He had cleaned out his desk for the last time one week after the Rodriquez convictions were returned, in early June. He returned to Anchorage hoping to personally write the last chapter in the case.

"Maybe I'll really miss this," he says of trial work. "I don't know when I'll return or where I'll go or what I'll do. I just want a break to figure out what else I want to do."

Officer accepts teens

Continued from page B-1

Feichtinger's badge, accept the man behind the badge.

Many of these youths have come of age, some are still behind bars, others have vowed to go straight, but whether on the witness stand at the Rodriquez trial or to a reporter visiting them in jail, they speak of Frank Feichtinger with one voice.

These young criminals and victims of abuse got no deals from Feichtinger. Yet they from Feichtinger. Yet they trust him. They accept him in the same way he has accepted them — as a person. And it is that which has helped many change their lives.

Feichtinger does not go around proselytizing. He is not a zealot out to save today's youth from the evils of the world. He doesn't even want to talk about it. He refused to consent to an interview until it had been approved by the police community relations office.

And he doesn't hide behind a cloak of righteousness and purity. He admits vices — he smokes and swears too much — and says he's really befriended McLaughlin's unwanted for one reason: "I like them, and I care about them."

But he also knows that if these youths — runaways, juvenile delinquents, sexually abused boys — don't find some genuine concern by society and society's authority figures, they'll graduate from McLaughlin to prison.

Feichtinger came to McLaughlin as an employee because he liked working with kids. Working with the residents and earning their trust, he soon began hearing tales of abuse, by someone called "Chico."

Feichtinger had already spent four years with the Alaska State Troopers, where he was involved in a controversial shooting incident, before going to McLaughlin for a six-month stint. He moved on to the Anchorage police and had been there for about a year and a half when, as a patrolman, he began what was to become a year-long investigation into the Rodriquez operation.

He had other duties to perform, and continued to juggle 30 to 40 cases while investigating Rodriquez. It was Porter's commitment to break the state's largest juvenile sex abuse case that permitted him to succeed, says Feichtinger, now an investigator in the police sex crimes unit.

A 33-year old political science major from Rutgers University, Feichtinger says he was attracted to police work by the "thought of adventure and excitement," and the upper New York state native was won over to Alaska when the military stationed him here.

Although he is just one of many anonymous police investigators who go about the business of solving crimes, Feichtinger has recently earned recognition for his unusual ability to win the confidence of male sexual assault victims. He handles all sorts of rape cases, but Feichtinger's forte is the out-of-the-ordinary case, like Rodriquez, where he succeeds in getting boys to reveal instances of sexual abuse.

And one of the nation's foremost experts on the sexual abuse of juveniles, John Rabun Jr., says Feichtinger's departure from typical police questioning techniques to gain the confidence, trust — and key evidentiary information — from juveniles is the wave of the future in the field.

Those techniques do not involve a routine question-and-answer interrogation. Rather, Feichtinger says, they simply involve "give and take, caring about the kid, and talking — earning their trust."

Police and other officials have found a natural reluctance on the part of sexual assault victims to talk about what [illegible] That reluctance is [illegible] volvement was homosexual. And an almost impenetrable wall of silence is erected if the juvenile consented to have sex in exchange for shelter or protection or money or drugs.

"I like to find out why people do what they do," he says. "Police officers are taught to solve crimes and make arrests. But it bothers me when one of these kids commits a crime again and again. I wonder what it is that's keeping them at the bottom. Certainly having kids of my own makes me want to deal with these issues. I grew up on the right side of the track, but this area of exploited children is a critical one."

The work, Feichtinger says, "is not altruism. I enjoy it. And the rewards are great. Basically, they're kids I like."

...lining camp

Continued from page B-1

those regulations can be bypassed in certain cases.

One problem, said Sierra Club spokesman Jack Hession, will probably be defining which landowners' property is "effectively surrounded by" national park land. Like inholders whose lands are completely engulfed by national parks, such landowners are guaranteed access under the proposed regulations.

And they are not required to get congressional approval. It is up to the Interior Department to determine what can and cannot be built.

Another issue is over what type of "access" inholders are guaranteed, Hession said — do the regulations allow a footpath, a gravel road, a major pipeline, a railroad?

Hession and another environmental spokesman, attorney Eric Smith of Trustees for Alaska, agreed that the proposed regulations seem to reflect a shift within the Interior Department.

Earlier regulations did not authorize inholders to build such major facilities as a pipeline for their "access" and bypass congressional review, they said.

"I don't think they were talking about pipelines when they were talking about access to inholdings," Smith said of the intent of in Congress when the lands act was passed.

"It's another attempt by Secretary Watt to circumvent the clear intent of the Alaska Lands Act," Hession said.

Babcock said his company has not taken a definite stand on whether Bear Creek should be considered "effectively surrounded by" national lands. But he offered a definition of an inholder during testimony at a recent hearing:

" 'Effectively surrounded by' means that physical barriers would preclude adequate or feasible access to the land question unless access across th (conservation) unit is afforde Physical barriers include, wit out limitation, mountain terrai extensive marsh areas, shallo water depths and presence of ic for large periods of the year."

Jim Jinks, deputy director c the Resource Developmer Council for Alaska Inc., said hi organization has one concer about the proposed regulations Do they provide reasonable ac cess?

The council is still studyin the issue and has not yet drafte its written comments, he said.

But the key point is that whil the regulations allow for "rea sonable access" to an inholder they don't outline whether th inholder will get the most direc or economically feasible route.

And that could be a very im portant point for a company that wants to develop valuable re sources, especially in the arctic where development costs are high.

Whatever the case, Jinks thinks Bear Creek is definitely an "inholder" and should be afforded the streamlined process for access.

Smith does not agree.

That disagreement and others probably will continue at least until Nov. 14, the deadline for written comments on the regulations to be submitted to Interior.

263-9333
The direct line
The Times Classified
ad department

JOSEPH KLINE, D.P.M.
PODIATRIST
[illegible]
Every Mon. & Wed. Evening
PHONE: 278-4838

Pre-Season
Ski
Tune-up

Chamber board backs $85 million bond plan

The Anchorage Chamber of Commerce board of directors unanimously endorsed Friday an [illegible] ballot proposal to spend $85 million to build a Point Woronzof Waste Treatment Plant and build new sewer lines; $5.2 million to buy new land for a city landfill; and $[illegible]

CONSTRUCTION EQUIPMENT
REPAIR VETS,
KEEP A HAND IN.

Once a month you can polish that skill you had in repairing earth movers, graders, crushers, hot plants and [illegible]

MEMORANDUM State of Alaska

TO: Jay Hogan, Associate Director
Division of Budget Review
Office of Management and Budget
Office of the Governor

DATE: January 6, 1984

FILE NO:

TELEPHONE NO: 465-432[illegible]

FROM: Jos Mapranath, Director
Division of Administrative Services
Department of Public Safety

SUBJECT: Crimina[illegible]ited Childre[illegible]

We have reviewed the materials submitted on criminally exploited children in Alaska and wish to express our support for the formation of a special law enforcement unit in Anchorage to deal with this serious problem. The unit would be a joint State and local cooperative effort similar to the successful Anchorage Metro Drug Unit. The cost is estimated at $375.0 for FY 85 and would include one Anchorage P.D. Sergeant, one Anchorage Police Officer, one Anchorage clerical position, and one State Trooper Sergeant.

While we recognize the seriousness of criminal exploitation of children and that this is a growing problem, it is not feasible at this time for either the Anchorage Police Department or the Division of Alaska State Troopers to divert limited existing resources to form the proposed special unit. We would, however, be pleased to participate in such an effort if funding is provided. Therefore, I urge your support of an appropriation in the amount of $375.0 to fund a special investigative unit on criminally exploited children.

Further details are available upon request. Your consideration of the requested appropriation to deal with this problem is appreciated.

cc: Commissioner Robert J. Sundberg
Commissioner Roger Endell
Peter B. McDowell, OMB
Brian Porter, Chief, APD
✓Colonel Michael C. Kolivosky, AST
Marroyce Hall, AK Juvenile Crime Commission
Sandra Borbridge, Spec. Assistant to the Governor
Allen Blume, Spec. Staff Assistant to the Governor

02-001A (Rev. 10/79)

ATTACHMENT #6

Another way in which the State can help is in its support of daycare, job sharing arrangements and flexible working schedules for parents, so that parents can arrange their schedules to be with their children as much as possible. The possibility of child exploitation is diminished in this manner.

RVE:SH-B:as2

cc: Susan Humphrey-Barnett, Director
Statewide Programs

MEMORANDUM State of Alaska

TO Allen Blume
Special Assistant

DATE: October 31, 1983

FILE NO:

TELEPHONE NO:

FROM Roger V. Endell
Deputy Commissioner
Adult Corrections Agency

SUBJECT: Alaska Juvenile Crime Commission Report

Thank you for forwarding the Alaska Juvenile Crime Commission Report to me. The connection between child sexual abuse and delinquent behavior is clear to people and agencies working with such children. The various components of the justice system can and must work together on this problem. In the material furnished by Ms. Marroyce Hall, the geometric progression of cost to the State both in monetary and human terms, from just one instance of child sexual abuse, is well illustrated.

The commission is recommending that a statewide special unit for the investigation of sexually exploited children be developed and funded. Corrections would support such a move. Although in the short range, it may result in further overcrowding of our already overcrowded prison system, in the long range, the fewer children exploited, the fewer children become delinquents and possibly adult criminals.

The commission makes a number of recommendations for legislative action. All these recommendations merit further examination; in particular, I believe the following are worthwhile:

1. Strengthening child prostitution and pornography laws.

2. Funding specialized training for State personnel involved with handling exploited children and juvenile offenders with a history of exploitation (This would include McLaughlin Youth Center staff and Juvenile Probation staff as well as law enforcement personnel).

3. Fund juvenile emergency centers.

4. Provide incentive for the creation of non-profit group, halfway and foster homes, but ensure quality care through adherence to rigorous standards and frequent program monitoring and audits.

5. Establish a 24-hour information and referral hotline for exploited and abused children.

In the prevention section of the commission's report, of particular interest is the in-district suspension from school to include counseling and further referral if necessary. This appears to be a possible alternative to complete suspension from school.

ATTACHMENT #7

Municipality of Anchorage

625 C STREET
ANCHORAGE, ALASKA 99501
(907) 279-1441

GEORGE M. SULLIVAN,
MAYOR

DEPARTMENT OF PUBLIC SAFETY
Division of Police Services

July 1, 1976

Marroyce Hall
Chairman
People for Better Education
Anchorage, Alaska

Dear Ms. Hall:

In response to your request for our views on how the present juvenile system is functioning, and what changes we would propose, I am including the following observations and suggestions. These suggestions are not complete but they do provide some insight into the problem that law enforcement agencies face and attempt to cope with.

Status offenders are rapidly becoming a major problem in the Anchorage Area. Many juveniles are living away from home without their parents permission. Because of the present laws, police departments, social agencies and the juvenile courts are helpless to prevent or correct these situations. These juveniles are becoming involved in criminal offenses and placing themselves in positions that are detrimental to their morals and welfare, and yet our "system" is helpless to correct these faults. In the meantime, many parents are attempting to seek assistance from all available agencies but are unable to get any help because of current laws and attitudes. It should be kept in mind that, even though the parents have lost all control over their children, and are unable to obtain needed assistance, the parents are still responsible for their childrens' actions.

I would submit the following suggestions for consideration. Lower the juvenile age from 18 years to 16 years. Juveniles today are much more sophisticated and are committing much more serious offenses than several years ago. A large percentage of our major crimes are being committed by juveniles in the 16-18 year group. If society is going to protect juveniles from being responsible for their own actions, then society owes it to the citizen to protect them from the criminal juvenile offender.

Another alternative would be to provide adequate social services and agencies to identify and work with families as a whole. Too much attention is devoted to the rights and needs of the juvenile and parents are ignored. It is necessary that both the juvenile and parents be considered when counseling or other social therapy is recommended.

ATTACHMENT #8

I would suggest the laws be changed to bring back parental control within the home. Today's attitudes and thinking by many well-meaning groups are weakening the family structure. This trend should be reversed.

Juvenile offenders that commit serious crimes against persons and property should have their names and addresses made public. I believe that society has a right to know who these offenders are. I don't feel, however, that all juvenile offenders should have this information released, the criteria being, should society have to protect itself from a particular type of offender such as a rapist or burglar.

Establish a local ordinance to enable police officers to take CHINS (children in need of supervision) into custody and place them under supervision until subsequent contact by the proper agency. Keep in mind that many runaways are leaving the foster homes they are now being placed in. I maintain that if a juvenile is going to be counseled and steps taken to place this child in the proper environment, the first step is to ensure that this juvenile will be available for this evaluation. In many instances that is not the case today. There are many more issues that could be addressed, such as the role of the juvenile court, probation officers, institutions, etc.; however, with the emphasis on juvenile diversion and rehabilitation rather than on punishment, deterents to delinquincy behavior are rapidly disappearing.

I strongly feel that one of the primary goals of a police department is to divert juvenile offenders from the court systems. However, without the necessary support from other agencies in the community, this approach is a failure as the attached documents will support.

Many supporting agencies do an excellent job, but fail in their role because of lack of staff and funds. Some are restricted, as are parents, because of some laws pertaining to juveniles. Also, I don't feel that the schools fulfill their responsibilities in the role they play in identifying and preventing problem behaviorial patterns. More training and specialization is needed by law enforcement agencies.

The problems are many and I don't feel that there are any certain solutions. It will take community involvement by many citizens before any progress is made toward lowering the juvenile problem we face in Alaska. Politics, money, personnel, attitudes, philosophies - all play roles in the system. There are as many solutions as there are children, and until such time as we begin to do what is in the best interest of each individual child and parent; based on each individual case; our juvenile problem will continue to grow.

Sincerely,

Wade C. Lacey

Sergeant Wade Lacey
Juvenile Bureau
Anchorage Police Department

WL/bh

ANCHORAGE POLICE DEPARTMENT

625 C STREET • ANCHORAGE, ALASKA 99501-3599
TELEPHONE (907) 279-1441

TONY KNOWLES
MAYOR

BRIAN S. PORTER
CHIEF

August 26, 1983

TO WHOM IT MAY CONCERN:

We have been asked to briefly outline the scope and estimated cost of a Special Unit for the Investigation of Criminally Exploited Children.

Background:

I have discussed this proposition with Colonel Mike Kolivosky, Director of the Alaska State Troopers, and have agreed that:

1. Such a unit could be beneficial if operated under the task force concept of the current Metropolitan Drug Enforcement Unit.

2. While these offenses are an important area of concern, neither AST nor APD could lose existing budget to begin this function as an independent unit.

3. If funded, the unit would operate, as the Metro Drug Unit, in the Greater Anchorage Area and periodically in the Matanuska-Susitna Valley.

Scope:

Initial and followup investigation of cases involving juveniles:

1. Prostitution.

2. Organized burglary/larceny offenses.

3. Narcotics.

4. Runaway.

5. missing children last year

6.

ATTACHMENT #9

This unit would place emphasis on the exploitive aspects of these crimes. Priority would be given as listed above. The unit would coordinate with the Metropolitan Drug Unit and regular investigation units of the Anchorage Police Department and Alaska State Troopers as required.

General Considerations:

Funding should begin at least eight (8) months in advance of operational implementation so as to provide for recruitment and training of replacement personnel.

Sincerely,

Brian S. Porter
Chief of Police

BSP:vka
Attachments

1984 SERVICE LEVEL ANALYSIS

Service Level 1 of 1

Dept	Unit No	Div	Unit No	Sec	Unit No
Police	4000	Investigation Services	4700	Exploited Child Unit	

ISSUE

Felony and Misdemeanor crimes committed by juveniles at the direction of exploitive adults.

GOAL

Information gathering pertaining to criminal activities involving juveniles working either as agents for, or at the direction of adults; identification and apprehension of suspects and the filing of appropriate charges.

ACTION

Interview juvenile suspects of burglary, narcotic and prostitution offenses for information regarding adult involvement. Interview recovered runaways regarding adult assistance and criminal involvement.

DESCRIPTION OF RESOURCES REQUIRED

PERSONNEL.

One Police Sergeant (Range 27P)
One Police Officer (Range 25P)
One Police Clerk II (Range 14P)

		3 FT	3 FT	3 FT
FINANCIAL	1983 BUDGETED (A)	THIS LEVEL ONLY (B)	CUMULATIVE (C)	DIFF FROM 1983 (C-A) (D)
1000 PERSONAL SERVICES	-0-	196,970	196,970	196,970
2000 SUPPLIES	-0-	1,550	1,550	1,550
3000 OTHER SERVICES	-0-	41,660	41,660	41,660
4000 DEBT SERVICE	-0-	-0-	-0-	-0-
5000 CAPITAL OUTLAY	-0-	18,670	18,670	18,670
DIRECT ORGANIZATION COST	-0-	258,850	258,850	258,850
PROGRAM REVENUES	-0-	-0-	-0-	-0-

PERFORMANCE MEASURES

DESCRIPTION	1983 BUDGETED	THIS LEVEL ONLY	CUMULATIVE
Interview Juveniles	-0-	500	500
Charge Adults	-0-	25	25
Initiate Cases	-0-	100	100

Prepared by R. Foster Telephone 264-4125

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF STATE TROOPERS

ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

September 12, 1983

TO WHOM IT MAY CONCERN:

The Alaska State Troopers have been asked for input in the creation of a Special Unit for the Investigation of Criminally Exploited Children.

At this time it appears that the Alaska State Troopers would be able to furnish one person of the rank of Sergeant on a part-time basis with the responsibility for initiating and conducting investigations in the State Trooper area of jurisdiction on matters pertaining to juvenile exploitation and victimization to include juvenile pornography, juvenile prostitution and other crimes involving juveniles which are considered to be organized or semi organized.

If a new position and adequate funding was authorized, the position would be that of a full time Sergeant. The Trooper Sergeant would in the performance of his duties act as a member of this special unit, which would be housed in the Anchorage area, and in cooperation with the Special Unit leader, he would be responsible for coordinating or working with other members of the Task Force in conducting investigations of matters pertaining to juvenile exploitation and victimization. He would be responsible for developing sources of information concerning these areas and in coordination with the Special Unit Leader develop, collect and furnish pertinent intelligence information to further enforcement efforts. He would, as a member of the Special Unit assist other members in their child exploitation victimization investigations. He will also assist other law enforcement agencies and activities in this type of investigation when requested.

The Sergeant will be responsible for the coordination enforcement efforts involving similar offenses with criminal and juvenile justice agencies in other states. He will also coordinate enforcement and investigative efforts with appropriate federal agencies on interstate matters.

ATTACHMENT #10

The person assigned to this Special Unit must be prepared to cope with juvenile personalities and problems and have a Proclivity for communicating with juveniles

The total anticipated expenses for the Department of Public Safety, State of Alaska, would be $79,084. These expenses are broken down as follows:

1.	One State Trooper Sergeant assigned to the Criminal Investigation Bureau, Anchorage - salary and benefits (78C - 12 O/T)	$68,392
2.	One lease car	4,452
3.	Travel and Per Diem	2,000
4.	Telephone	1,020
5.	Miscellaneous (office supplies, vehicle expenses, etc.)	3,220
6.	Clerical support (use existing)	-0-
	TOTAL ANTICIPATED EXPENSES:	$79,084

Sincerely,

Michael C. Kolivosky

Colonel Michael C. Kolivosky
Director
Alaska State Troopers

Leonard 5

DATE: February 14, 1985

TO: Col. Kolivosky, Alaska State Troopers

FROM: TRP SAGRAVES/INV. FEICHTINGER, Child Sexual Abuse Unit

SUBJECT: Statistical Information, Unit Caseload.

Per your request, attached is a breakout of open cases presently assigned to individual members of the Child Sexual ABuse Unit. The unit was effective on December 1, 1984 and initially consisted on one supervisor (APD), two investigators (APD), and one Trooper Investigator and one clerk (APD). Effective February 1, 1985 an additional investigator (APD) was added to the unit. It is our understanding that on or about March 1, 1985, another investigator (APD) will be added to the unit. When the unit was first formed, the APD sworn personnel assigned brought with them to the unit, cases they had been assigned in their previous units that were still open. The three initial APD investigators assigned to the unit had previously been assigned in units dealing with child sexual abuse crimes.

Presently, the unit is assigned all cases involving the sexual abuse of minors where a family member is the abuser, all cases involving the sexual abuse of minors in which the victims are 10 years of age or younger, and some cases involving the sexual abuse of minors in which the victims are 11-18 years of age. The Sexual Assault Unit of APD is handling the other reported cases involving victims 11-18 years of age. The unit is not handling cases in which minors are being exploited in other than sexual ways such as involvement of minors with adults in narcotics rings and stolen property rings. These cases are being handled by other investigative units within APD. However, some of the sexual exploitation cases presently being handled by the unit also involve other types of exploitation and are being investigated by the unit.

It has been the experience of the investigators in the unit that have worked these kinds of cases for some time that the average amount of investigative time required to handle one single victim inter-family case is approximately 24 man-hours. Multiple victim inter-family cases and single victim exploitation/abuse cases require a man-hour expenditure varying between the two previously stated averages.

In addition to the cases listed and attached, unit members have identified approximately 50-100 suspected or known multiple victim exploiters in the Anchorage area. A pro-active approach is needed to investigate these persons and their activities and there is presently insufficient man-power to do so. Presently, the unit is responding almost entirely re-actively to reported cases and at present is unable to deal effectively even with that. Presently the unit is in a posture where valid cases must be prioritized such that only those involving cooperative victims and situations involving current jeopardy to the victims are being worked.

DATE: February 14, 1985

SUBJECT: Statistical Information, Unit Caseload.

Page 2

In reference to the attached forms detailing presently assigned and open cases we feel that it is necessary to explain some of the categories listed. The blocks labeled "Inter-family and Exter-family" are self explanatory. The block marked "Multiple Victims" indicates and case where there is more than one known victim and could include numerous known victims. If the blocks entitled "Drug Violations, Pornography, or Commercial Prostitution" are checked it indicates that violations of this nature are involved in the case and are being worked as a part of the case. The block entitled "Sexual Assault" refers to cases where the victim (adult or juvenile) was assaulted forceably and is likened to the "stranger rape" situation. The block marked "Sexual Abuse" indicates cases in which a minor was sexually abused, either consentually or forceably. The block marked "Sexual Exploitation" refers to those cases involving sexual abuse in which there are known or suspected multiple victims and there appears to be a pattern of ongoing behavior on the part of the prepetrator in continuing the sexual abuse of known victims and seeking out new victims; in short cases involving a fixated pedophile.

Attached also is a copy of a recent "job description" submitted by Inv. Feichtinger in reference to his duties in this area that had been prepared for an APD classification study now in progress. This attachment is provided for your information and probably accurately describes the job duties, at present, if an investigator in this unit.

For your information, during the month of December, 1984, (the first month this unit was in existence) approximately 44 new cases were taken in. During the month of January, 1985, approximately 58 new cases were taken in. So far this month the unit has taken in approximately 23 new cases. This does not include information that has been received from various sources indicating sexually abusive/exploitive situations where no victims have yet come forward.

Total Cases Open:	125
Closed by arrest/ Follow-up required:	7
Closed pending trial:	12
Inter-family cases:	30
Outside family cases:	81
Multiple Victims:	32
Drug Violations:	4
Pornography:	12
Commercial Prostitution:	5
Sexual Assault:	10
Sexual Abuse:	110
Sexual Exploitation:	22

3/2/86

Sex abuse cases burden police

by Earl Swift
Times Writer

City police and Alaska State Trooper detectives have identified as many as 100 Anchorage adults who have or suspected to have sexually abused more than one child each. But two detectives reported last week the officers may be unable to investigate the cases because they are overworked and understaffed.

A Feb. 14 memorandum written to trooper commander Col. Michael Kollvosky by a city detective and a trooper assigned to the Anchorage Police Department's Child Sexual Abuse Unit indicates the unit's members have identified approximately "50 to 100 suspected or known multiple-victim exploiters in the Anchorage area."

But, the memo reads, "there is presently insufficient manpower" within the unit to investigate the unreported cases, because the detectives assigned to the detail are struggling to crack 125 cases already reported to them.

Written by trooper investigator Roy Sagraves and police investigator Frank Feichtinger, the memo states the unit "is responding almost entirely (to reported cases) and at present is unable to deal effectively with even that.

"Presently the unit is in a posture where valid cases must be prioritized such that only those involving cooperative victims and situations involving current jeopardy to the victims are being worked," the memo says.

Kollvosky and state Public Safety Commissioner Robert

See Police, page A-11

3/2/86

Police overwhelmed by sex abuse cases

Continued from page A-1

Sundberg said Friday the memo was written at the colonel's request after Sundberg learned the new unit was buried in cases.

The memo states the unit — established Dec. 1 — took on 44 new cases during its first month of operation, 68 new cases in January, and 23 more during the first half of February. "This does not include information that has been received from various sources indicating sexually abusive/exploitive situations where no victims have yet come forward."

The detail originally was comprised a police corporal, two city detectives, Sagraves and a police clerk. A police investigator joined it Feb. 1 and another city officer is scheduled to be added March 15.

"Given the resources we have, what you see is what we have," police Investigations Division commander Capt. Del Smith said Friday. "I can't speculate on what I'd do with more people because I'm not programmed to get any more.

"We've assigned six people including the trooper, and the last one much earlier than we'd anticipated because of this caseload," he said. "Those six people are about as many as I have worked in any other unit."

But even with the extra officers, the detectives' caseload will be heavy. For example, the document shows of the 125 reported cases, 30 involve incest, each single-victim family case requiring an average of 24 manhours to complete.

"I wanted an update on that particular program, and as a result Col. Kollvosky asked Trooper Sagraves to put that memo together," Sundberg said. "The memorandum does show that the unit has a large caseload."

Anchorage police Investigations Division commander Del Smith said he realized the unit was carrying a heavy load, but said he had committed the maximum number of officers possible to the program.

Smith said he also realized that the detail's load of reported cases prevented its officers from opening investigations on their own into the 50 to 100 unreported cases of more organized forms of child exploitation.

"But the incest cases are a fact," he said. "They are occurring. We must deal with them when we get reports.

"I'll tell you, I've got a lot more incest cases coming," he added.

Kollvosky, meanwhile, said he viewed the memo as reflecting the unit's new status. "When you're starting out I'm sure you're going to take a little time to figure out what's going on and who is supposed to do what," the colonel said.

Sagraves and Feichtinger declined to comment on the memo Friday, and unit leader Cpl. Steve Wilmer could not be reached

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ OFFICE OF THE CHIEF PROSECUTO
POUCH KC
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

☐ OFFICE OF SPECIAL PROSECUTION
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 3
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

DEPARTMENT OF LAW

CRIMINAL DIVISION

March 30, 1984

The Honorable John Sackett
The Honorable Don Bennett
Co-Chairman, Committee on Finance
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Re: Special Investigative Unit
Criminal Exploitation of Children

Dear Senators Sackett and Bennett:

I have been requested by Senator Kelly's office to provide you with fiscal information describing the impact on the Department of Law's prosecution program by the inclusion in the operating budget of a line-item grant of $200.0 to the Municipality of Anchorage for the creation of a special child exploitation investigative unit. This appropriation is presently included in the House budget within the Department of Public Safety, Commissioner's Office.

The creation of such a unit was originally proposed with a funding level of $375,000 to create a five member investigation team within the Alaska State Troopers and the Anchorage Police Department. In response to this proposal, we provided the Office of Management and Budget with a description of resources that would be required for the Anchorage District Attorney's Office in order to properly handle the cases which the State Troopers and the Anchorage Police believed would result from the unit's efforts. Those needed resources included a senior level prosecuting attorney, a paralegal assistant and a legal secretary for total costs of $224,600.

As I understand the intent of the funding presently included in the House budget, the proposed unit would be reduced to three members and located exclusively in the Anchorage Police Department. Chief Porter had previously estimated that the work of the unit as originally proposed would result in approximately 25 additional major felony cases per year. It can be expected that considerably fewer cases would result at the reduced level and the impact on our department would be reduced accordingly.

We would anticipate that the work of this unit would result in 12 to 15 major felony cases per year involving

ATTACHMENT #11

approximately 15 to 20 defendants. Because of the nature of the cases and based on our past experience in this area, we would anticipate that these cases would involve between 40 and 60 individual criminal offenses.

From our experience prosecuting major felony cases of this nature, we have learned that these cases typically result in complex and lengthy investigations and trials. In addition to the primary crime of sexual exploitation of children, there are also drug, property and vice crimes generally involved. A good example of one of these cases is the prosecution in State v. Rodriquez last year in Anchorage which involved 28 separate counts of child exploitation, sexual assault and prostitution offenses. The defendant was convicted of 25 counts and received a sentence of 133 years with 83 years to serve.

To insure that the cases are properly handled, a prosecuting attorney should be assigned early in the investigative phase and remain with the case as it develops. A senior level prosecuting attorney will be required to properly prepare these cases and prosecute the resulting charges.

Cases of this nature also generally involve multiple victims. The Rodriquez case, for example, involved 11 victims. Due to the sensitive nature of the crimes involved, victim/witness services are required in order to properly prepare youthful victims who face the difficult ordeal of appearing at trial as witnesses. A paralegal assistant is required to perform these services and to generally assist in case preparation and presentation.

In an effort to keep the overall fiscal impact to a minimum, and in light of the reduced capability of the unit reflected at the funding level included in the House budget, we believe that we can do an acceptable job through a prosecuting attorney position at the Attorney IV rather than Attorney V level and a half-time paralegal assistant position. The total costs associated with these positions, which include case related costs for projected witness travel and similar items, is $127,700. Attached is a detail sheet breaking these costs down by each position and budgetary object code. Please let us know if there is any further information that we can provide.

Very truly yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Daniel W. Hickey FOR
Daniel W. Hickey
Chief Prosecutor

DWH/gb-59
Enclosure

The Anchorage Chamber of Commerce
Crime Commission

George N. Nelson, Chairman

George King, Law Enforcement
Wev Shea, Prosecution
Chris Watkins, Courts
Paul Richards, Corrections
Vicki Swank, Prevention
Mike Colletta, Legislation
Ron Moore, Publicity

Pat Wellington, Vice Chairman
Don Patterson, Secretary/Treasurer
Jerry Grilly, Adviser
LaJuana Streiff, Adviser

October 22, 1984

Mr. Al Fleetwood, President
Anchorage Chamber of Commerce
415 F Street
Anchorage, Alaska 99501

Dear Mr. Fleetwood

The following is a summary of the Anchorage Chamber of Commerce Crime Commission 1984 report. This will be used as a handout to the full Chamber body on Monday, November 19th. 1984.

It is our sincere wish that the recommendations presented herein result in positive action for the betterment of the Anchorage community.

Sincerely,

George N. Nelson,
Chairman

ATTACHMENT #12

LAW ENFORCEMENT/CRIME COMMITTEE

4. Increase efforts to educate juveniles and increase public awareness of the role drugs play in health and overall crime.

5. Personal property confiscated from drug arrests should be sold at auction and the proceeds used to recover the costs of investigations. Automobiles seized could be used as surveillance vehicles and defray the cost of rental vehicles for the Metro Drug Unit and the Felony Suppression Squad.

JUVENILE CRIMES

RECOMMENDATIONS

1. The State should appropriate funds for emergency shelter of juvenile runaways with sufficient manpower and social services provided.

2. Juveniles convicted of felony-like crimes should be fingerprinted and those records should be available to law enforcement when probable cause has been established.

3. The statute governing classification of fingerprints allowed in the criminal justice computer system should be amended to include juvenile prints and other licenses acquired by individuals that are of public record but to which law enforcement does not have ready access.

4. We advocate that the Alaska Exclusionary Rule be uniform with the Federal Exclusionary Rule.

LAW ENFORCEMENT/CRIME COMMITTEE

SCHOOL CRIMES

RECOMMENDATIONS

1. The State should appropriate funds for a multi-media anti-drug and alcohol attitude campaign and parental involvement in youth and school activities. We should encourage parents to teach their children moral and social values.

2. The Anchorage School District should consider incorporating parenting instruction in their curriculum to teach emotional as well as physical nurturing of children.

3. The APD should hire four more juvenile officers rather than pull manpower from the other departments, already short-manned.

4. The Anchorage School District employee applicants should be screened under Chapter 66 of the Sessions Laws for contributing to minors' arrest records as well as sexual offenses, much the same as school bus drivers.

5. The Anchorage School District should remain firm in their policy of fingerprinting teacher applicants. The School District should first avail themselves of local law enforcement services in conducting preliminary criminal record checks. Use of the fingerprint cards is necessary for positive confirmation of applicants found to have criminal records through local law enforcement record checks.

6. Municipality of Anchorage merchants should be provided with a current school calendar and should be advised of regular school hours and the Pass System during school hours.

LAW ENFORCEMENT/CRIME COMMITTEE

CHILD ABUSE/SEXUAL ASSAULT

RECOMMENDATIONS

1. Support and cooperation should be extended to the Alaska Juvenile Crime Commission in their efforts to acquire funding for specially trained units to deal with criminally exploited juveniles.

2. Agencies that work with children should be encouraged and instructed in how to avail their agencies of the provisions of Chapter 66 of the Session Laws of Alaska. This law allows their agencies to request criminal record checks by the Alaska State Troopers of their employees to determine whether they have a history of convictions for sex crimes or crimes against children.

3. The Anchorage School District should continue (or institute if no programs are in effect) courses on physical and sexual abuse at the elementary school level. Staff should be instructed to detect abuse and report to appropriate authorities. Junior and senior high school courses in self-defense against rape attempts should be provided.

4. All runaway juvenile cases reported to APD should be reported to the FBI for NCIC entry within 24 hours. Parents and legal guardians should be made aware of what steps APD will take in locating their child, including an FBI report, when they report their child missing.

ROBBERY/LARCENY/BURGLARY

RECOMMENDATIONS

1. Recommend prosecution of burglary/property crimes offenders as a deterrent to others.

SUPERIOR COURT OF THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT
CHILDREN'S DIVISION

REPORT OF CHILDREN'S INTAKE OFFICE FOR THE MONTH OF
ANNUAL REPORT, 19 82.

I. REFERRALS

Male	1648
Female	[illegible]
Total	2235

II. RACE

	Male	Female
Caucasion	[illegible]	430
Native	230	108
Negro	[illegible]	38
Other	24	10

III. SOURCE OF REFERRALS

Anchorage Police Dept.	1732
Alaska State Troopers	153
Other	350
Total	2235

IV. AGE

	Male	Female
12	76	23
12	101	38
13	186	65
14	202	94
15	267	113
16	370	120
17	437	133
18	8	3

V. DISPOSITION OF REFERRALS

A. No Formal Action (Matters Not Deemed So Serious as to Require Formal Action)

1. Matter Handled by Letter Mailed to Parents Recommending Stronger Control in Home	121
2. Adjusted (Conference With Child and Parents Given Verbal Warning)	1329
3. Informal Probation	102
Counselled and Referred to Probation Officer (Child Under Custody of Department of Health and Welfare Division of Corrections)	220
5. Referred to Other Agencies	141

B. Formal Action

1. Petition Filed	212
2. Probation Revocation Petition Filed	110
Total	2235

VI. SCHOOL ATTENDANCE

	Male	Female
Child in Grade School	120	30
Child in Junior High	309	130
Child in High School	834	297
Child Not Attending	384	127
Other	1	3

VII. DISPOSITION OF CHILDREN HANDLED BY FORMAL ACTION

	Male	Female
Probation	166	40
Institutionalized	57	6
Dismissed by Court	3	2
Waived to Adult Court	2	1
Transferred to Another State.	2	-0-

ATTACHMENT #B

~~AGE~~	SEX	DATES	TYPE CONTACT
17 Years	Female	7-73	Runaway
		5-74	Runaway
		8-74	Leaving Scene Of Accident
		4-75	Runaway
		5-75	Runaway
		6-75	Runaway
		7-75	Runaway
		9-75	Assault & [illegible]
		6-76	Possession [illegible] For Sale
17 Years	Male	10-72	Shoplifting
		2-73	Burglary
		2-74	Aggravated Assault
		4-74	Larceny From Building
		5-74	Accident With Injury (Driver)
		11-74	Juvenile Incident
		2-75	Assault & Battery
		3-75	Disturbance
		7-75	Trespassing
13 Years	Male	2-75	Runaway
		6-75	Vandalism
		2-76	Larceny
		3-76	Burglary
		2-76	Larceny
		2-76	Larceny
16 Years	Male	8-74	Burglary
		8-74	Runaway
		12-74	Runaway
		3-75	Burglary
		6-75	Burglary
		8-75	Accident With Injury (Driver)
		8-75	Stolen Vehicle
		10-75	Larceny/Auto Accessories
		1-76	Suspicious Person
		4-76	Juvenile Incident
16 Years	Male	3-75	Family Disturbance
		5-75	Larceny From Building
		9-75	Vandalism
		9-29-75	Stolen Vehicle
		1-71	Burglary
		4-72	Burglary
12 Years	Male	1-25-75	Shoplifting
		4-24-75	Juvenile Incident
		5-7-75	Larceny From Building
		5-10-75	Shoplifting

	SEX	DATES	TYPE CONTACT
[illegible]ars	Male	10-31-	Tresspass
		11-17	Robbery
		11-17-	Suspicious Person
		3-2-	Juvenile Incident
		4-26-	Burglary
		11-25-	Burglary
		12-17-	Larceny
		4-26-	Vandalism
		5-5-	Shoplifting
		6-18	Larceny
		7-8-	Larceny
		8-18-	Burglary
		9-26-	Juvenile Incident
		10-26	Burglary
17 Years	Male	3-9-[illegible]	Curfew
		10-3-	Larceny
		3-29-	Stolen Vehicle
		3-29-	Larceny From Vehicle
		4-18-	Larceny
		4-29-	Shoplifting
		5-5-[illegible]	Larceny
16 Years	Male	7-7-[illegible]	Juvenile Incident
		10-[illegible]	Aggravated Assault
		1-2-	Runaway
		1-6-	Larceny
		7-22-	Shoplifting
		8-2-	Stolen Vehicle
		8-2-[illegible]	Curfew
		11-6-	Burglary
		1-24-	Burglary
16 Years	Male	8-22-	Juvenile Incident
		10-8-	Vandalism
		10-18-	Arson
		7-8-[illegible]	Larceny
		8-29-[illegible]	Sale Of Drugs
		11-18-	Purse Snatching
		5-12	Larceny From Building
		5-23-[illegible]	Shoplifting
		10-13-	Disturbance
		10-12-[illegible]	Assault & Battery
		2-21-	Burglary
		3-19-	Larceny
		4-25-	Suspicious Person
		6-11-	Burglary

	SEX	DATES	TYPE CONTACT
[redacted] Years	Female	1-13-76	Larceny From Building
		1-13-76	Larceny From Building
		3-30-76	Assault & Battery
		5-10-76	Assault & Battery
		5-10-76	Juvenile Incident
		5-11-76	Assault & Battery
12 Years	Male	8-25-74	Vandalism
		10-13-75	Stolen Bike
		4-7-76	Burglary
12 Years	Male	8-1-73	Vandalism
		9-3-73	Vandalism
		9-28-74	Shoplifting
		4-14-75	Burglary
		8-28-75	Retention Found Property
		2-4-76	Shoplifting
		2-4-76	Shoplifting
		2-4-76	Shoplifting
		2-4-76	Shoplifting
		3-5-76	Incorrigable Juvenile
		4-16-76	Larceny/Bike
		4-28-76	Vandalism
		3-31-76	Runaway
12 Years	Male	9-11-75	Runaway
		9-18-76	Vandalism
		9-30-76	Runaway
		9-30-75	Burglary
		10-30-75	Burglary
		4-29-76	Juvenile Incident
13 Years	Male	2-3-75	Runaway
		6-19-75	Vandalism
		2-12-76	Larceny
		3-10-76	Burglary
		3-8-76	Larceny
		2-12-76	Larceny
16 Years	Male	3-30-73	Shoplift
		9-3-75	Curfew Violation
		6-13-76	Larceny From Vehicle
		6-11-76	Vandalism

	SEX	DATES	TYPE CONTACT
16 Years	Male	10-23-72	Truant Runaway
		9-23-72	Discharge Firearm
		9-19-72	Shoplifting
		9-19-72	Shoplifting
		4-27-73	Larceny From Building
		1-25-74	Burglary
		3-24-74	Burglary
		9-16-74	Possession Narcotics For Sale
		10-18-74	Runaway
		10-15-74	Shoplifting
		2-5-75	Involved Robbery
		4-25-75	Traffic Violation
		5-8-75	Accident With Injury
		5-21-75	Larceny From Building
		12-23-75	Larceny/Auto Accessories
		12-23-75	Burglary
		12-23-75	Larceny/Auto Accessories
16 Years	Male	7-17-71	Larceny
		8-21-73	Larceny/Bike
		9-14-73	Juvenile Incident
		1-1-74	Vandalism
		3-1-74	Larceny From Building
		5-21-74	Vandalism
		2-13-75	Shoplifting
		2-13-75	Shoplifting
		2-13-75	Shoplifting
		6-19-75	Larceny/Bike
		7-7-75	Burglary
		2-19-76	Larceny From Vehicle
18 Years	Male	12-7-74	Bombing
		1-7-75	Larceny From Building
		1-24-75	Possession & Sale - Drugs
		1-30-75	Runaway
		3-31-75	Larceny From Vehicle
		4-11-75	Traffic Violation
		6-1-75	Minor On Premises
		6-17-75	Burglary
		7-2-75	Burglary
		7-7-75	Burglary
		9-8-75	Disturbance
		9-21-75	Curfew Violation
		11-18-75	Shoplifting
		11-20-75	Shoplifting
		1-28-76	Burglary
		1-28-76	Larceny From Vehicle
		5-13-76	Disturbance
		5-13-76	Traffic Violation

		DATES	TYPE CONTACT
Years	Male	6-15-72	Larceny From Building
		6-14-73	Truant/Runaway
		8-28-73	Truant/Runaway
		9-19-73	Shoplifting
		10-12-73	Suspicious Person
		11-8-73	Burglary
		1-18-74	Extradition For Jurisdiction
		6-29-74	Stolen Vehicle
		8-3-74	Larceny From Auto
		7-15-74	Lost & Found Property
		8-30-74	Burglary
		9-08-74	Burglary
		8-31-74	Burglary
		9-6-74	Burglary
		8-16-74	Larceny From Auto
		8-18-74	Larceny From Auto
		6-25-74	Burglary
		8-12-74	Burglary
		8-12-74	Burglary
		8-15-74	Burglary
		8-8-74	Burglary
		8-1-74	Burglary
		3-7-76	Traffic Violation
		4-30-76	Escape/Wanted Person
		4-21-76	Homocide

McLaughlin study shows history of abuse

Jeff Berliner
es Writer

Eighty percent of the teen-
ers at McLaughlin Youth Cen-
were abused before they
re sent to McLaughlin, and 68
cent were abused sexually.
d 40 percent of those delin-
nts said they have abused
ers in the same way they
re abused.

A in-house survey detailing
Laughlin residents' history of
se concluded that the delin-
ncy of McLaughlin's resi-
nts can be traced back to
idhood abuse.

Although there have been na-
nal studies of such abuse,
Laughlin superintendent
ry Jackowski said this is the
t such local look at the inci-
ce of abuse.

The study was prompted, Jackowski said, by the Carlos "Chico" Rodriquez case and subsequent estimates of the number of youths who have been victims of sexual abuse.

Rodriquez was convicted of 25 felonies as part of an illicit commercial network employing under-age younths as prostitutes, pornography stars and burglars. Police contend that as many as 60 Anchorage youngsters were used by Rodriquez. Rodriquez will be sentenced Sept. 30.

Although the report does not mention Rodriquez by name, Jackowski said it was that case — and the revelations that so many youngsters were involved — that prompted McLaughlin to survey its residents.

"The Rodriquez case showed us how extensive this kind of thing was, how many kids were involved," Jackowski said. "We knew it was occurring here. but we thought it was on a smaller scale. We had no idea how extensive it was."

The survey, dated Aug. 25 and submitted in the Rodriquez case file this week, was conducted by McLaughlin clinical services administrator George Buhite. Sixty youths, or about half of McLaughlin's current population, took part in the survey.

Most of the McLaughlin residents questioned, like most of the victims in the Rodriquez case, were boys.

"The exact connection between abuse and delinquency cannot be determined on the basis of this study," Buhite concluded. "However, the conc sion is inescapable that th adolescents have been vict ized. The residents' victimizat and the subsequent humiliat and anger is a significant con buting factor to their de quency."

Although Jackowski said abuse problems which surfac in the Rodriquez case have led new programs and counseling McLaughlin, Buhite said the s vey will be studied further "w a goal of gaining a greater und standing of these problems a to expand our research in the ture."

Among the findings in the port are:

- Eighty percent report m tiple incidents of physical abu

See McLaughlin, page

McLaughlin study

Continued from page B-1

Some report being tied up, food being withheld or being burned.

- Sixty percent of McLaughlin's population said they ran away from home for fear of more physical abuse.
- Forty percent of McLaughlin's residents acknowledged committing the same kind of physical abuse against others. One-fourth of those who were sexually abused admitted committing such acts later.
- Sixty-eight percent reported sexual abuse and 25 percent of the McLaughlin population has been "extremely sexually abused."
- Twenty-seven percent of these underage youths said they have had sex for money and the same percentage said they were forced to have sex with someone.

ATTACHMENT #14

THE RUNAWAY-THROWAWAY JUVENILES OF ANCHORAGE

Who are the runaway-throwaways? Where do they come from?

The answer to this question is simple - from everywhere, from all cultural and social backgrounds, rich and poor alike. Some come from the lower 48 states to Alaska seeking the other parent or family member in divorce situations. Others come from average working or middle class homes right here in our state. Still others come from families that make well over $60,000 dollars a year. Runaways come from the full range of the economic spectrum, from the poorest families of our state to the wealthiest. No stratum is immune. Any child can fall victim to the street life and the hell it brings to them.

I meet many types of youth that the Justice system does not reach here in Alaska. Although my contact is only with juveniles in the Anchorage area, some come from other states and others come from rural Alaska. The runaway who becomes a throwaway is generally very transient individual. He or she often moves from one city to another, from one state to another and becomes prey for not only organized rings but also random preditors.

Dave was 16 at that time. His parents had left him here in Anchorage when they came to this state for vacation. They told him that he was old enough now to take care of himself. He was left with some money, but it soon ran out. He tried to get a job, and held on to a few, working in a couple of fast food restaurants here in town. It was never enough to keep him properly fed and supply his shelter needs. The rooming house he stayed at when he had the money charged $5.00 dollars a night. Like most runaways he was very determined to make it on his own and enter the adult world. For a period, he could not get a job and started panhandling in the downtown Anchorage area. During the winter, if he did not have enough money for a room, he slept under the blower vent from the grill of McDonalds next to the Sunshine Mall. He had purchased a sleeping bag previously and hid this and his other possessions when he panhandled during the day. He was sexually molested by a drunk adult male who offered to help him with a place to stay.

Jeff: My contact with Jeff came approximately two years ago in a shoplift incident. Often runaways will shoplift from stores for money and clothing. It is quite easy to go for some time without being caught. Most stores do not have security floor walkers. Jeff was 15 at the time I apprehended him. He had runaway from home many times before this and his parents just did not care anymore nor did they report him as a runaway. He often talked to his parents by telephone and always lied about his true situation. Jeff stayed with friends at first, often staying a month or more, at least until his welcom wore out. He was a heavy user of drugs - popping pills, smoking marijuana and often mixed drugs with alcohol. His addiction stopped him from getting or holding a job. He was raped by an adult male one evening when he was very high on LSD (Lysergic Acid Diethylamide).

ATTACHMENT #15

Mike: I first met Mike when he tried to panhandle some money from me. He told me that time that he had not eaten in a week, and from the looks of him I could believe it. He was 16 and could not have weighed more than 100 pounds on a 5'6" frame of a body. I took him to a restaurant for a meal. He ate three complete dinners. He had made money before by prostituting himself for $30.00 dollars a trick, but was once beaten up after the sex act by his client and robbed of all his money. Since then he said that he would never prostitute himself again, that he would starve first.

Mary: I met Mary in one of the downtown malls. She was a prostitute and only 16. She was a Native and had got pregnant from a boy in her village and attempted an abortion on herself with a wire hanger, had a miscarriage and ran away. She was picked up by a pimp, often beaten and never left with enough money to return back to her village. She was also strung out on drugs which her pimp supplied for her. She died of an overdose.

Gregg: Picked up by a patrol officer wandering the streets of downtown Anchorage. He was poorly clothed and in a dazed and disoriented condition. It was found that he had been the import of a homosexual ring from Seattle He had been sexually abused for nearly two years. He could not provide enough information to make a case against his captors. At the time he was taken into protective custody he was eleven years old.

While there is a certain spontaneity about the involvement of street kids and runaways in prostitution, i.e., when you are hungry and need to survive on the streets, the options may be few, there is also ample evidence of networks and organization in child prostitution and pornography. Cases continually produce child prostitutes who know each other, who tend to service overlapping clientele, adults who may make referrals to each other, as well as exchange photographs and information.

An apparent by-product of this "netowrking", and the type of adult who tends to frequent the areas in which child sex flourishes (i.e., professional, prominent, affluent, with family, etc.) is the growth of extortion as a spin-off. This further demonstrates the potential for child victimization, murder and other violence.

We have discovered that treatment and follow up for identified child prostitutes/exploited children generally is very difficult. While there are many excellent models nationally of community based treatment centers and shelters, unfortunately the data is not ample on success stories. In this community our priority has been identification of the adult exploiters along with the protection of the child. Ultimately the child must be prepared to cope with the environment in which he or she was exploited.

Regarding adult customers for child pornography and prostitution, the sample is far less and the conclusions drawn are less objectively based. However, to date there is reason to believe that adult pedophiles tend to be white well-established males, 40-60 years old, are or have been married generally have from 2 to 4 children, and are earning in excess of $35,000 per year. They are usually college-educated and most are professional persons and well thought of by the community.

Excerpted from a former
law enforcement officer

WASHINGTON CRIME NEWS SERVICES'

juvenile justice digest

An Independent Summary of Significant News Events in the Field of Juvenile Delinquency Prevention

Vol. 11 No. 15 August 8, 1983 Page 1

Exclusive Report . . .

FBI ACADEMY STAFF ESTABLISHES LAW ENFORCEMENT NETWORK FOR CHILD EXPLOITATION CASES

By Betty B. Bosarge
Editor, Washington Crime News Services

In an effort to help law enforcement officers throughout the United States and Canada who are investigating child sex offenders, the staff of the FBI Academy's Behavioral Sciences Unit has established a network of Federal, state and local officers who have been specializing in child sex exploitation cases.

"To effectively work interjurisdictional cases in this sensitive and difficult to penetrate area, personal contact among officers is extremely necessary," Supervisory Special Agent Kenneth V. Lanning of the Behavioral Sciences Unit told *Juvenile Justice Digest.*

With the help of FBI field office agents, Lanning invited 25 officers from throughout the nation to a meeting at the Academy recently. During the five-day working seminar, the officers got to know each other on a personal basis. They came from local police and sheriff's departments, Federal agencies working on child pornography and missing children cases, and state agencies and prosecutors' offices.

According to Lanning, the objectives of the seminar were to:

(See FBI NETWORK, *page five)*

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OJJDP GRANT AWARD

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has awarded Project Helping Hand, of Washington, D.C., $266,663 to operate a youth assistance program, the U.S. Department of Justice has announced. The project is intended to reduce the formal adjudication of youths in juvenile court, increase community involvement in delinquency abatement, and incorporate significant private sector training and management activities. Additional information about the grant, number 83-JS-AX-0005, can be obtained by calling Albert E. Strong in Washington on 202-293-0079.

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ATTN: HMEADT #116

"There is a virtual epidemic of child tragedies occurring across the country," said Rosie Norris, chairperson of ECHO. "We feel it is a problem the community must get involved in. Through ECHO we hope to provide a forum for community involvement. We want to prevent a tragedy before it happens here."

Louisville is the second city to organize a chapter of ECHO. The first chapter was formed in northern Kentucky in 1981.

Editor's Note: For further information, please contact: Rosie Norris, ECHO, 1204 S. Third St., Suite B, Louisville, KY 40203. Phone: 502-637-8761. ■

(FBI NETWORK, *continued from page one)*

- Examine the nature, scope and extent of the problem of sexual exploitation of children.
- Examine the status of the existing law enforcement response to the problem, including intra-agency, interagency and interdisciplinary cooperation.
- Identify and analyze successful and unsuccessful investigative techniques.
- Identify sources of information, expertise and training for law enforcement.
- Develop and encourage personal contact and communication in the law enforcement community.

Setting Up Task Forces

"The 50-hour program was a working seminar and not merely a lecture-type seminar," Lanning explained. "Its success depended on the ability and willingness of each of the attendees to present and participate in the discussion of various topics concerning the sexual exploitation of children."

Did the seminar meet its goals? If Lanning's enthusiasm is an indicator, the United States now has its first working network of officers who specialize in child sex cases. And it is a network which Lanning invites other police in the U.S. and Canada to tap into.

The FBI has made child sex exploitation one of its targeted priority crimes, Lanning said. As soon as possible, the Bureau hopes to train at least one agent in most field offices to investigate these cases. In addition, the FBI has already established one joint task force specializing in child sex exploitation cases. Operating out of the New York City field office, the task force consists of FBI agents, U.S. Customs Service officers, investigators from the U.S. Postal Service, and officers from the New York City, Nassau and Suffolk County, Long Island, Police Departments.

"We're looking more and more at the task force idea around the country to help solve the manpower problem," Lanning explained. Child sex exploitation cases, like narcotics cases, are manpower intensive and require close cooperation among several agencies in order to crack multi-state and international trafficking rings.

Reaching Agreement

Attendees at the Academy seminar unanimously agreed on the following points, Lanning told *JJD:*

1. The sexual exploitation of children is a broad and pervasive problem with every child in America a potential victim.
2. There is a desperate need to increase public awareness concerning the nature and scope of the problem.
3. Effective investigation of the sexual exploitation of children requires intra-agency, interagency and interdisciplinary cooperation and personal contact between all those involved.
4. The prime concern for law enforcement involvement in these types of cases should be the welfare of the child victim.
5. Law enforcement officers involved in the investigation of the sexual exploitation of children need to be carefully selected and trained.
6. Law enforcement agencies need to take a proactive investigative approach to the problem and not wait for cases to be reported.

"This is how the working level officers feel," Lanning said. "They all agreed that these are the priority issues in the area of child sex exploitation."

Interagency working arrangements and the sharing of information seems to be the biggest stumbling block in aggressively pursuing cases and arresting perpetrators, Lanning explained. Along with this are the interdisciplinary problems.

"The officers need to establish personal contact with judges, prosecutors and social services workers," he told *JJD*. "These interagency and interdisciplinary problems can be overcome. For example, effective work is being done by our Task Force in New York, as well as the Exploited and Missing Children's Unit in Louisville, Kentucky."

However, the need for personal contacts can lead to other problems. What happens when an officer who specializes in child sex cases gets transferred? Are his contacts lost forever?

The officers attending the seminar felt that the officer being transferred should introduce his replacement to his contacts. In other words, keep the network alive.

Every Officer Must Be Trained

If a law enforcement agency decides to establish a child sex exploitation unit, Lanning says the agency can't just tell the newly assigned officers to "go out and investigate these cases.

"Specialized training is an absolute necessity," he advises. "The officers in these units also need to be selected carefully. And, supervisors have to monitor the officers. There is a problem with what we call 'the isolation effect.' Officers working child sex cases can become too emotionally involved."

How long should the training be and what should be covered? Lanning says it can last from one day, covering the basics, to a week or more. Some of the topics which need to be included in a training session are:

- The Nature of Deviant Sexual Behavior: This segment of the training would cover sex offenses in general.

- Understanding the Nature and Dynamics of Pedophilia.

- MOs of Pedophiles: This segment of the training must stress that most pedophiles are "average people," Lanning said. They are not "dirty old men in raincoats." A person can be "a nice guy" and still be a child molester. Because most people focus on a misleading stereotype of what a child molester is, prevention is difficult; it is hard for officers to convince parents that the usual molester is someone the child knows and someone the parents trust, such as the scout leader, teacher, minister, neighbor who is nice to children, etc. "There's a problem of a great deal of denial on the part of parents when we tell them the child's teacher, for example, is a molester," Lanning said. "They say it can't be true because 'he is such a nice guy.' They have a tendency to argue that there is a police frame-up of the 'nice guy' molester – and this is something that office[illegible]rking these cases must be told in training."

- Concepts of Collecting Pornography: Here the training should focus on how collectors establish networks to foster comaraderie among themselves – support groups, Lanning said. Some of these groups are international and national, such as the North American Man-Boy Love Association (NAMBLA), and others are clubs of local or regional collectors. Many of the collectors keep in touch with each other by sharing photos through the mail and writing descriptive letters about "what they are doing with their newest little boy," Lanning said. "They want to validate themselves with each other and have someone who will tell them that what they're doing is OK."

- Recognition/Prevention: Some police departments are still focusing on the "stranger/danger" prevention programs too heavily, while not informing parents that most molesters (about 85 percent) are people the children know and trust, Lanning said. While the "stranger/danger" posters and programs are necessary, officers in sex exploitation units must be trained in the preventive aspects of child molesting and then work with crime prevention units to get the message of the "friendly molester" out to the children and their parents.

Interviews And Investigations

Another area of training must focus on how to interview child victims.

"In most cases, where you're dealing with a syndicated pedophile ring or a single molester who has a string of kids, you'll find that strong bonds develop between the molester and the child," Lanning explained. "This requires special interviewing techniques on the part of the officer.

"The officer must understand that the secret to the pedophile's success in his ability to seduce kids is that he gives them attention and benefits for the sexual favors. He sometimes treats them better than their parents do. But all this is done solely to seduce the kids."

Another problem officers have to be aware of is the fact that most pedophiles have an age preference for the children they are molesting. When the boys or girls start to mature, they get dumped, leaving the child in some cases with a broken heart and wondering why his "good friend" doesn't like him anymore. In other cases, the molesters will use the older youths to recruit younger children.

"Officers have to understand these different types of bonding relationships when they are conducting interviews with child victims," Lanning explained. "They have to know the 'age appropriate' type of questions to ask. They also have to establish a rapport with the kids and, in the case of younger children, this often means getting down on the floor to play with them.

"The key to successful interviewing of child victims is for the officer to be able to take on some of the characteristics of the molester – by this I mean he has to replace the molester's bond with the child without the sexual interest," he said. "The officer has to get the child to bond with him and communicate.

"Some officers just can't do this," Lanning said. "This is why it is so important to establish interdisciplinary working relationships with other people in the local juvenile justice community. Sometimes there will be a physician, social worker, juvenile court officer, or someone else who can easily establish bonds with the kids and help with the interview."

When it comes to training in investigative methods, Lanning says that what must be stressed are the MOs of the molesters and how they themselves bond into groups.

"How do they get the kids they are molesting?" he asked. "The answer to that question will help the officer do preventive law enforcement – break into the groups of pedophiles."

Officers must also go out and teach prevention to parents and other adults responsible for the safety and welfare of children, Lanning said. They must teach parents to ask the question "why?"

"For example, over and over again we run into situations where, when Mr. Jones is arrested for molesting, the parents and other people in the community can't understand it," Lanning said. "They think the police might have made a mistake by arresting Mr. Jones. They say, 'Mr. Jones likes kids so it can't be true what the police are saying about him.

"But they never ask WHY Mr. Jones is so popular with the kids. Many parents are just thankful that Mr. Jones is a good babysitter and is providing a place for them to dump their kids.

"In a recent case, for example, in which a young boy was molested and murdered by an 18-year-old, the parents and neighbors were mystified. But they should have been suspicious before the murder had a chance to occur. They should have asked: 'Why does this 18-year-old male spend all his time playing with the eight-year-olds?' "

Should the police attempt to turn every citizen into a detective who turns in neighbors with an unusual interest in being nice to children?

"If you want to protect your children these days, then that's what you have to do," Lanning said. "But the biggest need is for good effective communication between parents and their children. Those of us in law enforcement have found that children usually don't know how to tell their parents about the molester. When kids tell their parents, they usually tell them in a vague way.

"For example, the child will say: 'Mommy, Mr. Jones isn't nice.' In a case like this, the police officers have to teach the parents how to follow up on the child's statement," Lanning said. "The parents then have to ask the child: 'What did Mr. Jones do that isn't nice?' By and large, you can believe kids, expecially if they have details. Where did the kid learn that kind of stuff? Generally, the kids are not lying."

Using A Proactive Approach

Officers who are investigating child sex exploitation cases should not sit around waiting for kids to be exploited, Lanning argues. They should take a proactive approach and go out and find the cases.

How does an officer do this? "By knowing how these people operate and how they pick up kids," Lanning explained. "The officer should be able to intervene in the process."

Some suggestions for intervention are hanging out around the places vulnerable kids go, such as video arcades, and using informants to penetrate molester and child porn rings.

"Gain entry into the world of the pedophile," Lanning said. "Go seek him out, identify him and arrest him. But don't entrap him."

One of the main stumbling blocks many police departments face is a shortage of manpower, which makes proactive law enforcement difficult in time-intensive cases such as child sex exploitation. This is where interjurisdictional task forces can help out.

Basically the techniques for investigating these cases are similar to other undercover investigative activities, such as narcotics trafficking.

"But here I would advise the officers to be very careful about impersonating pedophiles," Lanning said. "They must use a lot of discretion and the officers should be extremely careful about being accused of being the source of child porn themselves."

The FBI's Network

The officers who met at the FBI Academy did not form an official organization. They felt that the best way to work is to get to know each other on an informal basis and then keep in contact as the need arises.

"Everyone who was at the seminar has agreed to work with and help any other department with cases," Lanning said. "They can help you with setting up a unit, sharing information, etc. But I recommend that anyone

who wants to plug into this network contact people on the list from their geographical areas and arrange to meet them and get acquainted."

The Behavioral Sciences Unit at the FBI Academy will be conducting training programs for FBI agents which deal with child sex exploitation. In addition, they periodically travel to field offices to conduct training seminars.

Since the Bureau hopes to train specialists in most of its field offices, the best way for state and local police to get training is to contact the training coordinator at their area field office, Lanning advised. He said the Academy would like to host a seminar series on child sex exploitation for state and local law enforcement officers who are new to this specialty, but this is still in the planning stages.

Several of the officers who attended the seminar are also involved in providing training to fellow police in their areas, Lanning said. They agreed that they would be willing to conduct training sessions as their schedules permit.

Following is a list of the Federal, state and local law enforcement personnel who attended the special seminar at the Academy to establish the network. Two of the officers on the list – Frank Feichtinger and R. P. Tyler – are members of the network but were unable to attend the seminar due to scheduling conflicts.

Who To Contact

Detective Edward H. Chapman
Vice Control Section
Arlington County Police Department
2100-15th Street, North
Arlington, Virginia 22201
Phone: 703-558-2265

SA Joseph Cucci
Federal Bureau of Investigation
Post Office Box 624
Lisle, Illinois 60532
Phone: 312-369-6101

Detective Robert Derbyshire
Baltimore County Police Department
Criminal Investigation Division
Sex Crimes Unit
400 Kenilworth Drive
Towson, Maryland 21204
Phone: 301-494-2223

Frank Feichtinger
Anchorage Police Department
625 "C" Street
Anchorage, Alaska 99501
Phone: 907-264-4195

Detective Tom Dittmar
Vice Section
Investigations Bureau
Seattle Police Department
610 Third Avenue
Public Safety Building
Seattle, Washington 98104
Phone: 206-625-4474

Detective Gary Duthler
City of Fremont Police Department
39710 Civic Center Drive
Post Office Box 5007
Fremont, California 94537
Phone: 415-791-4444

W. H. (Bill) Dworin
Los Angeles Police Department
Juvenile Division
Sexually Exploited Child Unit
150 North Los Angeles Street
Los Angeles, California 90012
Phone: 213-485-2883

Paul N. Gerber
Special Agent
State of Minnesota
Department of Public Safety
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, Minnesota 55104
Phone: 612-296-2662

Seth L. Goldstein
Santa Clara County District Attorney's Office
70 W. Hedding St.
San Jose, California 95110
Phone: 408-275-9651

Ted Griem
Postal Inspector
2200 N.W. 72 Avenue
Post Office Box 520772
Miami, Florida 33152
Phone: 305-591-0379

Undersheriff John W. Kozar
County of Douglas Sheriff's Office
110 N.W. 3rd
East Wenatchee, WA 98801
Phone: 509-884-1535

Christopher Mattiace
Supervisory Special Agent, FBI
Ninth Street and Pennsylvania Ave., N.W.
Washington, D.C. 20535
Phone: 202-324-3000, ext. 5716

Kenneth V. Lanning
Supervisory Special Agent
Federal Bureau of Investigation
Behavioral Science Unit
FBI Academy
Quantico, Virginia 22135
Phone: 703-640-6131

Detective Roy Lightfoot
Criminal Investigation
Crimes Against Children Unit
Sheriff's Administration Building
Pinellas County Sheriff's Department
250 W. Ulmerton Road
Largo, Florida 33540
Phone: 813-585-9911, ext. 147

Donald J. McCann
Special Agent
Federal Bureau of Investigation
Drawer B
Red Bank, New Jersey 07701
Phone: 201-741-0006

Daniel L. Mihalko
Postal Inspector
U.S. Postal Inspection Service
James A. Farley Building
33rd Street and 8th Avenue
New York, New York 10116
Phone: 212-971-5017; 24 hrs: 212-971-7844

Detective Chris Montanino
New York City Police Department
Sexually Exploited Child Unit
C/O Federal Bureau of Investigation
95-25 Queens Boulevard
Rego Park, New York 11374
Phone: 212-459-3140

John B. Rabun, Jr., ACSW
Manager, Exploited and Missing Child Unit
Jefferson County Department for Human Services
609 West Jefferson Street, Second Floor
Louisville, Kentucky 40202
Phone: 502-588-2199

Detective Mike Randell
Richmond Bureau of Police
Juvenile Division
501 North Ninth Street
Richmond, Virginia 23219
Phone: 804-780-8778

Sergeant Tom Rodgers
Indianapolis Police Department
Vice Branch
50 North Alabama Street
Indianapolis, Indiana 46204
Phone 317-236-3540

Inv. Sergeant Richard Ruffino
County of Bergen
Office of the Sheriff
Missing Persons Bureau
Court Street
Hackensack, New Jersey 07601
Phone: 201-646-2192

Kenneth T. Ruffo
Special Agent
Sexually Exploited Child Unit
Federal Bureau of Investigation
Brooklyn-Queens Resident Agency
95-25 Queens Boulevard
Rego Park, New York 11374
Phone: 212-459-3140

Lieutenant Bill Spaulding
Louisville Division of Police
D.H.S. Exploited and Missing Child Unit
609 West Jefferson St., 2nd Floor
Louisville, Kentucky 40202
Phone: 502-588-2199

Investigator R. J. Tokarchic
Fairfax County Police
Sex Crimes Unit
10600 Page Avenue
Fairfax, Virginia 22030
Phone: 703-385-1470

M. Glenn Tuttle
Special Agent
Federal Bureau of Investigation
1900 Half Street, S.W.
Washington Field Office
Washington, D.C. 20535
Phone: 202-252-7801

R. P. "Toby" Tyler
Crimes Against Children Unit
San Bernardino County Sheriff's Department
Post Office Box 569
San Bernardino, California 92402
Phone: 714-383-2511, ext. 232

Roger T. Young
Special Agent
Federal Bureau of Investigation
Federal Station
300 Las Vegas Boulevard, South, Room 219
Las Vegas, Nevada 89101
Phone: 702-385-1281

Stephen R. Mathews
Washington Metropolitan Police Dept.
Sex Branch
300 Indiana Avenue, N.W.
Washington, D.C. 20001
Phone: 202-727-4151 ■

JOB LISTINGS

• Staff Attorney, National Center for Youth Law, San Francisco. The National Center for Youth Law (NCYL) is seeking applicants for a staff attorney position. NCYL is a non-profit Corporation founded in 1970 to represent the interests of poor children and adolescents nationwide. It is funded by the Legal Services Corporation as part of a national system of legal services for the poor. Its primary role is to work with local legal services programs by providing expertise in various areas of the law affecting poor youths. NCYL provides support services to legal services field programs: conducts training programs; collects and disseminates information and analysis on issues affecting youth; and engages in state and Federal litigation at both the trial and appellate court level. The Center staff is currently working on issues related to youth employment, abuse and neglect, public benefits, housing discrimination against families with children, juvenile justice, health, nutrition, and mental health. Salary: $20,000 to $41,000, depending upon experience. Excellent fringe benefits. Filing Deadline: Sept. 15. Late applications may be considered, depending upon the size of the applicant pool. Job Requirements: Membership in the bar of any state, preferably for at least three years. Either involvement in substantive issues affecting children or experience in poverty law, preferably both. A willingness and ability to spend substantial amounts of time in Federal and state court litigation. Excellent writing ability. How To Apply: Please send resume, including references and a writing sample, to: Terry Hancock, National Center for Youth Law, 1663 Mission Street, 5th Floor, San Francisco, CA 94103. Minority, women, and disabled attorneys are urged to apply. ■

In Utah . . .

SUSPECT HELD IN CHILD KILLINGS

The bodies of five young boys kidnapped during the last five years were found in the Watsatch Mountains of Utah July 25 by authorities led there by statements from a Salt Lake City man accused of killing the children.

Arthur G. Bishop, 32, alias Roger W. Downs, was arrested early July 25 and charged with first-degree murder after he told authorities where the bodies of the five boys were located, said Deputy Salt Lake County Attorney John T. Nielsen. Nielsen said questioning Bishop led to the discovery of the five bodies, but the county attorney would not say if Bishop confessed to the murders.

"I did not say he made a confession . . . as a result of talking to him, we were able to determine the location of the graves," Nielsen said.

The victims were identified as: Alonzo Daniels, Salt Lake City, who was 4 when he disappeared Oct. 16, 1979; Kimley Peterson, Sandy, who was 11 when he disappeared Nov. 8, 1980; Danny Davis, Midvale, who was 4 when he was abducted from a south Salt Lake supermarket Oct. 20, 1981; Troy Ward, Salt Lake City, 6, who vanished June 26; and Graeme Cunningham, 13, Salt Lake City, who disappeared July 14.

Nielsen declined to say how the boys were killed.

Daniels, Davis and Peterson were found buried in shallow graves southeast of Cedar Fort, just west of Utah Lake and about 50 miles south of Salt Lake City. The bodies of Ward and Cunningham were found in Big Cottonwood Creek, 20 miles southeast of Salt Lake City in the Wasatch Mountains. They both disappeared from the Liberty Park area in central Salt Lake City.

Bishop is a bookkeeper and has been placed on a "suicide watch" in his jail cell. County Attorney Ted Cannon said Bishop quit using his real name in 1981 and his parents filed a missing persons report. He is also said to have used the name Lynn E. Jones, Cannon said. The investigation of Bishop "is now in kind of slow-down, wrap it up stage. It will take us a couple of months to get this all tied together," Salt Lake City Police Capt. John Pollei said on July 29.

A routine inquiry to several western states where Bishop lived was sent out by police, Pollei said, "but at this time he is not a suspect in any abductions or murders in other states." ■

UPCOMING EVENTS

Oct. 23-28 – Workshop on Judicial Concerns: Issues in Family Law, Reno, Nevada. Tuition: $100. For further information, please contact: Dean Louis W. McHardy, National College of Juvenile Justice, P. O. Box 8978, University of Nevada, Reno, NV 89507. Phone: 702-784-6012.

Feb. 26-29, 1984 – Conference on Health Care for Youth in Detention Facilities, Pacific Grove, CA. Fee: $170 (includes room, meals and tuition). For further information, or to register, contact: Jerry Darling, Department of the Youth Authority, 4241 Williamsbourgh Drive, Room 223, Sacramento, CA 95823. Phone: 916-322-4905. ■

SB

225

A

07031

POM TDA SOLDOTNA AK 15 05-01 740A AST
PMS
SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.
PATRICIA WILLIAMS
5800 LAKE OTIS LAMPLIGHTER APT 303
ANCHORAGE AK 99507

R

07019

POM ANCHORAGE AK 15 05-01 750A AST
PMS

SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

LEONA PSISTERER
1621 BARTLETT DRIVE
ANCHORAGE AK 99507

A

07055

PDM TDA SOLDOTNA AK 15 05-01 740A AST
PMS
SEN MITCH A8000

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.
LEONA GORUP
9599 BRAYTON DRIVE
ANCHORAGE AK 99507

A

C8085 POM ANCHORAGE AK 15 04-30 1503 ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

I OPPOSE SB207 AND SB296 AS A STATE EMPLOYEE, AND
AS A DISABLED VETERAN.
KENNETH R TAYLOR SR
2440 EAST TUDOR ROAD SUITE 1163
ANCHORAGE AK 99507

A

09126

ANCHORAGE ALASKA 26 04-30 1628 AST

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK 99811

3287

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL.

MILLIE VEAL

701 SOUTH KLEVIN NBR 2A

ANCHORAGE AK 99508

A

09147

ANCHORAGE ALASKA 26 04-30 1628 AST
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

3213

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL.

EVELYN HADFIELD
9499 BRAYTON DR NBR 199
ANCHORAGE AK 99507

A

08047 PDM ANCHORAGE AK 15 0747 ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

ANN FUGUA

2331 GREENRIDGE NBR 15

ANCHORAGE AK 99507

A

08047 POM ANCHORAGE AK 15 0747 ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

ANN FUGUA
2331 GREENRIDGE NBR 15
ANCHORAGE AK 99507

A

13

C7078

POM ANCHORAGE AK 15 05-01 1130A ADT

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE DONT VOTE AGAINST STATE EMPLOYEES PAY RAISE.

DENISE SIGH
3301 UPLAND DRIVE
ANCHORAGE AK 99504

A

C9150

ANCHORAGE ALASKA 26 04-30 1628 AST
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

3920

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL.

HARVEY L. HONEYCUTT
7519 BELUGA CIR
ANCHORAGE AK 99504

A

07035

POM TDA SOLDOTNA AK 15 05-01 740A AST
PMS

SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

LINDA BOURN
4110 DEBARR SPACE 26H
ANCHORAGE AK 99504

89630

A

07059

POM TDA SOLDOTNA AK 15 05-01 740A AST
PMS

SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

MELINDA MURPHY
4220 BAXTER #12
ANCHORAGE AK 99504

A

07051

POM TDA SOLDOTNA AK 15 05-01 740A AST
PMS
SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.
ROBIN JAMES
534 EAST 15TH TERRACE #2
ANCHORAGE AK 99504

A

08003 POM ANCHORAGE AK 15 0747 ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

EARL FRANK

6731 PICKWICK PLACE

ANCHORAGE AK 99504

A

09196

PDM ANCHORAGE ALASKA 15 04-30 1728 ADT
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

ALICE BYRD
1908 TWINING
ANCHORAGE AK 99504

A

09171

PDM ANCHORAGE ALASKA 15 04-30 1728 AST
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

TAMARA MCNEIL
1121 NORMAN ST NBR 36
ANCHORAGE AK 99504

A

07126

POM ANCHORAGE ALASKA 15 04-30 1125A AST

PMS

SEN MITCH ABOOD

JUNEAU

APEA NEGOTIATED CONTRACT FOR WAGE INCREASES MUST REMAIN INTACT AS ITS LEGALLY APPPOVED.

BEVERLY GOUPEE
3900 EAST WOOD LOOP
ANCHORAGE AK 99504

A

07105

POM ANCHORAGE AK 15 05-02 1245P ADT

FMS

SEN MITCH ABOOD

JUNEAU

OUR PAY RAISES WERE NEGOTIATED IN GOOD FAITH BY COLLECTIVE BARGAINING. PLEASE APPROPRIATE THE MONEY.

ROGER HARDING

8612 BOUNDARY AVE #4

ANCHORAGE AK 99504

A

C7063

POM ANCHORAGE AK 15 05-02 1010A AST
PMS
SEN MITCH ABOOD

JUNEAU

SUPPORT NEGOTIATED PAY RAISE OF 1985/86.
STEPHANIE THOMAS
7520 PECK
ANCHORAGE AK 99504

A

04032

POM ANCHORAGE AK 15 05-02 1004 AST
PMS
SENATOR MITCH ABOOD
POUCH V
JUNEAU AK 99811

I SUPPORT THE STATE NEGOTIATED PAY RAISES.
JERRY LARSEN
821 EDWARD STREET UNIT B
ANCHORAGE AK 99504

A

10

09036

FOM ANCHORAGE ALASKA 15 05-01 118P ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

URGE PASSAGE OF WAGE INCREASE FOR ALL APEA EMPLOYEES.

DEBRA NAYOKPUK
230 W 14TH APT 222
ANCHORAGE AK 99501

A

07184

POM ANCHORAGE AK 15 04-30 440P AST
PMS
SEN MITCH ABOOD

JUNEAU
I OPPOSE PROPOSAL TO CANCEL COST OF LIVING PAY INCREASE FOR STATE EMPLOYEES.
VIOLETA CHO
926 WEST 11TH #12
ANCHORAGE AK 99501

A

09132

ANCHORAGE ALASKA 26 04-30 1628 AST

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK 99811

3794

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL

LAUREL HINSHAW

PO BOX 101767

ANCHORAGE AK 99501

A

09138

ANCHORAGE ALASKA 26 04-30 1628 AST

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK 99811

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL.

LAURA MOY

635 WEST 9TH AVE NBR 5

ANCHORAGE AK 99501

A

07192

NL ANCHORAGE AK 50 05-02 500P ADT

PMS

SEN MITCH ABOOD

C034

JUNEAU AK

CONGRATULATIONS..YOU JUST LOST 10,000 APEA VOTES FOR YOUR GUBERNATORIAL CAMPAIGN. WHAT A WAY TO RUN A CAMPAIGN, STURGULEWSKI!!!

REBECCA STARRY

2631 LYVONA

ANCHORAGE AK 99502

RECEIVED
MAY 4 1985

A

07043

POM TDA SOLDOTNA AK 15 05-01 740A AST
PMS
SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.
MARY PAVICH
411 EAST 11TH
ANCHORAGE AK 99501

A

09200

POM ANCHORAGE ALASKA 15 04-30 1728 ADT
PMS

SEN MITCH A8000
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

PHOEBE CALDBECK
PO BOX 5-621
FT RICH AK 99505

A

07021

NL ANCHORAGE ALASKA 50 04-30 1020A AST

PMS

SEN MITCH ABOOD

JUNEAU 3732

WE URGE THE STATE OF ALASKA AND ITS LEGISLATORS TO LIVE UP TO THEIR CONTRACTURAL AGREEMENT WITH ITS STATE EMPLOYEES AND FUND OUR FIVE PERCENT PAY RAISE AS AGREED.

H. LEDDY 277-1636/274-6889
SATELLITE TELEVISION CENTER
1271 ELEGANTE
ANCHORAGE AK 99501

A

07027

POM TDA SOLDOTNA AK 15 05-01 740A AST
PMS
SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

KERI GRUNEST
421 EAST 15TH TERRACE
ANCHORAGE AK 99501

A

09222

FOM ANCHORAGE ALASKA 15 04-30 2105 AST
PMS

MITCH ABOOD
POUCH V
JUNEAU AK 99811

STRONGLY OPPOSED TO SENATE BILL 296.

GORDON GLASER
1201 DENALI UNIT 210
ANCHORAGE AK 99501

A

09192

FDM ANCHORAGE ALASKA 15 04-30 1728 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

NORA LEWERS

1109 MEDFRA NBR 17

ANCHORAGE AK 99501

A

07047

PDM TDA SOLDOTNA AK 15 05-01 740A AST
PMS
SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

PHEBE DAVENPORT
PO BOX 772374
EAGLE RIVER AK 99577

A

14

C9135

ANCHORAGE ALASKA 26 04-30 1628 AST
FMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

3799

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL.

MARCIA WARMENHOVEN
PO BOX 771311
EAGLE RIVER AK 99577

A

07063

POM TDA SOLDOTNA AK 15 05-01 740A AST
PMS

SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

PATRICIA DIONNE
PO BOX 771348
EAGLE RIVER AK 99577

89659

A

04004 PDM TDA KENAI AK 15 05-01 0125 ADT

PMS

SEN MITCH ABOOD

JUNEAU AK

OPPOSE BILL SB-207 AND SB-296 FUND STATE EMPLOYEES COST OF LIVING RAISE.

SHERRIE MORRISON

PO BOX 341

KENAI AK 99611

A

09017

POM ANCHORAGE ALASKA 15 05-01 0823A ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

PLEASE PASS THE PROPOSAL CONCERNING COST OF LIVING INCREASE
FOR STATE EMPLOYEES.
RAY A. DIQUARTO
SRB BOX 7765
PALMER AK 99645

R

C7015

POM ANCHORAGE AK 15 05-01 750A AST
PMS

SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

SUSAN LESLIE
504 HIDDEN FALLS AVE
EAGLE RIVER AK 99577

8461

A

09002 PDM TDA NIKISKI AK 15 05-01 0127 AST

PMS

SEN MITCH ABOOD

JUNEAU AK

OPPOSE BILL SB-207 AND SB-296 FUNDS STATE EMPLOYEES
COST OF LIVING RAISE.

PATRICH CLARK
PO BOX 8258
NIKISKI AK 99635

A

07139

POM ANCHORAGE ALASKA 15 04-30 204P ADT

PMS

SEN MITCH ABOOD

JUNEAU

AM OPPOSED TO LEGISLATION ENACTED BY SENATE TO CANCEL PAY INCREASE FOR STATE EMPLOYEES.

RUTH DECLERCQ
PO BOX 3011
PALMER AK 99645

A

08131 POM ANCHORAGE AK 15 04-30 415P ADT

PMS

SEN MITCH ABOOD

JUNEAU AK

I OPPOSE THE LEGISLATION ENACTED TO CANCEL THE PAYRAISE FOR STATE EMPLOYEES.

NORA MORRSETT
SRB BOX 7817
PALMER AK 99645

A

07002

PDM TDA JUNEAU AK 15 05-02 850A ADT
PMS

SEN MITCH ABOOD

JUNEAU

HECK NO TO RED DOG WITHOUT A CITIZEN VOTE.

JOHN MCMULLEN
800 F ST N-4
JUNEAU AK 99801

RECEIVED
MAY 3 1985

A

09015

PDM TDA JUNEAU ALASKA 15 05-02 1011A ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

WE OPPOSE SB296.
CHARLES AND HAZEL NOWLAN
BOX 283
JUNEAU AK 99802

A

07068

POM ANCHORAGE AK 15 05-01 1130A ADT

FMS

SEN MITCH ABOOD

JUNEAU

PLEASE DONT VOTE AGAINST STATE EMPLOYEES PAY RAISE.

NICK SWINDELL
PO BOX 2206
PALMER AK 99645

A

04047

POM ANCHORAGE AK 15 05-03 1435 AST

FMS

SENATOR MITCH ABOOD

JUNEAU AK

ALLOW PEOPLE CHOICE OF QUALIFIED CAREGIVERS FOR LEGAL AND SAFE HOME BIRTH. SUPPORT HB335.

STAN AND ANNA MAYPA

2921 HOGAN BAY CIRCLE

ANCHORAGE AK 99515

A

08087 POM ANCHORAGE AK 15 05-02 1403 ADT

PMS

SEN MITCH ABOOD

JUNEAU AK

PLEASE HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

MYRA HUMPHRY

PO BOX 870833

WASILLA AK 99687

RECEIVED
MAY 3 1985

A

07008

POM TDA SOLDOTNA AK 15 05-01 740A AST
PMS
SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

MARGO RESSNER
BOX 671069
CHUGIAK AK 99567

A

08135 POM ANCHORAGE AK 15 05-02 1403 ADT
PMS
SEN MITCH ABOOD

JUNEAU AK

PLEASE HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

CARRIE HAGARMAN
13245 RIDGEWOOD
ANCHORAGE AK 99516

A

09014

FDM ANCHORAGE ALASKA 15 05-03 0753A ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

PLEASE SUPPORT THE NEGOTIATED PAY RAISES FOR STATE EMPLOYEES.
RUTH ADLER
1110 W. 6TH AVE APT 608
ANCHORAGE AK 99501

A

09109

POM ANCHORAGE ALASKA 15 05-03 1425 ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

PLEASE SUPPORT THE APEA CONTRACT FOR US, I VOTED FOR YOU.

SHERYL RAPP
2201 ROMIG PLACE NO.101
ANCHORAGE AK 99503

A

04041

POM ANCHORAGE AK 15 05-03 1347 AST

PMS

SENATOR MITCH ABOOD

JUNEAU AK

PLEASE HONOR THE CONTRACT NEGOTIATIONS AND FUND
THE PAY RAISE FOR STATE EMPLOYEES.

FRANCES L. JONES
9030 DEWBERRY
ANCHORAGE AK 99502

A

08151 FOM ANCHORAGE AK 15 05-02 1403 ADT

PMS

SEN MITCH ABOOD

JUNEAU AK

PLEASE HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

DONNALEE GREENWAY

1716 JUNEAU NBR 4

ANCHORAGE AK 99501

A

08071

FOM ANCHORAGE AK 15 05-03 434P ADT

PMS

SEN MITCH ABOOD

JUNEAU AK

CURIOUS: YOU GOT PAY RAISE, APEA (CONTRACTED) DOESNT.
SUPPORT SUSITNA WITH YOUR PAY RAISE

225

JOSEPH KOSS
9525 LIBERTY CIR
ANCHORAGE AK 99515

A

SBDS

C8005 POM TDA FAIRBANKS AK 15 05-06 0847 ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

STOP DO NOT CANCEL OUR 1985 COST OF LIVING RAISE

CANCEL THE POLITICIANS RAISE

JOANNE SIDNEY

4009 BALCHEN DRIVE

ANCHORAGE AK 99503

A

07217

POM ANCHORAGE AK 15 04-30 345P ADT

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

GART PATTERSON, FRAUD HEARING OFFICER

3601 C ST SUITE 434

ANCHORAGE AK 99502

A

07200

Dept of HESS
Southcentral Reg
Dir & Public Info
Asstn

POM ANCHORAGE AK 15 04-30 345P AST
PMS
SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.
MARY OSBORN
3601 C ST SUITE 434
ANCHORAGE AK 99502

A

07196

PDM ANCHORAGE AK 15 04-30 345P AST
FMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

MARY SCHMIDLKOFER
3601 C ST SUITE 434
ANCHORAGE AK 99502

A

07192

POM ANCHORAGE AK 15 04-30 345P AST
PMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.
LUCY GRAY
3601 C ST SUITE 434
ANCHORAGE AK 99502

A

07188

POM ANCHORAGE AK 15 01-30 345P AST

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

BERT NIGHSWONGER

3601 C ST SUITE 434

ANCHORAGE AK 99502

A

07221

PDM ANCHORAGE AK 15 04-30 345P ADT
FMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

NANCY RODGES
3601 C ST SUITE 434
ANCHORAGE AK 99502

JA

07225

POM ANCHORAGE AK 15 04-30 345P ADT

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

JUDY MCEDWARD

3601 C ST SUITE 434

ANCHORAGE AK 99502

A

07148

POM ANCHORAGE AK 15 04-30 345P AST
PMS
SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.
STEPHANIE RAPP
3601 C ST SUITE 434
ANCHORAGE AK 99502

A

07208

POM ANCHORAGE AK 15 04-30 345P AST

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

PATRICIA HART

3601 C ST SUITE 434

ANCHORAGE AK 99502

A

07213

PDM ANCHORAGE AK 15 04-30 345P ADT

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

SHERRY KAHUNAKU
3601 C ST SUITE 434
ANCHORAGE AK 99502

A

07204

POM ANCHORAGE AK 15 04-30 345P AST

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

ED WROBEL

3601 C ST SUITE 434

ANCHORAGE AK 99502

A

answered dsw 5/4/88

09017

POM ANCHORAGE ALASKA 15 05-02 1032A ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

I SUPPORT THE NEGOTIATED PAYRAISE THAT WE AGREED ON IN GOOD FAITH. I MEAN IT.

J DOUGLAS BROWN, PROBATION OFFICER II
1221 W 80TH
ANCHORAGE AK 99502

A

C9013

POM ANCHORAGE ALASKA 15 05-02 0950A ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

SUPPORT NEGOTIATED PAY RAISE FOR APEA FOR 1985-86.
D F CHURCHILL
6505 OLD SEWARD HWY
ANCHORAGE AK 99502

A

04007

PDM ANCHORAGE AK 15 05-02 0845 AST

PMS

SENATOR MITCH ABOOD

POUCH V

JUNEAU AK 99811

PLEASE HONOR OUR CONTRACT AND FUND OUR PAY RAISES.

CAROLYN MORRIS, A CONCERNED PUBLIC EMPLOYEE

3510 WEST 31ST

ANCHORAGE AK 99503

A

08103 POM ANCHORAGE AK 15 05-02 1403 ADT

PMS

SEN MITCH ABOOD

JUNEAU AK

PLEASE HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

JEANETTE EATON

901 LANCER

ANCHORAGE AK 99503

A

08071 POM ANCHORAGE AK 15 05-02 1403 ADT

FMS

SEN MITCH ABOOD

JUNEAU AK

PLEASE HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

JANICE HENLEY
PO BOX 6773
ANCHORAGE AK 99502

A

RECEIVED
MAY 3 1985

07099

POM ANCHORAGE AK 15 05-02 1245P ADT

PMS

SEN MITCH ABOOD

JUNEAU

STATE EMPLOYEES NEED PAY RAISES AS MUCH AS LEGISLATORS.

PLEASE THINK TWICE BEFORE YOU VOTE.

MADGE NIWA
6912 FAIRWEATHER DRIVE
ANCHORAGE AK 99502

A

07083

POM ANCHORAGE AK 15 05-01 1145A ADT
PMS

SEN MITCH ABOOD

JUNEAU

PASS PUBLIC EMPLOYEES PAY RAISE APPROPRIATION THIS SESSION.
LEGISLATIVE RAISE VS PUBLIC EMPLOYEES UNFAIR.

DENBY LLOYD
333 RASPBERRY RD
ANCHORAGE AK 99502

A

09141

ANCHORAGE ALASKA 26 04-30 1628 AST

FMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK 99811

3906

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL.

MARGARET A. OLIVER

3341 MONTECELLO CT

ANCHORAGE AK 99503

A

07023

POM TDA SOLDOTNA AK 15 05-01 740A AST

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

MARIETTA POE
3005 DAWSON ST
ANCHORAGE AK 99503

89631

A

07039

POM TDA SOLDOTNA AK 15 05-01 740A AST
FMS

SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

DEBBIE MCDONALD
3205 DORAS PLACE
ANCHORAGE AK 99503

8963

A

C8025 PDM ANCHORAGE AK 15 0747 ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

HONOR OUR CONTRACT AND FUND OUR PAY RAISE.

BILLYE LING

600 WEST 88TH

ANCHORAGE AK 99502

R

07011

POM ANCHORAGE AK 15 05-01 750A AST
PMS

SEN MITCH ABOOD

JUNEAU

PLEASE APPROVE STATE EMPLOYEES NEGOTIATED PAY RAISE.
IF CUTS NECESSARY, LEGISLATORS PAY SHOULD BE CUT.

ALMARINE SCHWESKA
4300 ARCTIC #29
ANCHORAGE AK 99503

A

07122

POM ANCHORAGE ALASKA 15 04-30 1125A AST

PMS

SEN MITCH ABOOD

JUNEAU

APEA NEGOTIATED CONTRACT FOR WAGE INCREASES MUST REMAIN INTACT AS ITS LEGALLY APPROVED.

FOREST POWELL
813 MERLIN LOOP
ANCHORAGE AK 99502

A

07130

POM ANCHORAGE ALASKA 15 04-30 1125A AST

PMS

SEN MITCH ABOOD

JUNEAU

APEA NEGOTIATED CONTRACT FOR WAGE INCREASES MUST REMAIN INTACT AS ITS LEGALLY APPROVED.

MAGGIE WILKINSON
3021 CONCORD LANE
ANCHORAGE AK 99502

A

08118 POM ANCHORAGE AK 15 04-30 1541 ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

I OPPOSE SB296 AS IMMORAL AND UNETHICAL AND WILL OPPOSE
RE-ELECTION OF LEGISLATURES SUPPORTING IT.

MICHAEL AZOK
7200 HUNTSMAN CIRCLE
ANCHORAGE AK 99502

A

C8092 POM ANCHORAGE AK 15 04-30 1517 ADT
FMS
SENATOR MITCH ABOOD

JUNEAU AK

AS A PUBLIC EMPLOYEE I REQUEST YOU HONOR OUR CONTRACT
TO FUND SCHEDULED PAY INCREASE.
DAVID TRUMBLY
3706 ARKANSAS
ANCHORAGE AK 99503

A

07153

POM ANCHORAGE AK 15 04-30 345P AST

PMS

SEN MITCH ABOOD

JUNEAU

I OPPOSE LEGISLATION ENACTED TO CANCEL PAY RAISE FOR STATE EMPLOYEES.

BONNIE ATWOOD
3207 WOOD LAND PARK DRIVE
ANCHORAGE AK 99503

A

09180

FOM ANCHORAGE ALASKA 15 04-30 1728 ADT
PMS
SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND
SUPPORT ITS PASSAGE.
GREG MAXWELL
3542 CARPENTER CIR
ANCHORAGE AK 99503

A

09188

FOM ANCHORAGE ALASKA 15 04-30 1728 ADT
PMS
SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

JOAN ALLES
330 W 32ND APT 30
ANCHORAGE AK 99503

A

09208

FOM ANCHORAGE ALASKA 15 04-30 1728 ADT
FMS
SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

LAURIE HICKS
BOX 6172
ANCHORAGE AK 99502

A

C7072

NL ANCHORAGE ALASKA 53 04-30 1125A ADT
FMS

SEN MITCH ABOOD

JUNEAU

AS MANAGER OF ANCHORAGE DIVISION OF PUBLIC ASSISTANCE ADMINISTERING ALL OF PUBLIC WELFARE PROGRAMS IN ALASKA, THE AVERAGE SALARY FOR MY OFFICE IS $24,808. OUR STAFF HAS ALREADY BEEN DEMORALIZED BY HEAVY CASE LOADS AND FREEZE ON PERSONNEL.
WE URGE YOU TO PASS THE BILL FOR NEGOTIATED PAY RAISE FOR STATE EMPLOYEES.

ALICE GUEST, MANAGER
ANCHORAGE DIVISION OF PUBLIC ASSISTANCE

A

07047

POM ANCHORAGE ALASKA 15 04-30 1105A ADT

PMS

SEN MITCH ABOOD

JUNEAU

SUPPORT UNIONIZED STATE EMPLOYEES.
HEALTH CARE WORKERS ARE RANGES 7-13.
YOUR PRUDENT JUDGEMENT APPRECIATED.

HEATHER MCCRACKEN
2312 EAST 16TH ST
ANCHORAGE AK 99508

A

C8032 POM ANCHORAGE AK 15 04-30 1201 ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

URGE YOU TO RECONSIDER AND PUT BILL 225 OUT FOR NEW VOTE AND SUPPORT PASSAGE.

ARLENE JASPER
4630 REKA DRIVE C-21
ANCHORAGE AK 99508

A

C8037 POM ANCHORAGE AK 15 04-30 1201 ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

PLEASE PASS ALASKA PUBLIC EMPLOYEE PAY RAISE.
WE WORK HARD FOR THE STATE OF ALASKA.

JOYCE MIXON
2613 DRAPER DR
ANCHORAGE AK 99503

A

07093

POM ANCHORAGE ALASKA 15 04-30 112P ADT

PMS

SEN MITCH ABOOD

JUNEAU

URGE RECONSIDERATION OF SB225. PLEASE REINTRODUCE BILL AND SUPPORT PASSAGE.

CAROL GUERRARO

5OOH 7TH AVE

FT RICHARDSON AK 99505

A

C9055

PDM ANCHORAGE ALASKA 15 04-30 100P ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.

TONY UZZLE
4610 REKA DR
ANCHORAGE AK 99508

A

08042 PDM ANCHORAGE AK 15 04-30 1201 ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

LEGISLATURE IS BEING UNFAIR. PAY RAISE WAS APPROVED
SO IT SHOULD REMAIN IN EFFECT NOW.

CYNTHIA COX
330 EAST 46 NBR 2
ANCHORAGE AK 99503

A

C9043

POM ANCHORAGE ALASKA 15 04-30 1229P AST
PMS
SENATOR MITCH ABOOD

JUNEAU AK

I URGE PASSING OF PAY RAISE BILL FOR APEA EMPLOYEES
THAT WAS NEGOTIATED LAST YEAR.
CHARLOTTE ERVIN
7500 PETERSBURG
ANCHORAGE AK 99507

A

04044

POM ANCHORAGE ALASKA 15 04-30 1251P ADT

PMS

SEN MITCH ABOOD

JUNEAU

I URGE PASSAGE OF APEA NEGOTIATED PAY RAISES.

JOAN C. OWENS

1352 M

ANCHORAGE AK 99501

A

08022 PDM ANCHORAGE AK 15 04-30 1201 ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

I URGE PASSING OF PAY RAISE BILL FOR APEA
EMPLOYEES THAT WAS NEGOTIATED LAST YEAR.
ANN WOODBURN
13110 ALPINE DRIVE
ANCHORAGE AK 99516

07074

POM ANCHORAGE ALASKA 15 04-30 1145A ADT

PMS

SEN MITCH ABOOD

JUNEAU

URGE RECONSIDERATION ON SB225. PLEASE REINTRODUCE BILL AND SUPPORT PASSAGE.

IWALANI CARINO
BOX 6911 COLONIAL COURT
ANCHORAGE AK 99502

A

C4050

POM ANCHORAGE ALASKA 15 04-30 112P ADT

PMS

SEN MITCH ABOOD

JUNEAU

STRONGLY URGE YOU RECONSIDER SB225. PUT THE BILL OUT FOR NEW VOTE AND SUPPORT PASSAGE.

DAWN MARTIN
2131 EAST 75TH APT B
ANCHORAGE AK 99507

A

09051

FOM ANCHORAGE ALASKA 15 04-30 100P ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.
NANCY NEUMAYER
2131 LORE RD
ANCHORAGE AK 99507

A

08033 PDM ANCHORAGE AK 15 04-30 1201 ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

I AM A SINGLE PARENT SOLE SUPPORT FEMALE HEAD OF HOUSEHOLD
PLEASE VOTE YES SB225.
SANDY RICHARDS
EAGLE RIVER AK

A

09087

POM ANCHORAGE ALASKA 15 04-30 100P ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.
JAMES SHELLHAMER
6205 WINDING WAY
ANCHORAGE AK 99504

JA

C7106

POM ANCHORAGE ALASKA 15 04-30 112P ADT

PMS

SEN MITCH ABOOD

JUNEAU

URGE RECONSIDERATION OF SB225. PLEASE REINTRODUCE BILL AND SUPPORT PASSAGE.

JOHN MCKINNON
3701 EUREKA SPACE 30A
ANCHORAGE AK 99503

A

09063

FOM ANCHORAGE ALASKA 15 04-30 100P ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.
LARRY MUNSON
8410 LITTLE DIPPER AVE
ANCHORAGE AK 99504

A

09067

POM ANCHORAGE ALASKA 15 04-30 100P ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.

KATHY KAUFMANN
642 NATHAN DR
ANCHORAGE AK 99504

A

04020 PDM ANCHORAGE ALASKA 15 04-30 1133 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK

I WANT MY PAY-RAISE.

NOELLE B. WILLIAMS

11300 WILLENE DR

ANCHORAGE AK 99516

A

04008 POM ANCHORAGE ALASKA 15 04-30 1130 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK

URGE PASSING OF PAY-RAISE BILL FOR APEA EMPLOYEES THAT WAS NEGOTIATED LAST YEAR.

BEATRICE REAPS

802 N TH LANE

ANCHORAGE AK 99508

JA

07068

POM ANCHORAGE ALASKA 15 04-30 1125A ADT

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE VOTE IN FAVOR OF STATE EMPLOYEE PAY RAISE NEGOTIATED LAST YEAR.

JANICE EDWARDS

BOX 641

GIRDWOOD AK 99587

A

07064

PDM ANCHORAGE ALASKA 15 04-30 1115A ADT

PMS

SEN MITCH ABOOD

JUNEAU

URGE PASSING OF PAY RAISE NEGOTIATED BY APEA LAST YEAR.

DAWN GIZA

PO BOX 33905

ANCHORAGE AK 99501

A

09041

PDM ANCHORAGE ALASKA 15 04-30 1117A AST
PMS

SENATOR MITCH ABOOD

JUNEAU AK

PLEASE PASS THE PAY RAISE BILL THAT THE STATE EMPLOYEES WERE PROMISED.

BECKY ROSS
5901 E. 6TH NBR. 154
ANCHORAGE AK 99504

A

C4030 PDM ANCHORAGE ALASKA 15 04-30 1155 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK

OBJECT TO UNFAIR TREATMENT OF STATE EMPLOYEES. URGE YOU TO PASS NEGOTIATED PAY RAISE.

PETRA JENSEN

1231 VALLEY

ANCHORAGE AK 99504

A

C4016 POM ANCHORAGE ALASKA 15 04-30 1133 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK

URGE PASSAGE OF PAY-RAISE BILL FOR APEA EMPLOYEES NEGOTIATED IN GOOD FAITH LAST YEAR.

JOAN WILLIAMS

400 GAMBLE SUITE 101

ANCHORAGE AK 99501

A

04013 POM ANCHORAGE ALASKA 15 04-30 1133 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK

URGE PASSAGE OF PAY-RAISE BILL, THAT WAS NEGOTIATED LAST YEAR IN GOOD FAITH.

JUNE MCENTIRE

400 GAMBLE SUITE 101

ANCHORAGE AK 99501

A

08026 PDM ANCHORAGE AK 15 04-30 1201 ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

I URGE PASSING OF PAY RAISE BILL FOR APEA
EMPLOYEES THAT WAS NEGOTIATED LAST YEAR.

BARBRA HOWARD
PO BOX 1238
PALMER AK 99645

A

08027 POM ANCHORAGE AK 15 04-30 1201 ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

PLEASE PASS STATE EMPLOYEE PAY RAISE REMEMBER, YOU VOTED YOURSELF A RAISE.

R. JEAN WOODRING
944 WEST 11TH APT A
ANCHORAGE AK 99504

A

04036 POM ANCHORAGE ALASKA 15 04-30 1155 ADT

PMS

SEN MICTH ABOOD

POUCH V

JUNEAU AK

WOULD LIKE PAY RAISE AS APPROVE AND NEGOTIATED FOR.

CYNTHIA CHESSON

1231 VALLEY

ANCHORAGE AK 99504

A

04040 PDM ANCHORAGE ALASKA 15 04-30 1205 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK

UNFAIR VOTE SELF PAY-RAISE AND REFUSE OURS. REMEMBER, WE HIRED YOU.

URGE PASSAGE APEA INCREASE.

ERIC WISEMAN

3605 ARCTIC BLVD NBR 1253

ANCHORAGE AK 99503

A

09059

POM ANCHORAGE ALASKA 15 04-30 100P ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.

KIM T OEHLER
3505 VIEW PARK CIR NBR. 4
ANCHORAGE AK 99502

JA

07105

POM ANCHORAGE ALASKA 15 04-30 112P ADT
PMS

SEN MITCH ABOOD

JUNEAU

URGE RECONSIDERATION OF SB225. PLEASE REINTRODUCE BILL
AND SUPPORT PASSAGE.

JACKIE WAKEFIELD
8820 SOLAR DRIVE
ANCHORAGE AK 99507

9571

A

C7085

POM ANCHORAGE ALASKA 15 04-30 112P ADT
PMS

SEN MITCH ABOOD

JUNEAU

URGE RECONSIDERATION OF SB225. PLEASE REINTRODUCE BILL AND SUPPORT PASSAGE.

RUSSELL LAURIN
9301 ARLENE #83
ANCHORAGE AK 99515

A

09110

POM ANCHORAGE ALASKA 15 04-30 2P AST
PMS
SENATOR MITCH ABOOD

JUNEAU AK

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

RONALD D. REED
221 MCCARREY #5
ANCHORAGE AK 99508

A

09083

POM ANCHORAGE ALASKA 15 04-30 100P ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.

KAREN AALTONEN

7241 MICHELIN PL NBR 1

ANCHORAGE AK 99502

A

07117

POM ANCHORAGE ALASKA 15 04-30 112P ADT

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE FUND STATE EMPLOYEE PAY RAISE. AS SINGLE PARENT MY FAMILY NEEDS IT.

DEBBIE NELSON
5750 GLENN HWY SPACE 65
ANCHORAGE AK 99504

A

09083

POM ANCHORAGE ALASKA 15 04-30 100P ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.

KAREN AALTONEN
7241 MICHELIN PL NBR 1
ANCHORAGE AK 99502

A

C7097

POM ANCHORAGE ALASKA 15 04-30 112P ADT
PMS

SEN MITCH ABOOD

JUNEAU

URGE RECONSIDERATION OF SB225. PLEASE REINTRODUCE BILL AND SUPPORT PASSAGE.

MYRTLE ELLERBEE
6320 EAST 35TH AVE
ANCHORAGE AK 99504

0679

07056

POM ANCHORAGE ALASKA 15 04-30 1115A ADT

PMS

SEN MITCH ABOOD

JUNEAU

SUPPORT STATE RAISE NEGOTIATED IN GOOD FAITH LAST YEAR UNDER COLLECTIVE BARGAINING.

MICHELE ROGOVIN
2740 WEST 65TH
ANCHORAGE AK 99502

07060

POM ANCHORAGE ALASKA 15 04-30 1115A ADT

PMS

SEN MITCH ABOOD

JUNEAU

SUPPORT STATE RAISE NEGOTIATED IN GOOD FAITH LAST YEAR UNDER COLLECTIVE BARGAINING.

JEANNE LACY

400 CAMBELL SUITE 101

ANCHORAGE AK 99501

A

09071

POM ANCHORAGE ALASKA 15 04-30 100P ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.
LISA METSKER
16345 CARL ST
ANCHORAGE AK 99516

A

C7113

POM ANCHORAGE ALASKA 15 04-30 112P ADT
PMS

SEN MITCH ABOOD

JUNEAU

URGE RECONSIDERATION OF SB225. PLEASE REINTRODUCE BILL
AND SUPPORT PASSAGE. DONT LUMP ALL EMPLOYEES TOGETHER.

IRENE HEBERT
5030 KNIGHTS WAY
ANCHORAGE AK 99508

A

09075

POM ANCHORAGE ALASKA 15 04-30 100P ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.
CLARENCE THOMPSON
5536 PENN CIR
ANCHORAGE AK 99504

A

09079

FOM ANCHORAGE ALASKA 15 04-30 100P ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.

GILBERT E STREETER

6211 DEBARR RD NBR. 15

ANCHORAGE AK 99504

A

08052 ANCHORAGE AK 15 04-30 1432 ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

I URGE YOU TO INCLUDE NEGOTIATED PAY RAISES FOR
STATE EMPLOYEES IN STATE OPERATING BUDGET.

PATRICIA FOGLIA
SRA BOX 424-B 8610 PAINE ROAD
ANCHORAGE AK 99516

A

08058 ANCHORAGE AK 15 04-30 1432 ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

I URGE YOU TO INCLUDE NEGOTIATED STATE EMPLOYEE
PAY RAISES IN THE STATES OPERATING BUDGET.

WILLIAM CROSS
2921 WEST 84TH AVE
ANCHORAGE AK 99502

A

C8075 POM TDA KODIAK AK 15 04-30 1450 ADT

PMS

SENATOR MITCH ABOOD

JUNEAU AK

I AM REQUESTING YOUR SUPPORT IN KEEPING STATE EMPLOYEES NEGOTIATED COLA IN THE BUDGET.

SHERRY SAUNDERS

BOX 1271

KODIAK AK 99615

A

C8063 POM ANCHORAGE AK 15 04-30 1432 ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

I URGE YOU TO INCLUDE NEGOTIATED PAY RAISES FOR
STATE EMPLOYEES IN STATE OPERATING BUDGET.

JOHN HULIN
2214 BONIFICA NBR 1
ANCHORAGE AK 99504

A

08068 POM ANCHORAGE AK 15 04-30 1432 ADT

FMS

SENATOR MITCH ABOOD

JUNEAU AK

I URGE YOU TO INCLUDE NEGOTIATED STATE EMPLOYEE
PAY RAISES IN THE STATES OPERATING BUDGET.

DENICE OBAR
1832 ORCA PLACE NBR 2
ANCHORAGE AK 99501

A

09091

POM ANCHORAGE ALASKA 15 04-30 1COP ADT
PMS
SENATOR MITCH ABOOD

JUNEAU AK

RE: SB225 URGE YOU RECONSIDER AND APPROVE.
BILLY MACON
7248 SPRUCE RD
ANCHORAGE AK 99507

A

04023 FOM ANCHORAGE ALASKA 15 04-30 1133 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK

PUBLIC EMPLOYEES DESERVE PAY-RAISE BECAUSE OF COST-OF-LIVING.

NO RAISE IN TWO YEARS.

KATHY LEDBETTER

1554 GAMBLE APT 1

ANCHORAGE AK 99501

04027 PDM ANCHORAGE ALASKA 15 04-30 1155 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK

AS A SINGLE PARENT SUPPORTING A FAMILY AND URGE YOU TO PASS THE RAISE.

MARGUITA GREEN

PO BOX 8954

ANCHORAGE AK 99508

A

09214

NL ANCHORAGE ALASKA 50 04-30 1815 ADT
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

3331

PLEASE VOTE FOR STATE EMPLOYEES PAY RAISE. I AM A STATE EMPLOYEE OF 15 YEARS AND CONSIDER MYSELF A PUBLIC SERVANT AND HAVE DEDICATED MY LIFE TO HELPING PEOPLE SUCH AS WHERE I WORK AT THE PIONEERS HOME AND A PAY RAISE WOULD BE APPRECIATED. IM A 38 YEAR ALASKAN.

CHARLES MASTERSON A CAREER OF STATE EMPLOYEE
14710 ELMORE ROAD
ANCHORAGE AK 99516

A

C9144

ANCHORAGE ALASKA 26 04-30 1628 AST

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK 99811

3909

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL.

MAGGI SEIPEL

1730 CARA LOOP

ANCHORAGE AK 99515

A

09129

ANCHORAGE ALASKA 26 04-30 1628 AST
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

3290

AS AN ALASKA PUBLIC EMPLOYEE I'D LIKE TO HAVE YOU HONOR OUR CONTRACTS AND FUND THE PAY BILL.

CRYSTAL GAND
PO BOX 104222
ANCHORAGE AK 99510

A

09184

FOM ANCHORAGE ALASKA 15 04-30 1728 ADT

PMS

SEN MITCH ABOOD

POUCH V

JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

JOHN MURRY

1941 OLYMPIC DR

ANCHORAGE AK 99515

A

C9165

FOM ANCHORAGE ALASKA 15 04-30 1724 AST
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

I OPPOSE THE LEGISLATION ENACTED TO CANCEL THE PAY RAISE FOR STATE EPLOYEES.

WANDA SANBORN
PO BOX 100465
ANCHORAGE AK 99510

A

09208

POM ANCHORAGE ALASKA 15 04-30 1728 ADT
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

CLACIE CBANION
PO BOX 104619
ANCHORAGE AK 99510

A

09204

PDM ANCHORAGE ALASKA 15 04-30 1728 ADT
PMS

SEN MITCH A8000
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

JEFF SPEES
4110 DEBARR RD SP 22E
ANCHORAGE AK 99508

A

07180

POM ANCHORAGE AK 15 04-30 440P AST
PMS

SEN MITCH ABOOD

JUNEAU

I OPPOSE PROPOSAL TO CANCEL COST OF LIVING PAY INCREASE FOR STATE EMPLOYEES.

LORETTA FORWOOD
641 WEST 89TH
ANCHORAGE AK 99515

A

09025

POM ANCHORAGE ALASKA 15 05-01 0902A ADT
PMS

SENATOR MITCH ABOOD

JUNEAU AK

ACROSS THE BOARD STATE RAISE DENIAL IS SENSELESS. THIS
RANGE 8 WORKER NEEDS A RAISE.

KAREN KIER, CLERK III
ANCHORAGE PIONEERS HOME POUCH 7-027
ANCHORAGE 99510

A

07073

POM ANCHORAGE AK 15 05-01 1130A ADT

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE DONT VOTE AGAINST STATE EMPLOYEES PAY RAISE.

MICHAEL MCGINNIS
461 SCORPIO
ANCHORAGE AK 99508

A

07060

POM ANCHORAGE AK 15 05-02 1005A AST
PMS
SEN MITCH ABOOD

JUNEAU

SUPPORT NEGOTIATED PAY RAISE.
ROBERT PARNITKE
4433 SAN ERNESTO #301
ANCHORAGE AK 99508

A

07144

POM ANCHORAGE AK 15 04-30 345P AST

PMS

SEN MITCH ABOOD

JUNEAU

PLEASE SUPPORT STATE PAY RAISE AS NEGOTIATED IN CONTRACT.

CHERYL HUGHES

4110 DEBARR SPACE 220

ANCHORAGE AK 99508

A

07092

POM ANCHORAGE ALASKA 15 05-01 1250P ADT

PMS

SEN MITCH ABOOD

JUNEAU

URGE YOU TO HONOR PUBLIC EMPLOYEES NEGOTIATED THREE YEAR CONTRACT AND FUND CONTRACT THIS SESSION.

KIM SUNDBERG

4841 EAST 115TH

ANCHORAGE AK 99516

A

08084 POM ANCHORAGE AK 15 05-01 1113 ADT
PMS
MITCH ABOOD

JUNEAU AK

PLEASE SUPPORT THE NEGOTIATED PAY RAISE FOR STATE EMPLOYEES.
YOU RAISED YOURS PLEASE RAISE OURS.
JOHN FREY
1641 NBR 1 ELCATORE
ANCHORAGE AK 99507

A

C7134

POM ANCHORAGE ALASKA 15 04-30 1125A AST

PMS

SEN MITCH ABOOD

JUNEAU

APEA NEGOTIATED CONTRACT FOR WAGE INCREASES MUST REMAIN INTACT AS ITS LEGALLY APPROVED.

LOIS VIZENOR
3235 EAST TUDOR
ANCHORAGE AK 99507

A

09175

PDM ANCHORAGE ALASKA 15 04-30 1728 ADT
PMS

SEN MITCH ABOOD
POUCH V
JUNEAU AK 99811

PLEASE RECONSIDER SB225. PUT IT OUT FOR A NEW VOTE AND SUPPORT ITS PASSAGE.

DENA MAJOR
PO BOX 4-161
ANCHORAGE AK 99509

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

3/11/85

Date April 11, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 225

compensation of state officers and employees not covered by collective bargaining; eff.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 225 (SA)
[X] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation as follows

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Jack Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

Ellen Ott Van Ness Do not Pass
V.J. Fischer DO NOT PASS UNLESS AMEND
Tom Keating - No Rec

Chairman

Do Not Pass when Hse Engrossing Amend

Chairman recommendation

Introduced: 3/11/85
Referred: State Affairs and Finance

21(15.020

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 225

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the compensation of state officers and employees not covered by collective bargaining; and providing for an effective date."

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

* Section 1. AS 39.27.011(a) is repealed and reenacted to read:

(a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,387	1,425	1,467	1,507	1,552	1,593
06	1,467	1,507	1,552	1,593	1,639	1,687
07	1,552	1,593	1,639	1,687	1,740	1,793
08	1,639	1,687	1,740	1,793	1,845	1,903
09	1,740	1,793	1,845	1,903	1,965	2,020
10	1,845	1,903	1,965	2,020	2,082	2,145
11	1,965	2,020,	2,082	2,145	2,217	2,286
12	2,082	2,145	2,217	2,286	2,365	2,445
13	2,217	2,286	2,365	2,445	2,531	2,623
14	2,365	2,445	2,531	2,623	2,715	2,818
15	2,531	2,623	2,715	2,818	2,910	3,020
16	2,715	2,818	2,910	3,020	3,129	3,242

Original bill SB 225

17		2,910	3,020	3,129	3,242	3,353	3,468
18		3,129	3,242	3,353	3,468	3,582	3,717
19		3,353	3,468	3,582	3,717	3,831	3,974
20		3,582	3,717	3,831	3,974	4,095	4,246
21		3,831	3,974	4,095	4,246	4,379	4,537
22		4,095	4,246	4,379	4,537	4,687	4,859
23		4,379	4,537	4,687	4,859	5,021	5,209
24		4,687	4,859	5,021	5,209	5,385	5,568
25		5,021	5,209	5,385	5,568	5,773	5,990
26		5,209	5,385	5,568	5,773	5,990	6,206
27		5,385	5,568	5,773	5,990	6,206	6,442
28		5,568	5,773	5,990	6,206	6,442	6,666
29		5,773	5,990	6,206	6,442	6,666	6,901
30		5,990	6,206	6,442	6,666	6,901	7,144

* Sec. 2. AS 39.27.011(a) is repealed and reenacted to read:

(a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,440	1,479	1,523	1,564	1,611	1,654
06	1,523	1,564	1,611	1,654	1,701	1,751
07	1,611	1,654	1,701	1,751	1,806	1,861
08	1,701	1,751	1,806	1,861	1,915	1,975
09	1,806	1,861	1,915	1,975	2,040	2,097
10	1,915	1,975	2,040	2,097	2,161	2,227
11	2,040	2,097	2,161	2,227	2,301	2,373

12		2,161	2,227	2,301	2,373	2,455	2,538
13		2,301	2,373	2,455	2,538	2,627	2,723
14		2,455	2,538	2,627	2,723	2,818	2,925
15		2,627	2,723	2,818	2,925	3,021	3,135
16		2,818	2,925	3,021	3,135	3,248	3,365
17		3,021	3,135	3,248	3,365	3,480	3,600
18		3,248	3,365	3,480	3,600	3,718	3,858
19		3,480	3,600	3,718	3,858	3,977	4,125
20		3,718	3,858	3,977	4,125	4,251	4,407
21		3,977	4,125	4,251	4,407	4,545	4,709
22		4,251	4,407	4,545	4,709	4,865	5,044
23		4,545	4,709	4,865	5,044	5,212	5,407
24		4,865	5,044	5,212	5,407	5,590	5,780
25		5,212	5,407	5,590	5,780	5,992	6,218
26		5,407	5,590	5,780	5,992	6,218	6,441
27		5,590	5,780	5,992	6,218	6,441	6,687
28		5,780	5,992	6,218	6,441	6,687	6,920
29		5,992	6,218	6,441	6,687	6,920	7,163
30		6,218	6,441	6,687	6,920	7,163	7,416

* Sec. 3. COMPENSATORY PAYMENT. A compensatory payment, equal to three and one-half percent of an officer's or employee's basic pay for the period between December 16, 1984 and June 15, 1985, must be paid to each officer or employee covered by AS 16.43.060, AS 22.05.140(a), AS 22.07.090(a), AS 22.10.190(a), AS 22.15.220(a), AS 22.15.220(b), AS 39.20.010, AS 39.20.030, AS 39.20.080(a), AS 39.20.080(b), AS 39.27.011(a), or AS 42.05.091, for any base pay earned during that period.

* Sec. 4. EMPLOYEES OF THE JUDICIAL [AND LEGISLATIVE BRANCHES.] (a) The permanent and temporary employees of the judicial branch [and the permanent employees of the legislative branch] are entitled to receive salary

adjustments comparable to those received by the classified and partially exempt employees of the executive branch under AS 39.27.011(a) as that subsection is reenacted in secs. 1 and 2 of this Act.

(b) The [legislative and] judicial employees described in (a) of this section are entitled to receive compensatory payments comparable to those received under sec. 3 of this Act.

* Sec. 5. EMPLOYEES OF THE UNIVERSITY OF ALASKA. The employees of the University of Alaska who are not members of a collective bargaining unit are entitled to receive salary increases in accordance with the compensation policy of the board of regents of the University of Alaska.

* Sec. 6. Sections 1, 4, and 5 of this Act take effect July 16, 1985.

* Sec. 7. Section 2 of this Act takes effect July 16, 1986.

* Sec. 8. Section 3 of this Act takes effect August 1, 1985.

DELIVER TO: JPOM

ORIGINAL
SENT: 05/06/85 TIME: 10:51
FROM: LANA TRUJILLO
SUBJECT: POM
PRINT DATE: 05/06/85 TIME: 10:52

SB 225

TO: ALL SENATORS

FROM: MARY VARGA, 1460 W. 26TH, ANCHORAGE, 99503, 274-9394(HM), 276-3414(WL)

RE: PAY RAISE

PEOPLE WHO VOTED THEMSELVES $25,000 A YEAR PAY RAISE PLUS VESTURE IN TWO FOUR MONTH WORK YEARS SHOULD BE VERY CAREFUL ABOUT DENYING A FIVE PERCENT PAY RAISE TO FULL TIME WORKERS VESTED IN 5 YEARS. BETTER TO RECOVER MONEY FROM NORTH SLOPE BOROUGH OR ROLL BACK YOUR PAY RAISE BEFORE TOUCHING OURS.

FROM: LILIAN CULLINAN, 825 MERLIN LOOP, ANCHORAGE, 99502, 349-7731(HM)

RE: BOND ISSUE FOR ANCHORAGE

THE FINANCES AND PROJECTS IN ANCHORAGE ARE IN A MESS BECAUSE OF MISMANAGEMENT NOT LACK OF DOLLARS. THE ANSWER SHOULD BE A DEFINITE NO TO TONY KNOWLES' BOND PROPOSAL. TO GIVE KNOWLES MORE MONEY WOULD BE UNFAIR TO THE CITIZENS OF ANCHORAGE AND ALASKA. NO BOND ISSUE AT THIS TIME PLEASE.

RECEIVED
MAY 6 1985

Cramer ✓

A M E N D M E N T

TO: SB 225
~~HB 343~~

Page 1, lines 6 - 8, delete all material and insert:

"For an Act entitled: 'An Act relating to the compensation of state officers and employees not covered by collective bargaining who are officers or employees in the executive or judicial branch of state government, employees of the University of Alaska, or permanent employees in the legislative branch; and providing for an effective date.'"

proposed am. by Legal Svs.

3/5/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB225 HB243

Title: An Act relating to compensation of state officers and employees

Sponsor: Rules Comte by request Governor

Requestor: Office of Management & Budget

Date of Request: 2/6/85

FISCAL DETAIL

Agency Affected: Legislative Affairs

Program Category Affected: General Government

BRU, Program or Subprogram(s) Affected:

1) Legislative Budget & Audit Committee

2) Legislature

3) Ombudsman

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		1,677.3				
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		1,677.3				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,677.3				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The above figure of $1,677.3 represents a total cost to the Legislative Branch in respect to a 5% pay increase for FY 86 and a 3.5% compensatory payment for December 16, 1984 to June 15, 1985. The $1,677.3 is broken out as follows:

Legislative Affairs Agency	$1,284.4	Legislative Finance	$ 145.4
Legislative Budget & Audit	152.1	Ombudsman	95.4

TOTAL LEGISLATIVE BRANCH - $1,677.3

Prepared By: Pamela A. Calhoon, Manager Phone: 465-3850

Division: Administrative Services Date: 2/6/85

Approved by Dep. Exec. Director: Don Fisher Date: 2/6/85

Agency: Legislative Affairs Agency

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

fiscal notes from: LAA Budget Revisor Legislature AK Court Sys

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB243

Title: Compensation of Non-covered State Employees

Sponsor:

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: All Agencies

Program Category Affected:

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		12,780.3	9,605.5	9,605.5	9,605.5	9,605.5
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	11,843.1				
FEDERAL FUNDS	48.1				
OTHER	889.1				
TOTAL	12,780.3				

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

See attachment.

Prepared By: David Gentry Phone: 465-3568

Division: Budget Review Date: 2/22/85

Approved by Commissioner: Date: 2/22/85

Agency: Office of Management and Budget

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

OMB

Non-Covered employees are those not represented by a labor relations bargaining unit. The same rates and conditions are applied to these employees as were awarded the General Government and the Supervisory bargaining units. The regular FY 86 salary increase is five percent. In addition, a lump sum payment, called compensatory payment, will be made in early FY 86 retroactively covering the last six months of FY 85. The compensatory payment is a one-time payment that will not be perpetuated in an agency base budget in future years.

Negotiations over conflicting methods of assigning funding sources to the University salary increase are continuing between the University of Alaska and the Office of the Governor.

FY 86 Non-Covered Employees Salary Increase
(in thousands of dollars)

AGENCY	5% FY 86 Salary Increase	3.5% One-time Compensatory Payment	Total
Office of the Governor	$ 577.2	$ 199.9	$ 777.1
Administration	388.7	136.0	524.7
Law	692.2	242.3	934.5
Revenue	237.8	83.2	321.0
Education	173.4	60.7	234.1
Health and Social Services	125.0	43.8	168.8
Labor	34.0	11.9	45.9
Commerce and Economic Development	496.5	173.8	670.3
Military and Veterans' Affairs	27.5	9.6	37.1
Natural Resources	117.7	41.2	158.9
Fish and Game	158.6	55.5	214.1
Public Safety	49.3	17.3	66.6
Environmental Conservation	32.7	11.5	44.2
Community and Regional Affairs	47.2	16.5	63.7
Corrections	42.4	14.8	57.2
Transportation and Public Facilities	148.9	52.1	201.0
University of Alaska	6,256.4	2,004.7	8,261.1
TOTAL	$ 9,605.5	$ 3,174.8	$ 12,780.3

Funding Sources:

Federal Funds	$ 48.1
General Fund Match	17.5
General Fund	11,825.6
Inter-Agency Receipts	339.2
Highway Working Capital Fund	1.6
International Airport Revenue Fund	13.3
Program Receipts	291.9
Public Employees Retirement Fund	16.0
Teacher's Retirement System Fund	10.3
Veteran's Revolving Loan Fund	2.0
Commercial Fishing Loan Fund	0.7
CIP Receipts	214.1
TOTAL	$ 12,780.3

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: HB 243
Title: An Act Relating to Compensation of Public Officers
Sponsor:
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Alaska Court System
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected: Appellate Courts, Trial Courts, Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		1,881.3	1,394.7	1,394.7	1,394.7	1,394.7
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		1,881.3	1,394.7	1,394.7	1,394.7	1,394.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		1,881.3	1,394.7	1,394.7	1,394.7	1,394.7
FEDERAL FUNDS						
OTHER						
TOTAL		1,881.3	1,394.7	1,394.7	1,394.7	1,394.7

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Robert G. Fisher, Fiscal Officer
Phone: 264-0561
Division: Alaska Court System
Date: 2/5/85

Approved by Commissioner:
Date: 2/5/84
Agency: Alaska Court System

OFFICE OF MANAGEMENT & BUDGET
FEB . 1984

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

DIRECTOR
12/1/83

Court System

ALASKA COURT SYSTEM

FY 85 & FY 86 SALARY INCREASE
FISCAL IMPACT

The proposed increase in salaries of 3.5% in fiscal year and 5% in fiscal year 1986 will have the following effect on the Alaska Court System:

FY 85

Retroactive payment for period 1/1/85 to 6/30/85:

Salaries	$345,144
Benefits (See Note 1)	141.462
Total	$486.606

FY 86

For period 7/1/85 through 6/30/86:

Salaries	$ 986,126
Benefits	408.555
Total	$1.394.681

Note 1: Adjusted to reflect actual Supplmental Benefits System costs for period.

BILL SHEFFIELD
GOVERNOR

HB 225

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 11, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to provide salary adjustments for state officers and employees not covered by a collective bargaining agreement. This bill provides a salary increase in three steps: a lump sum, three and one-half percent "compensatory payment," payable after August 1, 1985, covering the period from December 16, 1984 through June 15, 1985; a five percent increase for the period from July 16, 1985 through July 15, 1986; and an additional four percent increase for the period July 16, 1986 through July 15, 1987. Following past practice for a number of years, these increases parallel those provided for in the current collective bargaining agreement for the general government unit.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

POUCH C (MS 0201)
JUNEAU, ALASKA 99811
PHONE: (907) 465-4430

March 28, 1985

Honorable Mitchell E. Abood, Jr.
Chairman
Senate State Affairs Committee
Pouch V (MS 3100)
Juneau, AK 99811

Dear Mr. Chairman:

I am pleased to provide the information requested by your committee during the March 26 hearing on SB 225. The following table shows the dollar amount increases a "typical" employee would receive under this bill.

Range/Step	3.5% Compensatory Payment	FY 86 Increase	FY 87 Increase
30F	$1,428.84	$4,080.00	$3,264.00
29C	1,241.10	3,552.00	2,820.00
26C	1,113.63	3,180.00	2,544.00
23C	937.44	2,676.00	2,136.00
20C	766.29	2,184.00	1,752.00
17C	625.80	1,788.00	1,428.00
14C	506.10	1,452.00	1,152.00

I have used Step C within a range because it is the typical average step of employees. It is also the specific step in Range 26 for commissioners of the Alaska Commercial Fisheries Entry Commission and the Alaska Public Utilities Commission, and District Court Judges. The exception is Range 30. All officers or employees at this range are at Step F by statute, the Governor and Supreme Court Justices.

The 3.5% compensatory payment calculation is based on Section 3 of SB 225. It assumes that an employee or officer is at the indicated step for the entire period of December 16, 1984, through June 15, 1985. It also assumes there is not overtime, shift differential, or other premium pay involved.

The FY 86 increase is based on Section 1 of SB 225. It also assumes that an employee or officer is at the indicated step for the entire period and that no premium pay is involved. The FY 86 increase is the increase over current rates. It is not affected by Section 3 of the bill.

RECEIVED
MAR 28 1985

The FY 87 increase is based on Section 2 of SB 225. The same assumptions apply. The FY 87 increase is the increase over the FY 86 rates in Section 1.

Enclosed is a computer printout that counts the number of Executive Branch employees and officers affected by SB 225. It is arranged in range order. Where the State's payroll system does not require a range or job class to pay an employee or officer, the data is missing. There are a total of 131 employees or officers with no range information. They are listed first. There are 1,146 employees and officers of the Executive Branch affected by SB 225.

I would be happy to provide any additional information you may want with regard to SB 225.

Sincerely,

Michael P. McMullen
Deputy Director

MPM/jbh
2/4D2/0327-06
Enclosure: Computer Report

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

March 26, 1985

Honorable Mitchell Abood
Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 225 (compensation of state officers and employees not covered by collective bargaining)

Dear Senator Abood:

A slight modification of the amendment proposed in my March 21, 1985 letter to you is required, as follows:

Change the proposed sec. 4(a)(3) as follows:

> (3) permanent and temporary employees of the executive branch who are in the exempt service under AS 39.25, who are not members of a collective bargaining unit established under the Public Employment Relations Act (AS 23.40.070 -- 23.40.260), and who are not otherwise statutorily covered by AS 39.27.011(a).

It turns out that there are some exempt executive-branch employees who, notwithstanding their exempt status, are in a collective bargaining unit. These are the certificated teachers in the correspondence studies program of the Department of Education. (See AS 39.25.110(7).) This slight change in my March 21 language makes clear that the bill will not affect any existing collective bargaining agreement. Also, inserting the word "statutorily" makes clear that sec. 4's benefits apply to employees who might be administratively plugged into the AS 39.27.011(a) salary schedule.

I would like to add two comments, with reference to your committee's hearing on this bill this morning:

> (1) One of the committee members inquired about the second scheduled salary increase -- i.e., the one provided in sec. 2 for FY 87. The reason for this increase is the same as for the bill generally. It attempts to track the provisions and duration of the current agreement for the

general government unit. The whole idea of treating this group of employees on an equal basis with those covered by collective bargaining requires this second step. There is precedent for this multi-step approach. See, e.g., secs. 1, 16, and 30, ch. 3, SLA 1980. An additional advantage to this approach is that it relieves the legislature from having to deal with the matter every single year.

(2) It should be borne in mind that the employees covered by this bill did not receive an increase during 1984. The bill should be considered in light of the fact that it provides cost-of-living increases spanning three years, not just two.

Again, thank you for your consideration of this matter.

Yours truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Art Peterson
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Ray Gillespie
Legislative Assistant
Governor's Office

JOB_RANGE	JOB_CLASS	CLASSTITLE	COUNT
			120
	X036	EXECUTIVE DIRECTOR	1
	X099		9
	X324	ASSOC EXEC DIRECTOR	1
*TOTAL			131
05	X076	ADMIN SUPPORT TECHNICIAN	1
	X341	FILE CLERK	1
	1103	CLERICAL AIDE	5
*TOTAL 05			7
07	X057	CLERK TYPIST	1
	X076	ADMIN SUPPORT TECHNICIAN	1
	X099		1
	X810	RECEPTIONIST	2
	1105	CLERK II	5
	1122	CLERK TYPIST II	1
*TOTAL 07			11
08	X076	ADMIN SUPPORT TECHNICIAN	6
	X099		5
	X206	CLERK TYPIST III	5
	X338	CORSPD SECRETARY I	3
	X341	FILE CLERK	1
	X343	CLERK II	2
	X369	DATA ENTRY CLERK	1
	X753	MAIL ROOM CLERK	1
	X821	EXEC RESID HOUSEKEEPER	2
	X843	CLERK III	1
	0597	EXEC RESIDENCE HOUSEKPR	4
	1106	CLERK III	12
	1123	CLERK TYPIST III	1
*TOTAL 08			44
09	X031	ACCOUNTING CLERK	1
	X076	ADMIN SUPPORT TECHNICIAN	2
	X099		9
	X242	SUPPLY TECHNICIAN	1
	X339	CORSPD SECRETARY II	3
	X842	CLERK IV	1
	1107	CLERK IV	7
*TOTAL 09			24
10	X031	ACCOUNTING CLERK	1
	X076	ADMIN SUPPORT TECHNICIAN	7
	X099		17
	X204	SECRETARY II	1

JOB_RANGE	JOB_CLASS	CLASSTITLE	COUNT
10	X205	SECRETARY I	3
	X206	CLERK TYPIST III	1
	X328	FINANCE ASSISTANT	1
	X368	ASSISTANT OFFICE MANAGER	1
	X604	LOAN AWARDS OFFICER	1
	X606	LOAN REPAYMENT CLERK	1
	X850	DATA CONTROL CLERK	1
	0120	SECRETARY I	2
	0560	ADMIN SUPPORT TECH	1
	1145	LEGAL SECRETARY I	1
	1151	SECRETARY I	7
	1187	ADMINISTRATIVE SP TEC III	1
*TOTAL 10			47
11	X099		4
	X204	SECRETARY II	1
	X810	RECEPTIONIST	1
	X858	SWITCHBOARD OPERATOR	1
	1152	SECRETARY II	1
*TOTAL 11			8
12	X032	ADMINISTRATIVE ASSISTANT	3
	X037	EXECUTIVE SECRETARY	1
	X099		13
	X348	LOAN SERVICING OFFICER	1
	X703	PERSONNEL ASSISTANT	1
	X806	EXECTIVE SEC I	13
	X822	NOTARY CLERK	1
	X859	ADMIN SUPPORT SPECIALIST	1
	X861	STAFF ANALYST	1
	0113	COURT CLERK III	1
	0550	EXECUTIVE SECRETARY I	1
	1155	EXECUTIVE SECRETARY I	2
	1401	PERSONNEL TECH I	1
	1912	ADMINISTRATIVE ASST I	1
*TOTAL 12			41
13	X074	ELECTION COORDINATOR	1
	X099		6
	X337	DATA PROCESS OPERATOR	1
	X859	ADMIN SUPPORT SPECIALIST	2
	4648	EMPLOY SEC SPEC IA	7
*TOTAL 13			17
14	X032	ADMINISTRATIVE ASSISTANT	7
	X099		6
	X212	SUPPLY OFFICER	1
	X352	BONDING TECHICIAN	1

JOB_RANGE	JOB_CLASS	CLASSTITLE	COUNT
14	X424	OFFICE MANAGER	1
	X702	ACCOUNTANT	1
	X807	EXECUTIVE SEC II	10
	X815	INFORMATION OFFICER	1
	X818	ACCOUNTING TECHNICIAN	1
	X859	ADMIN SUPPORT SPECIALIST	3
	0564	ADMIN SUPPORT SPECIALIST	1
	1154	EXECUTIVE SECRETARY II	9
	1913	ADMINISTRATIVE ASST II	1
*TOTAL 14			43
15	X099		1
	X361	RECORDS MANAGER	1
	X366	GRAPHICS SPECIALIST	1
	X369	DATA ENTRY CLERK	1
	X820	EXECUTIVE RESIDENCE CHEF	1
	X851	SPECIAL PROJECTS COORD	1
	X859	ADMIN SUPPORT SPECIALIST	1
*TOTAL 15			7
16	X025		1
	X032	ADMINISTRATIVE ASSISTANT	5
	X079	EXECUTIVE ASSISTANT	1
	X086	RECORDS ANALYST	1
	X099		9
	X344	PETROLEUM CARTOGRAPHER	1
	X345	LOAN DOC SPECIALIST	1
	X348	LOAN SERVICING OFFICER	1
	X356	CLERICAL SPERVISOR	1
	X367	TASK FORCE CLERK	1
	X702	ACCOUNTANT	3
	X808	EXECUTIVE SEC III	2
	X819	EXECUTIVE RESIDENCE MGR	1
	X834	PROGRAM BDGT ANALYST II	1
	X861	STAFF ANALYST	8
	0552	EXECUTIVE SECRETARY III	1
	1156	EXECUTIVE SECRETARY III	2
	1793	RESEARCH ANALYST II	2
	1914	ADMINISTRATIVE ASST III	2
	1984	SPEC ASST DIV OF PIONEER	1
	7142	ATTORNEY I	9
*TOTAL 16			54
17	X099		4
	X353	QUAL. ASSUR PROG CORD	1
	X815	INFORMATION OFFICER	2
	X861	STAFF ANALYST	3
	3614	INFO OFFICER II	1
	7110	ASSOCIATE ATTORNEY I	8

JOB_RANGE	JOB_CLASS	CLASSTITLE	COUNT
*TOTAL 17			19
18	X044	ADMINISTRATIVE OFFICER	3
	X048	RESEARCH ANALYST	1
	X068	ADMIN COORDINATOR	1
	X099		2
	X208	PERSONNEL OFFICER	1
	X342	PROJECT MANAGER	1
	X362	PROPERTY ADMINISTRATOR	1
	X370	GEN LEDGER ACCOUNTANT	1
	X405	LEGAL ASSISTANT	1
	X428	COMPTROLLER	1
	X809	EXECUTIVE SEC IV	1
	X861	STAFF ANALYST	2
	0325	INTAKE OFFICER I	4
	1434	LABOR RELATIONS ANALYST I	3
	1990	STAFF ASST AK WOMENS COMM	1
	4207	HUMAN RIGHTS FLD REP III	6
	4230	ASSOCIATE COORDINATOR	2
	5130	EXEC SEC BD OF NURSING	1
*TOTAL 18			33
19	X080	SPECIAL STAFF ASSISTANT	3
	X082	LEGISLATIVE STAFF ASST	1
	X099		1
	X215	ACCOUNTANT III	1
	X331	FIELD REPRESENTATIVE	1
	X702	ACCOUNTANT	1
	X815	INFORMATION OFFICER	1
	X862	SENIOR ANALYST	3
	7111	ASSOCIATE ATTORNEY II	12
	7143	ATTORNEY II	18
*TOTAL 19			42
20	X044	ADMINISTRATIVE OFFICER	1
	X085	BLOCK GRANT ADMINISTRATOR	1
	X099		3
	X327	RECONAISSANCE MANAGER	1
	X331	FIELD REPRESENTATIVE	1
	X357	PROJECT ACCOUNT MANAGER	1
	X364	RIGHT OF WAY SPECIALIST	1
	X365	MANAGER/CONTRACT ADMIN	2
	X825	DEPUTY DIRECTOR	1
	X862	SENIOR ANALYST	7
	1435	LABOR REL ANALYST II	4
	1981	PIONEERS HOME MGR	5
	2130	STATE INVESTMENT OFF I	4
	4208	HUMAN RIGHTS FLD REP IV	3
	4678	PROG COORDINATOR	1

JOB_RANGE	JOB_CLASS	CLASSTITLE	COUNT
*TOTAL 20			36
21	X025		2
	X099		5
	X336	PETROLEUM INSPECTOR	5
	X354	AQUATIC SUTDIES SPEC	1
	X358	PERMITS & LANDS SPEC	1
	X359	OPERATOR	3
	X710	PROGRAMMER ANALYST	1
	X814	POL & PROG SPECIALIST	2
	X824	ELECTION SUPERVISOR	2
	X836	PROGRAM BDGT ANALYST IV	8
	X840	ECONOMIST III	1
	X862	SENIOR ANALYST	7
	1917	SPEC ASST TO THE COMM I	8
	4209	HUMAN RIGHTS FLD REP V	1
	4355	EXEC DIR AK BD PAROLE	1
*TOTAL 21			48
22	X051	AUDIT MANAGER	1
	X069	HEARING OFFICER	1
	X080	SPECIAL STAFF ASSISTANT	1
	X081	DEPUTY PRESS SECRETARY	1
	X099		2
	X342	PROJECT MANAGER	2
	X346	LOAN OFFICER	2
	X347	PETROLEUM ENGINEER	2
	X363	COST ESTIMATOR	1
	X372	PETRO RESEARCH ANALYST	1
	X836	PROGRAM BDGT ANALYST IV	1
	X837	PROGRAM BDGT ANALYST V	1
	X840	ECONOMIST III	1
	X863	PRINCIPAL ANALYST	5
	X864	MANAGER	2
	1432	SENIOR NEGOTIATOR	2
	1440	PERSONNEL ANALYST V	2
	2131	STATE INVESTMENT OFF II	2
	2246	DEP DIR TOURISM	1
	2327	EXEC DIR REAL EST COMM	1
	4698	WORKERS COMP REHAB ADMIN	1
	7144	ATTORNEY III	44
*TOTAL 22			77
23	X025		1
	X099		6
	X211	SPECIAL ASSISTANT	3
	X326	CONSTRUCTION MANAGER	2
	X342	PROJECT MANAGER	2
	X360	OPERATIONS ENGINEER	1
	X863	PRINCIPAL ANALYST	2

JOB_RANGE	JOB_CLASS	CLASSTITLE	COUNT
23	X864	MANAGER	4
	1495	DEP DIR PERS LBR REL EEO	1
	1876	DEP DIR LOC GOV ASSISTANC	2
	1918	SPEC ASST TO THE COMM II	20
	1983	DEP DIR PIONEERS BENEFITS	1
	1991	EXEC DIR AK WOMENS COMM	1
	2347	DEP DIR PUB UTIL COMM	1
	3510	EXECUTIVE DIR COUN ARTS	1
	6171	DEP DIR FISH & GAME	1
	7780	AK POLICE STND CNCL ADMIN	1
	8400	DEP DIR ENERGY POWER DEV	1
*TOTAL 23			51
24	X080	SPECIAL STAFF ASSISTANT	10
	X099		9
	X202	DIR. OF ADMIN. SERVICES	1
	X323	DIRECTOR INT PRG BDGT	1
	X332	SR PETRO GEOLOGIST	2
	X333	SR PETRO RES ENGINEER	1
	X334	SR PETRO ENGINEER	1
	X342	PROJECT MANAGER	2
	X349	DEPUTY DIRECTOR CREDIT	1
	X350	DEPUTY DIRECTOR BONDING	1
	X351	DEPUTY DIRECTOR FINANCE	1
	X355	DIR ALTERNATIVE ANALYSIS	1
	X812	PRESS SECRETARY	1
	X814	POL & PROG SPECIALIST	3
	X824	ELECTION SUPERVISOR	2
	X825	DEPUTY DIRECTOR	1
	X864	MANAGER	1
	1012	EXECUTIVE DIRECTOR APOC	1
	1230	TREASURY COMPTROLLER	1
	1842	DATA CENTER MANAGER	2
	1900	DIVISION DIRECTOR	5
	1999	EXEC DIR COUNCIL DVA	1
	2132	STATE INVESTMENT OFF III	4
	2358	EXEC DIR ATC	1
	2380	HEARING EXAMINER	3
	3110	EXECUTIVE SECRETARY PTPC	1
	7145	ATTORNEY IV	92
*TOTAL 24			150
25	X099		2
	X322	DIRECTOR ACCT & AUDIT	1
	X814	POL & PROG SPECIALIST	1
	1269	REVENUE HEARING EXAMINER	4
	2338	CHF HEARING EXAMINER	1
	7146	ATTORNEY V	45
*TOTAL 25			54

JOB_RANGE	JOB_CLASS	CLASSTITLE	COUNT
26	X004	COMMISSIONER, PUC	5
	X025		1
	X066	ASSOCIATE DIRECTOR	4
	X079	EXECUTIVE ASSISTANT	1
	X087	DIR PACIFIC RIM RELATIONS	1
	X099		6
	X201	EXECUTIVE DIRECTOR	1
	X324	ASSOC EXEC DIRECTOR	2
	X823	DIVISION DIRECTOR	1
	1901	DIVISION DIRECTOR	101
	1943	EXECUTIVE DIR AEBC	1
	2202	OFFICE DIRECTOR	6
	2348	EXEC DIR PUB UTIL COMM	1
	3509	EXEC DIR AK HIST COM	1
	6660	COORDINATOR N REG DNR	1
	7147	ATTORNEY VI	5
	7160	PUB DEFENDER	1
*TOTAL 26			139
27	X099		9
	X321	COMMISSIONER O & GCC	3
	1980	ASST COMMISSIONER	1
	7150	CHF PROS & CRIM AFFAIRS	1
*TOTAL 27			14
28	X002	LIEUTENANT GOVERNOR	1
	X003	COMMISSIONER	13
	X033	LEGISLATIVE FSCL ANALYST	1
	X084	DIR LEGISLATIVE RELATIONS	1
	X099		3
	X201	EXECUTIVE DIRECTOR	1
	X757	SENIOR ADVISOR	1
	X816	DIR STATE/FED RELATIONS	1
	1951	DEPUTY COMMISSIONER	21
	7148	DEP ATTORNEY GENERAL	1
*TOTAL 28			44
29	X078	CHIEF OF STAFF	1
	X099		1
	X201	EXECUTIVE DIRECTOR	1
	5268	DIR PUBLIC HEALTH	1
*TOTAL 29			4
30	X001	GOVERNOR	1
*TOTAL 30			1

JOB_RANGE	JOB_CLASS	CLASSTITLE	COUNT
TOTAL			1146

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

SB 225

March 21, 1985

RECEIVED MAR 21 1985

Honorable Mitchell Abood
Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 225 (compensation of state officers and employees not covered by collective bargaining)

Dear Senator Abood:

A drafting oversight in this bill (currently in your committee) has been identified. The following amendment will take care of it:

Page 3, line 27 -- page 4, line 6:

Delete all material and substitute the following for it:

* Sec. 4. EMPLOYEES OF JUDICIAL AND LEGISLATIVE BRANCHES AND CERTAIN EXEMPT EMPLOYEES OF EXECUTIVE BRANCH. (a) The following employees are entitled to receive salary adjustments comparable to those received by the classified and partially exempt employees of the executive branch under AS 39.27.011(a) as that subsection is reenacted in secs. 1 and 2 of this Act:

(1) permanent and temporary employees of the judicial branch;

(2) permanent employees of the legislative branch;

(3) permanent and temporary employees of the executive branch who are in the exempt service under AS 39.25 and who are not otherwise covered by AS 39.27.011(a).

(b) The employees described in (a) of this section are entitled to receive compensatory payments comparable to those provided under sec. 3 of this Act.

Although the format of this substitute sec. 4 is somewhat different from the original, the only substantive change

proposed am. by AG

is the addition of what is now identified as (a)(3). This amendment makes express what everyone was assuming about the coverage of this bill. The Office of Management and Budget assures this department that this amendment does not require a change in the fiscal information already provided to the legislature for this bill. No increased costs will result.

The effect of this amendment is to assure that, on the face of the bill, all exempt state employees are treated equally, whether they are in the legislative, the judicial, or the executive branch.

The bill itself provides for two kinds of benefits: scheduled salary increases and a lump-sum payment. By the lead-in language for AS 39.27.011(a), the schedules in secs. 1 and 2 of the bill apply to classified and partially exempt employees in the executive branch who are not members of a collective bargaining unit. Several other compensation statutes plug into a specific range and step of the schedule in AS 39.27.011(a). Thus, those people are also covered by the scheduled increases. The bill's sec. 3, providing for the lump-sum payment, picks up all of those officers and employees.

A problem arises, however, with regard to some exempt officers and employees, such as the members of the Alaska Oil and Gas Conservation Commission and the employees of the governor's office, who, although being employed on a full-time basis and receiving an annual salary, do not have their salary statutorily plugged into AS 39.27.011(a). That being the case, they are not expressly covered either by the scheduled increases in secs. 1 and 2 of the bill or by the lump-sum payment in sec. 3.

The original version of sec. 4 of the bill expressly takes care of exempt employees in the legislative and judicial branches who are in that situation, but fails to do so for the similarly situated employees in the executive branch. The amendment set out above would treat them all the same.

Thank you for your consideration of this matter.

Yours truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Art Peterson
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Ray Gillespie
Legislative Assistant
Governor's Office

SB

231

FILE 1

Kelly Vrem
P.O. Box 670742
Chugiak, Alaska 99567

August 21, 1985

The Honorable Mitch Abood
The State Senate
Interim Office
1024 W. 6th Ave.
Anchorage, Alaska 99501

Dear Mr. Abood:

At this time I wish to make a brief statement regarding the Subsistence Hunting and Fishing regulations, specifically the talk of elimination or restriction of non-resident hunters. I hope we may be able to testify in person or meet with you to discuss this above matter further in the near future as this is a bad time for myself and the over 400 other Registered Guides in the State since the majority of us are in the field.

There has been plenty of subsistence protection available in the Fish and Game Regulations over the last years. Rural residents had several advantages available to them not readilly accessible to the general urban public. These included Controlled Use Areas and special seasons during December, January, February and even into March under some circumstances for moose and caribou. What these hunts are designed for is rural residents who hunt on snow machines.

For example last year in my guide area some residents of Togiak rode snow machines to within 70 miles of Aniak to hunt caribou. They killed approximately 65 caribou during March. This hunt took place 120 miles from their village. The snow cover was unusually deep last winter enabling them to travel relatively easily. The distances involved suggest to me that this was a sport hunt. If they had spent the same money on meat as they did on gasoline they could have purchased more meat then the caribou yielded. These hunts occurred in Units 18 and 19. Unit 18 has no September or sport season to protect the caribou herd in that area. Yet the Fish and Game has been pressured into allowing a February subsistence hunt for several years. These winter hunts result in more caribou of both sexes and ages being taken in one season than all my non-resident hunters would kill in 20 years.

The deep snow in April led to the killing of 13 brown bears in Unit 18 by residents of Goodnews Bay. It has been several years since the snow cover has allowed access to the mountains where the bears den and spend the first 2 weeks in the spring. Again all sexes and ages were killed. My clients take about 2 bears a year on the average for that part of Unit 18. The median age of our bears is over 12 years old and 80% males. We would have to hunt 6 years to equal the take of one of 1 week in the area. There was a herd of 19 moose around Goodnews Lake. Last April 17 gutpiles were spotted around the lake and the other 2 moose couldn't be located.

The very people who would get the priority use of the local game if numbers were reduced are the ones whc caused the reduction in the first place. The system of controlled Use Areas and late seasons hunts provide all the opportunity and advantage necessary for the rural residents.

I might point out that 2 years ago I did a study for the Alaska Professional Hunters Association to determine the impact of non-resident hunters in Alaska. I found some surprising statistics. Non-residents bought about 0.7% of the Hunting Liscenses in the State. They took 0.5% of the game harvest. The non-resident tag sales generated about 95% of the licenses and tag fees collected by the State. If one adds to this the matching funds provided by the Pitman Roberts Act the impact of non-residents in terms of money generated is very important. The impact on the game herds could be called minimal.

In conclusion there already exists mechanics for Subsistence preference. Eliminating or restriction of non-resident hunters makes no sense from a fiscal or biological standpoint. After the conclusion of our hunts in October and November my fellow guides and myself would like very much to testify on this issue.

Sincerely,

Kelly Vrem

Alaska Sportfishing Association

3605 Arctic Blvd., Suite 800 • Anchorage, Alaska 99503

SB 231

March 21, 1985

RECEIVED
MAR 26 1985

Senator Mitch Abood
Pouch V
Juneau, AK 99811

Dear Mitch,
The recent Alaska Supreme Court decision (Madison Case) has resulted in a potentially chaotic and explosive situation. It leaves nearly all of Alaska's people as "priority subsistence users" under the subsistence law and it precludes restricting these subsistence users until sport and commercial fishing is closed down. Although on the outside this may appear to be fair, it creates an unmanageable mess of the Dept of Fish and Game and renders the Board of Fisheries nearly useless. This could be disasterous to the sportfishing, commercial and hunting industries. Additionally, some rivers cannot stand an efficient harvesting method without a threat to the fish resource. The current legislation proposed by the Administration will not resolve these issues and, as a permanent bill, will harm sport and commercial fisheries.

The citizens of Alaska did not vote or participate in the designation of "rural" Alaska as the only ones qualified for priority subsistence, nor is the definition of "rural" or "subsistence priority" clearly understood. These are issues that need full public discussion prior to considering a permenent change to the subsistence law. Therefore, as an interim measure, the Alaska Sportfishing Association calls for immediate action to:

1. Enact legislation this session with a termination or sunset clause expiration date of December 31, 1985, that will enable the Dept of Fish and Game and particularly the Boards of Fish and Game to limit subsistence fishing in the same manner as they were before the Madison decision.

2, Immediately take action that will insure that prior to the 1986 legislative session the priority subsistence issue is fully aired at public hearings with this input assembled and given to the 1986 legislature.

3. During the 1986 legislative session, thoroughly debate the subsistence priority statute and bring about a long term, fair solution for resource users in all areas of the state.

One possible means of identifying the Boards authority in a temporary law for this year would be to include the eight points utilized by the Board.

We believe that a true subsistence priority need does exist for a very few long time residents in very remote areas. Putting any individual in a position where he has priority of a resource, if even legal, over all other people in Alaska, and the world for that matter, is a law and priority that must be severely restricted.

Hope this helps. What are your feelings?

Bob Hunter 276-2761
Robert L. Hunter
Alaska Sportfishing Association

Attachment #18

KENAI RIVER SPORTFISHING ASSOCIATION

3301 "C" Street Suite 202
Anchorage, Alaska 99503
Phone (907) 276-1451

SB 231

To: Alaska State Legislators:

On March 19, 1985 the Steering Committee of the Kenai River Sportfishing Association unanimously approved the following motion:

" We favor interim legislation this session having a sunset clause of December 31, 1985 that accomplishes:

(1) Return of the regulatory jurisdiction of fish and game back to the boards of fish and game as it existed prior to the Madison decision of February 22, 1985 by the Alaska Supreme Court.

(2) That the legislature then cause to have public hearings held state wide prior to the 1986 legislative session that would frame legislation that would accomplish a permanent solution to the relationship between subsistence, sport, commercial and personal use fisheries as well as all aspects of recreational and subsistence hunting."

Chaos must be removed from the management of our fish and game resource until a permanent solution be gained from public input from all citizens of the State of Alaska on the permanent use and allocation of fish and game. We cannot allow any situation to continue that has the potential of causing severe damage to the fishery resource. Resource regulation must be preserved.

Bob Penney - (w) 561-5221 (h) 274-7497
Chairman

RECEIVED
MAR 26 1985

Attachment #19

4/8/85

RECEIVED
APR 10 1985

Dear Senator Abood

SB 23/m

I'm a native year resident of Alaska and one whose livlihood relys on commercial harvest of herring and salmon both in PWS and western Alaska . . . and strive to continue as such. I am in favor of the governors bill, 23B, tooth and nail.

After having worked hard in the industry since my move to Alaska and taking the cards as they fall in this volitile industry, I can only laugh at the timing of the Maldison Decission (or cry) as a week pryor to the judges' rolling making the Anchorage paper I bought a PWS. drift permit for $55,000. This fishery is directly effected by the decission as are the 400 + commercial fishermen who hold permits to fish the fleets, tender skippers, thier crew, and the vessle owners who service the fleet out on the grounds, the canneries and thier workers who process the harvest, and the townspeople & thier families who also provide support and services in some

way or other in the town of Cordova. Ironic how at a time when this sector of the industry is starting to recover from the economic woes suffered since the 1st botulism incident, my purchase of a P.W.S. Drift Permit, and a forecasted bumper crop w/ very favorable market condition . . . that something such as this should creep onto the scene!

The town of Cordova relys heavily on the revenue connected w/ the Copper River flats fishery and a blow to one of its few supporting economies may well be the town's demise.

Another reason to support the governors bill is to save the lives of who knows how many potential drowning victums. I imagine that there aren't presently lifeguard stations along the river in China but, you can bet your hip-waders, lives will be lost when hordes of orbanites scramble to the riverside trying to dipnet their rightfull quota.

And how many of those fish will not be used after they're cold & stiff in

the freezer at home? I've seen more than one dipnetters freezer full of freezerburned sockeye yet to be used, after the 1st or 2nd year in the deep freeze. How much finally ends its migration to spawning grounds at the Anchorage dump feeding the seagulls and ravens!

I question how much the supreme court Justices thought this one out? Sure, everyone has a right to access of the states resources and they do presently under state fish & game regulations in an orderly and carefully monitored manner. The implementation of the judges ruling would create utter chaos throughout the state in trying to divide the resources evenly between user groups, enforce regulations in the field, monitor the takes accurately, and educate the general public how to go about whatever subsistance endeavour(s) safely, both to themselves & others... Not to mention dealing out direct competition to those in Alaska who really do have a subsistance

way of life and have traditionally, namely Alaska natives and those living in remote parts throughout the State. Seems like just another attempt at stomping out the frontier spirit that is the foundation of this great Land.

I thought we, the people of Alaska, resolved this subsistance issue in 1982 by ballot.

I believe those who understand the fish and wildlife checks & balances best should be left to regulate this matter w/ a fairly free hand as they have done so well in the past w/ legislation that was sound at one time, that the governor's bills will help resurrect... for the good of us all now (this season) and for generations to come.

Please, support Governor Sheffield's bill. The people of Alaska wanted it in 1982 . . . the people want it now for the good of the future to come.

I wasn't aware that so few (The Supreme Court Justices) could be thought to represent the feelings of the states people. That's not thier place, its yours. Be there for us!

Sincerly,

Todd Ward

Please support Senate Bill #23(SB)!

BOX 1464
Seward, AK 99664

Attn, Senator Abood:

I am writing to urge you to pass Senate Bill # 231 and give the Board of Fisheries the flexibility to manage the resource for the user groups. Thank You.

Jack & Heidi Balic

Attention Senator Abood

I am writing to urge you to pass Senate Bill # 231 and give the Board of Fisheries the flexibility to manage the resource for the user groups. Thank You.

Robin Lehman

April 4, 1985
Monna Alwine
P.O. Box 602
Cordova, Alaska 995

To whom it may concern:

I am concerned about the situation that may develope in Cordova if adequate steps are not taken to ensure the commercial fisherman's livelihood. The ruling by the Alaskan Supreme Court on the subsistence use of salmon threatens Cordova's economy which is based entirely on the commercial fishing of salmon. The laws need to be changed or modified to protect this way of life. Subsistence use of salmon by all Alaskans, rural and urban, is a knife in the back to the commercial fisheries. The economic repercussions of the decline or total lose of the commercial fisheries in Cordova, would be felt by all Alaskans.

Is the right of all Alaskans to the salmon worth the complete demise of a way of life for the fisherman? I don't think so! I would appreciate anything you could do to protect our commercial fisheries.

Sincerely yours,
Monna Alwine

Monna Alwine

RECEIVED
APR 8 1985

March 30, 1985

Dear Senator Abood:

I am writing to request your support of Senate Bill # 231 regarding the future of commercial fishing on the Copper River Flats; and thus, the future of the Cordova community. I have happily been a year round resident of Cordova for five years. I am not a permit holder, but have worked at fishing related jobs as well as non-fishing related jobs. My experiences show me that all facets of employment in Cordova are heavily dependent on the success of our fishermen.

I urge you to take a close look at the problems we Cordovans are facing if these bills do not pass. How you vote is a decision only you can make, but a matter of such consequences deserves your attention. Thank you very much.

Sincerely,

Carol J. Roderick

Box 1532

Cordova, AK 99574

RECEIVED
APR 8 1985

Harry L Curran
Box 42
Cordova, Alaska
99574

Dear Senator Wood,

I am writing to urge you to support SB 231 or any similar legislation that would give the Alaska Board of Fish and Game the power back to regulate and manage our fish + game resources.

This matter is very important to me as I derive all my income from commercial fishing. I've lived in Cordova for 33 years and have gillnetted for the past 14 years. I feel that the recent Madison ruling is very unfair to me. I realize that some people need subsistance and should have it, but the ruling says every resident can claim subsistance. Many of these have a mean of making a living without subsistance. How can they have priority over myself (as a commercial fisherman) when it is my only means of supporting my family?

Pleas consider this matter carefully as it affects my way of life. It also threatens the community of Cordova. Commercial fishing creates many jobs in the city and is its financial base. Without the fishing industry Cordova's future will be very bleak. Please push to get this issue resolved this session.

Thank you.

RECEIVED
APR 12 1985

Sincerely,
Harry L Curran

Senator Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V.
Juneau, AK. 99811

March 31, 1985

RECEIVED
APR 8 1985

Dear Senator Abood:

I am a concerned citizen of Cordova and I feel I must write to urge your Committee to support Senate Bill # 231, or similar legislation, which will allow the Alaska Board of Fisheries to manage the Copper River fishery as the people of Alaska intended them to do.

The people of Cordova depend almost entirely on the commercial fisheries of the area and have little else except Government employment to keep the people employed. The loss of fishing on Copper River flats will directly affect about 500 gill net fishermen, 40 tendermen and 100-200 cannery workers. Further, the loss of the Copper River fishery

will greatly impact fishery supporting business including fuel dock, repair and maintenance shops, hardware and grocery stores.

With the high prices of fuel, groceries, etc. the loss of the Copper River fishery will make a ghost town of Cordova next winter. Then the only fishermen who could afford to fish here would be the commuters from Seattle and California.

Again, I urge your support of Senate Bill # 231 or similar legislation.

Sincerely,

Ralph B. Pirtle
P.O. Box 699
Cordova, Ak. 99574

4-1-85

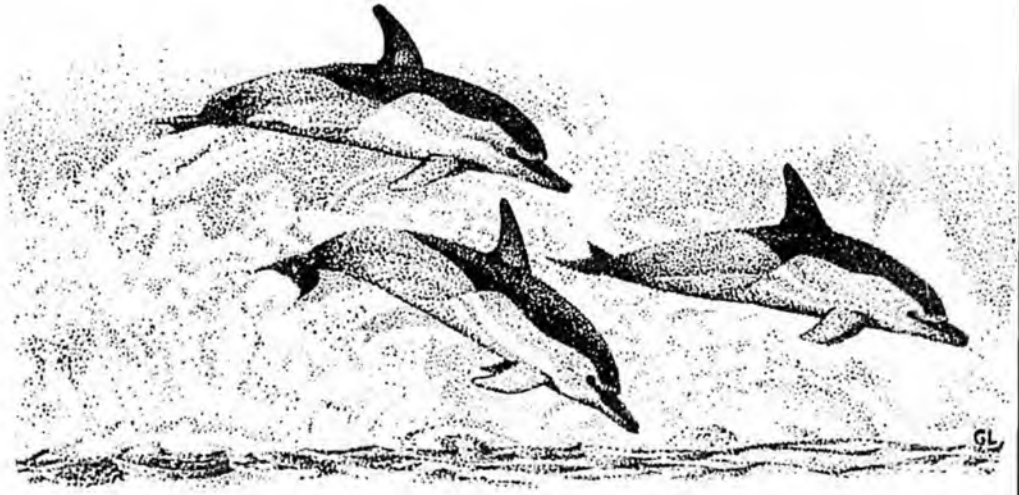
Dear Senator Abood,

I urge you to support HB. 288 and Senate Bill 231. We are Cordova fishermen and our livelihood depends on our ability to commercially fish the Copper River Flats.

Sincerely

Mr. + Mrs. E.L. Chisholm
Box 116
Cordova, Ak. 99574

RECEIVED
APR 8 1985



Box 255
Cordova, AK.
March 30, 1985

Senate State Affairs Committee:

I am writing this letter regarding the Subsistence Ruling by the Supreme Court in Feb.

I have lived in Cordova my entire life. After graduating from high school, I worked in local canneries until I met and married my husband, a Fisherman. Since having children of my own, I babysit during the summer months for friends that run a fish-buying tender for a local cannery.

The purpose of my introduction is to stress the fact that Cordova's entire economy depends on commercial fishing in one way or another.

This new subsistence ruling will have a disastorous impact on our community. We subsist in the fisheries as it is our livelihood; our entire income and whole future depends on fishing.

Subsistence is defined as: A means of support; the state of maintaining ones existence; livelihood, etc. And who better defines that than a commercial fisherman?

I support Senate Bill 231 or any similar bill, and urge you to make this your first priority because it is definetely Cordovas and we need your help.

Sincerely, Yours,
Alison Barnes

RECEIVED
APR 8 1985

4-1-85

Dear Senator Abood,

I urge you to support HB. 288 and Senate Bill 231. We are Cordova fishermen and our livelihood depends on our ability to commercially fish the Copper River Flats.

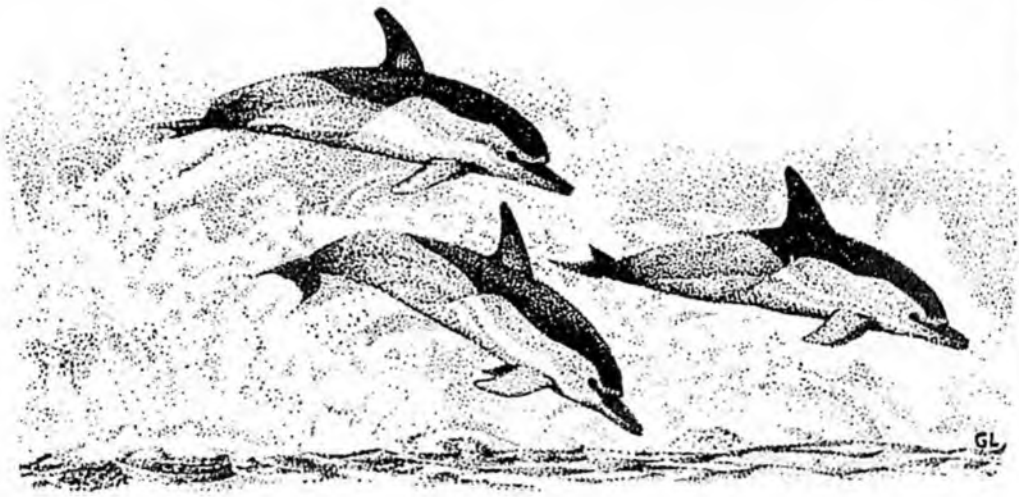
Sincerely

Mike + Clara Phillips

RECEIVED
APR 8 1985

Box 396

Cordova 99574



4/3/85

Dear Senator Abood,

I am writing to urge you to support SB # 231 or whatever legislation you can divise to insure the Alaska Board of Fisheries and Game the power to regulate the Copper River fishery this spring as it has in the past.

I am a Cordova resident and commercial fisherman, and 90% of my income is gained from the Copper River area. Loss of this income this spring would cause much hardships to my family and many others like us.

The town of Cordova's only industry is commercial fishing, and the good management of the resource is of prime importance to us all.

Sincerely,

Rhoda deVille
BX 632 Cordova 99574

Dear Senator Abood, Chairman 4-2-85

I am a commercial fisherman from Cordova, Alaska. I am writing to you on behalf of my family, myself and my community, asking for your support of SB # 231. If something productive isn't resolved allowing the Alaska Board of Fisheries and Game the power to regulate and manage our fish and game resources it will be disastrous for us. Our sole source of income comes from the commercial fisheries of the Copper River Flats and Prince William Sound. Please, please support SB # 231. Our existence depends on resolving this issue of subsistence.

Respectfully

Barbara E Webber
PO Box 934
Cordova 99574

RECEIVED
APR 8 1985

RAINBIRD FISHERIES, Inc.
P.O. Box 1065
Cordova, AK. 99574

March 31, 1985

RECEIVED
APR 8 1985

Senator Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Sir:

I support Senate Bill #231 and House Bill #288 to have our Copper River salmon fishery. We would like to urgently request the State Affairs Committee to support it as well, or any similar legislation that would give the power back to the Alaska Board of Fish and Game to regulate and manage our Fish and Game resources.

This will have a serious impact on the town of Cordova if this legislation is not passed, and it is very important that this issue be resolved during this Session.

Thank you very much for your efforts.

Very truly yours,

R. J. Shaw

Dear Senator Abood, I am asking that you support Senate bill #231. Common logic clearly dictates that the Alaska Board of fisheries and Game must have the power to regulate and manage fish and game resources. If this legislation is not passed the economic impact will be wide and great in size. My sole income is based on gillnetting on the copper river flats. I and many other cordova residents would face bankrupcy if bill #231 is not passed. The entire town is connected financially to the copper river fishery. I also feel that there is no need for Judicary and Finance to review #231 as it's not constructive or logical.

Thank you.

RECEIVED
APR 8 1985

Shannon J. Willis
PO Box 1521
Cordova, AK 99574

RECEIVED
APR 8 1985

Dear Legislator 3-31-85

I am writing in support of Governor Sheffield's subsistence bill.

I was raised in Anchorage since 1956 and my family relied heavily on sport caught moose, caribou and salmon. We never considered ourselves subsistence users. This food was incidental to our hunting and fishing. It was the sport and not the food which sent us to Alaska's wilds.

In 1972 my wife and I moved to the Aleutian Chain for four years. Here we witnessed people living a true subsistence lifestyle. Their wealth is their knowledge of the land and resultant ability to provide the majority of their needs from it. To these people the need for food, not sport, was the compelling factor.

In 1976 my family moved to Nabesna in the Copper River Basin. The majority of these people live in a more cash orientated economy. Subsistence is important to supplement their lifestyle.

The subsistence lifestyle is a part of Alaskas past and present which should be protected. I would not favor a system of subsistence which "Doles" out fish and game like welfare on a needs basis. The subsistence lifestyle deserves to be encouraged and lived with pride.

Under Governor Sheffields bill, subsistence would be regulated as in the past based on rural residency. I feel this is a good solution as it is less need orientated. One of our subsistence groups our Alaska natives have traditionally shared

food within the community. Today this most successful hunters are those who can afford the use of snowmachines, outboards ect. To deprive these people subsistence opportunity thru a needs based program, would affect many others within this community.

The recent ruling by the Alaska Supreme Court creates a situation, which cheats the true subsistence user. The subsistence lifestyle needs to be protected by priority. To allow everyone to become a subsistence user cheats the true subsistence user of his protection by priority. I further feel it is a joke to allow Anchorage and Fairbanks residents equality under subsistence as subsistence is a <u>lifestyle</u> that cannot coexist in a city enviroment. We must address this problem immediately to restore balance to our subsistence program. If we do so, we will create a new user group, the non subsistence user. I feel this would impact tru - subsistence, commercial fishing, sport fishing and sport hunting. It will be harder to solve in the future than now as undoubtably some will not want to loose this new found subsistence rights. The Copper River stands as an excellent example of a new user group being created under the pretext of subsistence. One can argue that the Copper River dipnet fishing is done more for a weekend outing, rather than based on a need to put food on the table. Often more is spent on this recreational outing to catch these fish than if these <u>subsistence</u>? users had bought these fish from the market at home.

On the Copper River personal use was created to protect both the true subsistence users and commercial fishermen by giveing a lower priority to recreational dipnetting. I have nothing against recreational dipnetting so long as it is called such and managed as such.

Today we are back at square 1 with Anchorage and Fairbanks recreational dipnetters having a priority over commercial fishermen and threatning the priority of the true subsistence users to this resource.

What is the future of the Copper River commercial fisherman and true subsistence users as our state population grows?

What is the future of our sport fishing, commercial fishing, sport hunting and subsistence users in other areas of the State of Alaska?

Will recreational gillnetting close the world famous Kenai sport fishery?

Please address this problem rationally, responsibly and quickly by passing governor Sheffield's subsistence bill.

Fred Diser
STAR RT. BOX 6700-E
WASILLA, ALASKA
99687

SB 231

The First National Bank
of Anchorage

March 29, 1985

Senator Abood
State Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

I urge you to pass Senate Bill #231 at the earliest possible time.

Being a banker in Cordova for over twenty years and a resident for over thirty years; I can not emphasize enough the need for the Copper River Fishery to continue now as it has in the past. The elimination of this would be in my opinion detrimental to the economy of this community and would severely add to an already sliding economy.

Your strong support of this bill will be appreciated.

Sincerely,

John M. Wheeler

John M. Wheeler
Vice-President

528 First Street • P.O. Box 360 • Cordova, Alaska 99574-0360

ALASKA POWER SERVICES

P.O. BOX 622 • CORDOVA, ALASKA 99574
(907) 424-3300

SB
231
M

March 25, 1985

Senator Abood, Chairman
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Abood:

I am writing this letter as a private business owner in the city of Cordova in support of SB#231 Alaska Power Services is solely dependent upon the commercial fisheries in Cordova, providing mechanical services and parts to the gillnet fleet of Cordova. If SB#231 is not acted upon by May 1, the survival of my business and many others in Cordova are doubtful this year. There are many resident's livelihoods at stake pending the decision of this bill. We urge that you make every effort to pass this bill as quickly as possible.

Business has dropped off sharply due to the confusion and uncertainty created by the Madison decision, whether or not the gillnet fleet will fish May 15 or not.

We, the owners and employees of Alaska Power Services urge you to act immediately on SB#231 to ensure a stable economic base for Cordova and it work force.

Your cooperation in this important matter in Cordova is greatly appreciated.

Sincerely,

Charles E Maxwell

RECEIVED
APR 2 1985

SUBSISTENCE SB 231

With the recent Supreme Court decision, the State now has the direction and opportunity to assure to All Alaskans the equal consideration to take fish and game for their own personal consumptive use. This decision supports the Constitution's provision that "Wherever occuring in their natural state fish, wildlife and waters are reserved to the people for common use." The court stressed that common 'use' and not priority 'users was the main intent and should be the effect of the subsistence regulations. They found that all consumptive users, and not just rural residents, are eligible priority subsistence users.

Government and its laws should apply even handedly to All Alaskans and make sure that whatever criteria is used is not unjustly discrimintory in intent or effect. The Constitution does not on a whole and should not have severe restrictive provisions. This same need should be observed by any legislation and should be used to make sure that its clear intent is to protect and insure the equal and just consideration of All Alaskans.

But the same politics that supported the illegal discrimintory subsistence regulations are at work to speedily fix their court failure. Their main weapon, now as in the past, is their threats aimed at the majority of Alaskans. One such threat is that the over 200,000 sportfishermen will be severly impacted by the Supreme Court decision. The court, in fact, said that all personal consumptive user were to be given equal consideration. As most so-called sport fishermen eat the fish that they catch, any priority subsistence use must include them. And those 'pure sport fishermen' who catch and release are not harvesters of the resource, therefore have a negligible impact. With an annual harvestoof well over 100,000,000 salmon, All Alaskan should be entitled to the equal opportunity to take fish for their own dinner table.

Another political threat used is that the federal government will deny our State the right to manage our fish and game unless the subsistence priority is based on rural residency. When the Feds mandate that the resource must be managed as they say, the State has in fact already lost the right of management authority. This restriction resulted from State politics that requested and supports such residency discrimination. When Ron Sommerville, Alaska's representative during early d-2 / ANILCA, opposed this federal mandated discrimination he was removed from his Washinton D.C. post. Governor Hammond admitted in a public meeting of the Boards of Fish and Game that Sommerville was removed because of Native pressure. His replacement, John Katz, has compromised the Alaskan public's constitutional rights on this and many other issues. For the State not to politically and judicialy oppose this discrimintory action, which specifically denies equality to all residents of Anchorage, Fairbanks, Juneau and Ketchikan, shows a planed sell out of our rights. This plan includes the continued lobbying action of Larry Spengler, Attorney General office, supporting a priority subsistence use of Alaska's fish and game to be as discrimintory and restrictive as has been politcally motivated. Alaska would be better served if our Attorney General would be motivated by a responsibility to assure that all residents are not discrimintorly restricted in their rights.

The history of Governor Sheffield's stern actions has been a well known threat to any state employee who would question these unconstitutional subsistence regulations. He fired Fish and Game Commissioner Ron Skoog and Game Division Chief Ron Sommerville because of their private personal stands against these regulations. And he then requested the resignations of all Board of Fish and Game members when they began questioning the balatant directions ordered by Larry Spengler. It is time that All Alaskans are again "equal" under the law, no matter where they reside, and that such equality is promoted by our State and is not necessitated by continued court challenges by its residents.

Dale Bondurant

Dale Bondurant
SR 1 Box 2516
Chugiak, Alaska 99567

RECEIVED
APR 2 1985

RECEIVED
APR 2 1985

Dear Sir.

As a commercial fisherman who is very dependent upon the Copper River gillnet fishery for my livelyhood, I am very concerned about the current threat by subsistance usage and possible loss of this fishery to commercial fisherman.

I think the problem lies with the definition of subsistance. As for us fishermen we really are completly dependent upon these fish. Our homes, vehicles & vessels are centered around this fishery. We are ~~not casual uses~~ as the ultimate subsistance users. We are not casual users as seems to be the case with many urban up-river people who travel hundreds of miles to fish under the guise of subsistance.

I urge you to support SB231 and manage the Copper River fishery as had been done successfully under the Board of Fish pre-Madison decision plan. This plan was agreed upon by the various factions involved: true rural subsistance users, sports fisherman, and commercial fishermen.

your support of this bill will help keep our fishing industry which is very important to the State of Alaska alive and healthy.

Sincerly

W. T. Fleming

Box 363

Cordova, AK.

Mrs. Denny Kay Weathers
P.O. Box 837
Cordova, Alaska. 99574
Resedent; Hawkins Island
Lot 6, Deep Bay VHF ch. 6

Dear Alaska State Legislators;

I am a homemaker & mother, I live (5) water miles Northwest of Cordova on the North end of Hawkins Island in the Deep Bay area.

I am strongly in support of Senate Bill # 231 and House Bill # 288, and urge all Senate and House Chairman and Co-Chairman to work as quickly as possible at resolving these major issues.

My personal reasons are as follows; Fishing is our only source of an income which in turn is our survival. Survival meaning we must purchase fishing and hunting license, shells, fuel to even go get game meat.

In order to make jelly, bread or even grow a hand full of potatoes it takes an income to purchase flour, sugar or seed potatoes, and much work to even try to grow a small kelp box garden, do to our poor gardening conditions in this area, compared to Anchorage, Palmer and Fairbanks with such good growing seasons.

You must take in to consideration, our moose and deer, in the Prince William Sound, Copper River and the surrounding Cordova area. All the moose and deer were transplanted here prior to Statehood. This makes a limit on all the game meat in this area, which is set up to ensure that our children will have moose and deer when they grow up. The Alaska Fish and Game regulate these rules to ensure future stocks, this is done in the best interest of the people.

If the State was to open subsistance hunting to all residents it would distroy all that the dept. of Fish amd Game has worked so hard to protect for the future of all Alaskans.

As for the Copper River Red Salmon run; in 1982 my husband caught 2,865 red salmon, 1983 was 1,323 red salmon, 1984 was 741 red salmon. Each year we have been cut back on our take of the Copper River Red Salmon to ensure the brood stock and to assure that the subsistance fisherman get thier increased quota of Red Salmon each year.

My husband in 1982 paid $57.30, 1983 paid $26.46, 1984 $14.82, this was just the Aquaculture asesment for Copper River Red Salmon and by the time the cannerys mached the $.02 per fish it totaled $98.58 paid out for our catch to ensure the preservation of our future Copper River Red Salmon through the Aquaculture. Please also note that the subsistance fishermen do not pay the $.02 per fish nor do they quit fishing during the closers by the State of Alaska Dept. of Fish and Game. Those closers are designed to give proper escapement to ensure the proper amuont of brood stock escapement.

If the Copper River Fishermen have to cut back much more there will not be a Copper River Fisherman left.

Please understand , I beleave that subsistance is very important but not to the point of destruction-meaning our resourses can not handle every resident becoming a subsitance user. Please study this issue with the up-most care, because rivers, streams, forests and fields can only provide just so much and when it's gone it's gone forever. The Alaska State Fish And Game have been slowly accomplishing a goal, why not leave it there at least they have some facts and figures and a future to work with.

To me subsistance means a need and a need means necessity which brings us back to subsistance which is the minimum food and shelter necessary to support life-not the want for the food.

I beleave hunting and fishing is still a privilege and honor that the State of Alaska provides by over seeing the resources and keeping them balanced.

People that have a good income, meaning average income or higher should be willing to purchase a hunting or fishing license and leave the subsistance to the person or persons that truely need it for the reasons of survival, not for the want or greed. Remember the key words to subsistance is in the Websters Dictionary. Thank you for your concerns and time on thhse important issues.

Denise Weathers

Senator Abood 4/7/85

As a P.W.S Drift Gillnetter & a 5 year resident of Alaska I am concerned about the recent Madison Vs. State, Supreme Court ruling. I am afraid if the Legislature does not pass the govenors S.B. 231 & H.B. 288 that we will start Fishing May 13 and its highly possible that Subsistence Fisherman in the upper Copper River will file an injunction Contesting the Board of Fishes upper River Allocation and put a stop to commercial Fishing on the Lower Copper thereby stripping me of my Livelyhood. I have serious qualms about ammending a sunset clause in these Bills, as next year is an election year and this is an issue that should be dealt with in a biological & common sense manner. I realize you people have your work cut out for you with the budget. however without a permanent Fix the Commercial Fishing industry will not be able to stabilize thereby increasing your work Load on the budget and placing even more dependence on the oil Revenues. In this day and age diversity is the Key to Sucsess. I am not against Supsistence or Sport Fishing but I Feel that the word rural needs to be in the Law. because the rural people dependent on the resource can't afford ~~to~~ to have thousands of urban residents competing with them for a limited resource. Please support the govenors bill as a permanent Fix. it allows different user groups to have a fair Shake through Annual Proposals and meetings to resolve problem Areas. Thank You

I don't expect a responce an would appreciate none as you and your staff have a tremendous workload already

John A. Mehelich
Box 968, Cordova, AK. 99574

HIGH TIDE SEAFOODS
P. O. Box 1556
VALDEZ, AK 99686

SB 231

March 29, 1985

Senator Abood
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator:

The commercial salmon industry is a major resource of revenue and employment in the State of Alaska. We urge you to support SB #231.

Sincerely,

James L. Shefler
Partner

JLS/jcs

4/4/85

Dear Senator,

I would like to urge you to support SB-231 or any legislation that will keep the Alaska Board of Fish and Game as managers and regulators of our fish and game. I live in Cordova and fishing is my only means of making a living. I have four months to make a years waige and the Copper River fishery makes up to 70% of my income. If we loose any time fishing, especially the first part of the run, where 50% of the fish go up river in 2-3 weeks, it is definately going to make it hard, if not impossible, to make my financial ends meet.

Please support SB-231 and please push to get the issue resolved this season. Fishing is scheduled to begin May 13, 1985.

Thank-you very much,

Sincerely,

John C. Booren

John C. Booren

April 11, 1985

Dear Senator Abood,

I am writing with great concern regarding SB#231. I feel it is crucial that SB#231 should be supported or for that matter any similar legislation that will give back to the Alaska Board of Fish & Game the power to regulate and manage our fish and game resources.

If SB#231 is not passed, I know Cordova and its businesses will not survive.

Will you please push to get this issue resolved this session because the gillnet seasoning is coming up fast, May 12 or so and it is very important to me and all Cordova that SB#231 is passed as soon as possible.

Thank you,

Jim Merritt

RECEIVED
APR 2 1985

Box 993
Cordova, Alaska, 99574
March 27, 1985

Dear Representative,

Please take immediate action, Concerning Senate Bill #231 or House Bill # 288.

Unless Fish & Game open the Copper River fishery by the beginning of May, our family and the city of Cordova will have no income to sustain them. Cordova's only industry is fishing.

My husband, age 42, has been fishing in Cordova all of his life and the early red run may be as much as 90% of his yearly income.

It is hard to understand how it could be allowed for people who have regular jobs and or sources of income to take fish they don't need and put others out of work.

I am hoping that the Judiciary and Finance Committees will waive Senate Bill #231 so this can be resolved in time.

Thank you,
Rebecca Garland

Box 993
Cordova, Al
99574
March 26, 1985

RECEIVED
APR 2 1985

Dear Representative;

Im writing to you on behalf of the Subsistance Fishing ordeal. I think that the Legislature should find some way to solve the fishing problem Alaskans are faced with. My Father is a commercial fisherman, and without the money he makes during the fishing season, we may starve this winter.

Im seriously hoping that you'll give the matter at hand some thought and fast action.

Sincerly,
Adam Garland
age 14

PHONE 1-907-424-7318

GILBERT L. URATA, D.M.D.
GENERAL DENTISTRY
BOX 518
CORDOVA, ALASKA 99574

RECEIVED
APR 2 1985

March 26, 1985

Alaska State Legislature
Pouch 5
Juneau, Ak. 99811

Dear Legislator:

Am asking for your immediate support of Senate Bill 231 and House Bill 288 for the following reasons.

1) Subsistence merely means existence or an aid to existence. Not all people of Alaska need to catch fish in order to exist. Those that do, ought to have the opportunity to do so, those that don't should be restricted. The ADFG and Board of Fisheries have, and need to be allowed to continue to regulate such. Many residents of the state can't use 200 fish. The fish are not in prime condition as they are at the mouth of a river. Others waste or sell their subsistence fish, or are actually sport fishing, driving hundreds of miles for an outing while others indeed need the resource.

2) The state legislature is not qualified, able, and definitly lacks the time to regulate a fisheries. Therefore, give the proper agency the ADFG, the authority to do so. Shelving both of these bills will eventually undermine commercial fishing in all fishing districts in Alaska. Besides the Copper River and Cook Inlet regions, others will be invaded as access improves. The dipnetters and true subsisters have been getting their fair share of fish. They don't require expensive boats, gear, andpermits. Look at Oregon and Washington. They allowed a judge to kill their fisheries, especially during difficult times with their other industries. How about the Stikine River? Fishing there is practically wiped out following Canadian fishing at the headwaters. When salmon survive the difficult cylcle back to their spawning grounds, let em.

3) My final reason deals with the community of Cordova and others like it. Who's to pay for the vessels and permits? How are the banks to withstand the defaults? Who wants to foot our welfare checks? Class action litigation against the state, including legislators and the CFEC will undoubtly follow. How can the state deny a resident the right to make a living he or she's had for a lifetime?

Please, urge for quick action on this matter. Passage must be concluded prior to May 1, 1985. The red season peak(highest priced reds in Aklaska) lasts only 2-3 weeks starting in May. Most fisherman make their boat and permit payments from reds and use the silver season to the survive the winter. Keep a historic way of life alive.

Cordially,

Gilbert L. Urata DMD

Cordova, Alaska 99574
March 28, 1985
Box 254

Senator Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Abood,

I am writing to request your support on SB#231 or any similar legislation that would give the Alaska Board of Fish and Game the power back to regulate and manage our fish and game resources. If not passed this could virtually destroy Cordova. Cordovas main industry is fishing and the only industry that is keeping Cordova alive today. We cannot depend on tourisum.

Many Cordova fishermen would loose their boats if they are not able to fish (gill-net) and their only way of making a living. Does the state want to see this happen? Nearly all of the Cordova fleet is financed thru the state. What will this do to the state?

My husband is a tender operator, picking up the fish from the fishermen and delivering them to the cannery. This is our only means of employment. We certainly want to be emplyed and not on Welfare.

I urge you, along with all of Cordova, to please give this bill your support.

Sincerely,

Kathy Crow

Kathy Crow

RECEIVED
APR 2 1985

4/3 12:05

John Birch
From Cordova
Wants Public Hearings on
SB 231. He's in favor
of the bill.

Box 1012
Cordova AK 99574
Mark

Don't have to call back
He just called to urge
scheduling of SB 231

4/3/85 10:00

Mitch,

Jerry McCune
U.F.A. from Cordova
would like to talk about
SB 231 The Subsistence
bill.

424-3447

Mark

12:15
He called back & would
like to talk w/ the
Aide who is handling this
issue

Mark

F/V Belen-C
Joe and Belen Cook, Jr.
P. O. Box 215
Cordova, Alaska 99574
Phone (907) 424-3507

RECEIVED
APR 8 1985

Senate State Govt.

I am writing this letter because of my great concern of what has happened in the past month dealing with subsistance. I would just like to start by telling you a little about myself and family. Jeff my husband and I work on our 28 ft. double ender boat. Starting May 15th to September each year salmon fishing on the Copper River flats. I also do the bookkeeping for the business. I am a member of the Fish and Game Advisory Committee for this area. I am well aware of the problems we have had in the past. I was on the Fish and Game Committee when it was first decided to bring before the Board of Fish, having the user group subsistance, Personal Use, Commercial. I was very happy to see it pass. I believe the Legislature did an excellent way to manage the resource.

F/V Belen-C
Joe and Belen Cook, Jr.
P. O. Box 215
Cordova, Alaska 99574
Phone (907) 424-3507

(2)

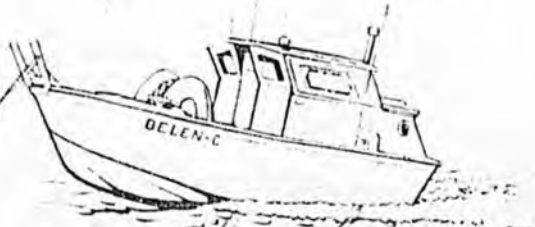
I do not want to give you the impression that I am only involved in fishing issues, because this is not the case. I am on the Cordova Hospital Auxiliary, and a board of director on the Women's Resource Center and am very active in both.

My husband was born a Commercial fisherman and at age 13 years old, he is now 34 years old. Our livelihood depends on fishing, we depend on the Copper River flats for 25 percent of our living and 15 percent on the Prince William Sound.

Besides fishermen, the community of Cordova also depends on fishing, thus I believe SB.23 must pass and pass in this session.

Now all its quite simple if we fishermen cannot meet our obligations to our creditors, they in turn cannot meet theirs, which can cause great problems in the real future as far as economic hardship.

I am positive Cordova will not be the only community affected in the near future in Alaska



F/V Belen-C
Joe and Belen Cook, Jr.
P. O. Box 215
Cordova, Alaska 99574
Phone (907) 424-3507

(5)

So I ask you again to support S.B. 231.

Sincerely,

Belen Cook

RECEIVED
APR 2 1985

March 28, 1985

Dear Senator Abood,

I am a commercial fisherman's wife who is very concerned about the courts interpretation of priority in allocating fish. Giving subsistence users priority over commercial fishermen means financial disaster to us personally and to the future of the Copper River salmon. For the last three years we have worked hard in Prince William Sound and now find ourselves with an investment in a doomed industry.

I am asking for immediate action this session to protect our livelihood. Commercial fishing was under strict regulation by the state board of fish and game. I feel qualifying as a subsistence user should also be strictly limited. Salmon are a fragile resource - mismanagement one year will effect every link in its food chain for at least 10-15 years in the future.

Sincerely,

Joan C Phillips
338 Lois Dr.
Anchorage, AK
99503

3/31/85

Senator Abood,

I urge you to read my enclosure, which I took from the "Alaska" magazine, March 1985 issue page 16, written by Robert A. Henning. This article expresses my feelings, and the feelings of most people I know.

I also urge you to support Senate Bill #231 & House Bill #288.

Fishing is my living and I want to go on living. C.M. DeVilbiss

Main Trails & Bypaths.

We recently passed the opinion that sportsman anglers should not be allowed to fish salmon after the fish have entered their fresh-water spawning streams . . . and we were bitterly taken to task by at least one Anchorage resident whose opinion was that we were "far out of touch with Alaskans and especially South-Central and Western Alaska sport-fishing enthusiasts."

Well, Mr. Anchoragite . . . "we" (that's polite for editorial use to keep from using the big personal pronoun) have fished an awful lot of Alaskan rivers for more than half a century, and we've seen the changes in both regulations and the type of fisherman in Alaska. In years past, nobody except a few Natives took salmon out of spawning streams. It just wasn't done. There were markers at the mouths of streams beyond which commercial fishermen were not allowed, and, maybe because there were not too many of us sports fishermen, it was natural that since we didn't have to fish spawning salmon runs, we didn't.

The problem, reduced to simple terms, is largely with numbers and attitude. Now, we'll agree that it is great for folks to be able to go catch, with rod and reel, bright sockeye and bright silvers . . .even bright kings . . .for their annual stuffing of the freezer or the Sears canning equipment . . .but for folks to think pink-sided or black-jowled kings or silvers are "trophy" is kind of hard to swallow for a guy who grew up with bright sea fish. And for anybody to think a turned humpback or dog salmon is good fodder . . .that just shows they "don't know no better."

People ask this old-timer once in awhile as to "What changes do we notice in Alaska, over the years?" Well, we'll have to be honest and say that the "new breed" of sports fisherman who've arrived in Alaska in recent years, and the biologists and the fish management programs that have resulted, are among the greatest . . . and most serious changes . . . we've noticed.

The question put to us by our outraged Anchorage reader deserves some discussion. Times have changed. A lot of people have changed. And it may be a good time to begin bringing out a lot of untouchable subjects and begin fashioning a little more thoughtful ethic among all fishermen . . . Native as well as White . . . and their administrators.

Our Anchorage complainer accused us of leaning to the Native subsistence fishermen and "against" non-Native fishermen . . . sportsmen. The answer to that criticism is yes and no . . . "yes," because we believe time-honored (and against the total fish run numbers, extremely small) traditional takings of spawning fish were . . . and note we said "were" . . . legitimate, and "no" because what is being lost in the shuffle of this whole "subsistence" fishing management problem is that there are probably more whites than there used to be Natives, qualified for "subsistence" fishing on spawning streams, plus the fact that for a variety of legal and economic reasons, there are now many more Natives than there were before . . . you don't have to be "half," you can be "quarter" . . . the collective Native health and living conditions have greatly improved . . . in many instances, it is more profitable to be Native . . . and, not insignificantly, there is no longer stigma in being non-white.

The old Native, in his fewer numbers, did not take much. The new Native, and his white neighbors privileged to have subsistence, are not only legally allowed salmon from spawning streams, but where in years past fishing in streams for salmon was discouraged for Natives in any great numbers and totally disallowed in any commercial sense, and prohibited altogether for whites, now a new generation of biologists and fish and game administrators has abandoned all old stream-watching protection systems and has jumped headlong into political administration of fish stocks . . . for votes . . . trying to answer pressure from all gear groups and certainly answering to pressure from Native groups . . . and we hasten to emphasize here, a "new" kind of Native group . . . not the old-time folks who truly lived off the land, but the modern-day political corporations spawned by whites themselves.

In actual administration practices for fish and game protection, no longer are stream watchmen put out for a few weeks or a few months at the mouths of important salmon streams to inhibit or prevent poaching of salmon above the markers. Any number of important fish runs are being gradually whittled down to dangerous stock levels by legal subsistence fishing. Many runs could be wiped out in a season, for all time, if a handy market should appear.

White rights? What rights does a pair of white school teachers pulling $50 to $100 thousand a year in wages have for "subsistence" sockeye they can take from a spawning stream with a drag net or with other gear?

Sooner or later we are going to have to come to grips with the fact that the blood lines between Natives and whites have become blurred . . . even the political rights of inheritance for Native rights and for fish permits have become blurred.

Political fights, gear fights, and racial fights . . . plus the importation of new "sportsman" fishing ethics . . . have collided in places like the crowded Kenai River and the Russian. Probably only improved policing and sharing rules will smooth things out on the Kenai, but there are other rivers where rules and regulations might be better adjusted before the fact. We need more ethic, more concern for preserving what we can of what used to be.

Let us understand that there are too many new whites, too many only partly native Natives, too many politicians and too many fish and game administrators controlled by politicians. It is a time for soul searching.

Kreaky, our bald-headed eagle at Angoon, was sure nice and white in the head and tail feathers in November, when this was being written. Probably fresh winter feathers, and he wasn't getting them so stained with spawning salmon. Incidentally, with the herring into winter holes, salmon runs over, and bottom fish moved out to deeper water, Kreaky was

making a meal the other day of a big starfish. He'll be after the unwary duck or sea gull soon.

Asked about subsistence fishing, Kreaky says, "At the best it's lousy, this subsistence fishing. Some years there are hardly any fish in the streams at all. Maybe one day there won't be any salmon. Hope there will still be herring . . .but if all the eggs get shipped to Japan . . . can we have herring without eggs?"

Robert A. Henning

Publisher

RECEIVED
MAR 29 1985

March 27, 1985

To: Senator Abood, Chairman
Senate State Affairs Committee
Pouch V
Juneau, AK 99811

From: Mr. & Mrs. Robert Banta
Box 12
Cordova, AK 99574

Re: SB #231 or similar legislation

We urge you to support SB #231 or any similar legislation that would return to the Alaska Board of Fisheries and Game the power to regulate and manage the fish and game resources of our state. If such legislation were not passed, the impact on commercial fishing (and on those communities dependent on the fisheries) in Alaska would be devastating.

Robert N. Banta

Jo Anne Banta

RECEIVED
MAR 29 1985

Dear Senator Abood ;

My name is Dan Strickland. I am 31 years old and live with my wife Pamela in Cordova. We just had our first child, a son, 14 days ago. I came to Alaska 13 years ago and have worked for the Department of Fish and Game for 4 years, and as a commercial fisherman for 9.

I realize the complexity of a subsistence definition and the politics of relating this definition to fish and game management, from my work with the Eskimos and their marine mammal harvest, but I can hardly believe the recent Supreme Court decision making all Alaskans, rural and urban both, subsistence users with first priority.

You know all the arguments pro and con I'm sure. I would just like to add my voice in support of Senate Bill #231 and House Bill #288.

With the support of the state of Alaska my wife and I have built a lifestyle for the last 9 years. Please, please, do not obliterate what we have struggled for for the last decade. Support passage of Senate Bill #231 and House Bill #288. Thank you very much.

Sincerely,

Dan Strickland

Dan Strickland
P.O. Box 1517
Cordova, Alaska 99574
424-5277

Senator Abood, Chairman
Alaska State Legislature
Juneau, Alaska 99811

Dear Senator Abood,

I live in Cordova and I run a small fish business, along with Tom Johnson also of Cordova. The whole of our business runs strictly off the Copper River red and king salmon run.

I'm writing to you now, in the hopes that you will support Senate Bill #231. If the bill is not passed, I'm afraid the future of the people of Cordova and our children will be limited to handouts from the state welfare. .I know this sounds drastic, but everything in this small fishing town is centered around the commercial fishing fleet. Personally the affects on myself if this bill is not passed will be devastating as I have no other means from which I depend. I feel stuck between a rock and a hard spot as we who depend on commercial fishing are a minority. I only hope you will take our livelihoods into serious concideration.

Thank You for your time and effort

Not without hope

Betty J. York

Betty J. York

Tom Johnson

RECEIVED
MAR 29 1985

Oliver Osborn
Box 1183
Cordova, Alaska 99574

March 26, 1985

Senator Mitch Abood
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Abood,

I am writing in support of Senate Bill 231 which addresses subsistance use of Alaska fish and game resources. As a resident of Cordova, Alaska and a member of the City Council, I believe the passage of this bill to be very important.

The Board of Fish and Game clearly needs an expansion of the categories of user groups. The recent decision of the Alaska State Supreme Court appears to allow almost all non-commercial users of fish or game to claim subsistence status. I believe that most people fishing in the recreational net fisheries do not literally depend on the fishery for their existence. The fishing is done largely for sport, and partly for the resulting "gourmet" food that results. An example is the fishery at Chitina. Most of the dipnetters are participating not out of economic necessity but because of the recreational value of the fishing, and the fun of harvesting their own foods from the wild.

This is a legitimate use of the resource and needs to be provided for, but it is not a true subsistence use. A category of "personal use" must be created to allow for and regulate this harvest. This use should not have priority rating above other established user groups.

Commercial fishermen have a long history of dependence on the fish resource. The City of Cordova is dependent on commercial fishing for its existence. Commercial fishing ranks second only to oil in value to Alaska, and it is by far the most valuable renewable resource of Alaska. Please help perpetuate this value.

Sincerely,

Oliver Osborn

RECEIVED
MAR 29 1985

Senator Abood, RECEIVED MAR 29 1985 PAGE I

Addressing The Senate STATE AFFAIRS COMMITEE

Dear Senator as a Copper River commercial Salmon Gillnet Fisherman and a ten year resident of Alaska, I urge you to support Senate Bill # 231 or similar legislation to save the Copper River Salmon Fishery, my proffession, and the town of Cordova. Failure to stop unlimited Subsistance usage by the Urban masses of the State will end the Traditional 70 year old commercial Fishery on the Copper River, as well as take 75% of my yearly earned income away. As a Gillnet Fisherman for Salmon, the Copper River Fishery provides the bulk of my yearly catch and supports my livelihood. Cutting off the Copper River commercial fishing season would put a serious threat to the town of Cordova's very existance. Cordova's local economy depends on the revenue generated thru the Copper River Fishery. All local business's would face the possibilily of closing their doors in the event of NO Commercial Fishing on the Copper River. Without this Fishery my profession as a Gillnetter would be seriously jeopardized. I reley totally on the income from Salmon Fishing. If the Fishery is taken away from me, I have no way to make a living and have limited training in other Fields of work. How would You as a Senator like it if a law was passed that basicaily eliminated politicans as a bread earning profession, thus forcing you to find another way to earn a living?

You would probably react the same way I am and make an effort to protect your way of life and career. My Career as a Drift Gillnetter is likely to be finished without the Copper River Fishery. I strongly urge you To support legislation that would return the power back to the Alaska Board of Fisheries and Game to regulate the resource. They have studied the Copper River Fish Stocks and have a set management plan. We must protect the resource above all else. Unlimited Subsistance harvests would soon eventually wipe out the Copper River Salmon runs. I feel Subsistance should be based on the individuals needs and traditional use basis. Those individuals who need the Salmon to help survive should be able to take what they can personally consume. For one individual to take 200 Salmon or a Family 500 Salmon when they cannot in all probability consume that many Fish is absurd. That makes an under-the-table Fish Sale situation likely for illegally dealing with the surplus Fish. It turns every Subsistance fisherman into a Commercial Fisherman on the 200 fish quota system. How many Families actually eat that many fish? There are only a few choices with that many fish, Sell them, Smoke them, or blantantly waste them! I myself eat a lot of Salmon annually. Including Canning, Smoking, and gifts to relatives,

(Cont.)

I have personal use of 30 to 50 Salmon at the most, and Iam a professional Fisherman! There should be a personal use fishery for all resident Alaskans, but it should regulated by need. Those residents who need the fish To subsist on would get them under Senate Bill #231. This Bill would also allow Traditional use groups, such as Commercial Fisherman, and Copper River Valley resident to be able to continue our set-way of existance and help assure management of future stocks of Salmon. I have my whole life's investment tied up in the industry at age 32. I have State backing on a resident loan from the Alaska Commercial Fishing and Agriculture Bank. All in all I have over $100,000 tied up in my fishing business. I live a modest existance and work hard and take many risks against the ocean just to get by on most years I have participate in this Fishery. So its not as easy or lucrative as many might seen to think about the life of an Alaskan Commercial Fisherman. It should be my constitutional right to be allowed to continue this traditional way to make a living. Why is my profession any different than anyone **elses**? Give me a chance to earn a living! With Alaska's concern over falling oil Revenues, the State should be concerned about enhancing its Commercial Fishing Industry, not pinching it out of existance and those who earn their livings from it.

Sincerely,

John C. Gregory

John C. Gregory

Fishing Vessel — "NATAD"

— Copper River Salmon DRIFT GILLNETTER

PETITION TO OPPOSE SEN. VIC FISHER'S ANTI WOLF HUNTING BILL

TO: Governor Bill Sheffield, Alaska State Legislature and the Board of Game

We, the undersigned, as qualified voters in the State of Alaska, hereby strongly support management of wolves in Alaska in order to promote an environment that includes an abundance of wildlife. We oppose Sen. Victor Fisher's anti-hunting bill that would eliminate aerial gunning of wolves. This is not a legislative issue. We ask the governor and the board of game to start listening to the local advisory committees and residents of the areas affected. We ask that the professional opinions and data collected by our own Department of Fish and Game be respected and used for good wildlife management.

NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. Mary Coulman	Mary Coulman	P.O. Box 32 Tok, AK.	33 years
2. Robert T. Coulman	Robert T. Coulman	P.O. Box 32 Tok AK	46 yrs.
3. JOHN E BURNHAM	John E Burnham	379 DIVISION ST #315 FBKS AK	30 yrs
4. Glenn E. Burnham	Glenn E. Burnham	P.O. Box 363 Tok, AK.	28 yrs.
5. Kimberly K Roth	Kimberly K Roth	379 Division St #315 FBKS AK	25 yrs
6. JANICE R. CALHOUN	Janice R. Calhoun	Box 566 Homer AK	35 yrs
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

By March 18 , 1985, mail petition to: Sue Entsminger, Mile 91 Tok Cutoff, Tok, Alaska 99780

PETITION TO OPPOSE SEN. VIC FISHER'S ANTI WOLF HUNTING BILL

TO: Governor Bill Sheffield, Alaska State Legislature and the Board of Game

We, the undersigned, as qualified voters in the State of Alaska, hereby strongly support management of wolves in Alaska in order to promote an environment that includes an abundance of wildlife. We oppose Sen. Victor Fisher's anti-hunting bill that would eliminate aerial gunning of wolves. This is not a legistative issue. We ask the governor and the board of game to start listening to the local advisory committees and residents of the areas affected. We ask that the professional opinions and data collected by our own Department of Fish and Game be respected and used for good wildlife management.

NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. VERNON TAIRAFIELD	[illegible]	Box 41 Tok	24 yrs
2. John Terhune	[illegible]	Box 35 Tok	40 plus
3. Floyd Stearns	[illegible]	Box 28 Tok	4 yrs
4. JOHN E STRANGE	[illegible]	1122 E 19th Ave #308	12 years
5. Warren J. Augustine	[illegible]	Box 1269 Delta Jct	6.5
6. PATTON G WITT	[illegible]	1965 WESTON DR	24 years
7. Gwendolyn L. Witt	[illegible]	1965 Weston Dr	18 yrs
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

By February 17, 1985, mail petition to: Sue Entsminger, Mile 91 Tok Cutoff, Tok, Alaska 99780

PETITION TO OPPOSE SEN. VIC FISHER'S ANTI WOLF HUNTING BILL

TO: Governor Bill Sheffield, Alaska State Legislature and the Board of Game

We, the undersigned, as qualified voters in the State of Alaska, hereby strongly support management of wolves in Alaska in order to promote an environment that includes an abundance of wildlife. We oppose Sen. Victor Fisher's anti-hunting bill that would eliminate aerial gunning of wolves. This is not a legislative issue. We ask the governor and the board of game to start listening to the local advisory committees and residents of the areas affected. We ask that the professional opinions and data collected by our own Department of Fish and Game be respected and used for good wildlife management.

NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. GARY DENNIS	Gary Dennis	Mile 112 Richardson Hwy	16 YEARS
2. Charles E. Benjamin	Charles E Benjamin	Mile 6 Edgerton Hwy.	23 years
3. Lyle J. Tilton	Lyle J. Tilton	Mile 106.5 Richardson Hy	10 years
4. GARY A. FISHER	Gary A. Fisher	MILE 182 GLENNALLEN	34 YEARS
5. GREG SIEGEMAN	Greg Siegeman	Mile 58 Tok Hy	3 YEARS
6. Susan Siegeman	Susan G Siegeman	Mile 58 TOK Hwy.	3 yrs.
7.			
8.			
9.			
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By ~~February 17~~ March 15, 1985, mail petition to: Sue Entsminger, Mile 91 Tok Cutoff, Tok, Alaska 99780

PETITION TO OPPOSE SEN. VIC FISHER'S ANTI WOLF HUNTING BILL

TO: Governor Bill Sheffield, Alaska State Legislature and the Board of Game

We, the undersigned, as qualified voters in the State of Alaska, hereby strongly support management of wolves in Alaska in order to promote an environment that includes an abundance of wildlife. We oppose Sen. (Victor Fisher's anti-hunting bill that would eliminate aerial gunning of wolves. This is not a legislative issue. We ask the governor and the board of game to start listening to the local advisory committees and residents of the areas affected. We ask that the professional opinions and data collected by our own Department of Fish and Game be respected and used for good wildlife management.

NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. Loren Mamak	Loren Mamak	3206 Spenard Rd.	17 yrs
2. John G Gates	John G Gates	914-W-23rd Anchorage	26 yrs
3. Al Sikeesick	Al Sikeesick	3300 Lake Otis #372	3 years
4. G.B. Carver	G B Carver	3277 Wiley Post Loop	15 years
5. S.C. Schuyler	S C Schuyler	9031 Jewel Terrace #A	2 months
6. Mark D. Muniak	Mark D Muniak	256 Raspberry Rd.	31/2 yrs.
7. Esse Norton	Esse Norton	5061 Buckingham Loop	27 yrs
8. Jack Mize	Jack Mize	300 Egavik Dr Apt H	25 yrs
9. Ronald Swingle	Ronald Swingle	3601 W. 80th Anchorage	4 yrs
10. Fred R. Smith	Fred R Smith	361 Muldoon Anchorage	10 yr
11.			
12.			
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14.			
15.			

By February 17, 1985, mail petition to: Sue Entsminger, Mile 91 Tok Cutoff, Tok, Alaska 99780

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NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. RALPH BOWERS	Ralph Bowers	PO Box 161 99577 Eagle River	15YR
2. EDWARD H. HOFFMAN	Edward H Hoffman	4244 Kingston Dr. Anchorage 99504	12 YRS
3. WILLIAM CALACHIO	William Calachio	6601 Valley Creek Ak 99702	15 yrs.
4. WILLIAM (WAYNE) CRAZAK	William Crazak	1003 4453 Anch. AK 99502	16 yr
5. ~~CARL~~ ERIC ROGSTAD		3105 W 29TH Anch. AK 99503	40 yrs
6. Howard Feig	HOWARD FEIG	2505 KAHILTNA AK 99577	5 YRS
7. Lindalva L Anderson	Lindalva L Anderson	220 W 121 Ave AK 99515	36 yrs.
8. WALLY TURNER	W Turner	2564 STATE ST. FBKS AK 99701	12 YRS
9. LEON SCHMID	Leon Schmid	PHILLIPS FIELD RD FBKS AK 99706	5 YRS
10.			
11.			
12.			
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14.			
15.			

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NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. Ron Wanbelow		P.O. Box 401 Tok, AK 99780	35 yrs
2. Charles Wanbelow		Box 93 Tok, AK 99780	31 yrs
3. John Bridgers John Budgen	John Budgen	Box 433 Tok, AK 99780 -	30 "
4. Randy Rallo	Randy Rallo	box 332 Tok, AK 99780	13 yrs
5. Bruce McLaughlin	Bruce McLaughlin	Box 71 Tok, AK 99780	10 yrs
6. DENNIS J. HAIZN		PO Box 60984 FAIRBANKS 99706	5 yrs
7. MICHAEL BUCK	Cecil Rock	Box 444 TOK 99780	10 yrs
8. Lavell Wilson	R.L. Wilson	Box 156 TOK, AK.	36 yrs
9. Roy Dixie	Tetlin	AK 99779	
10. Bob Malisch Bob MALISCH	Bob Malisch	Box 506 TOK AK. 99780	5 yrs.
11. ~~BOB JONATHAN~~	~~Bob Jonathan~~	~~Box~~	
12. STEVE BREEDER	S.W.Br	Box 155 Tok, Ak. 99780	3 yrs
13.			
14.			
15.			

By March 18 , 1985, mail petition to: Sue Entsminger, Mile 91 Tok Cutoff, Tok, Alaska 99780

PETITION TO OPPOSE SEN. VIC FISHER'S ANTI WOLF HUNTING BILL

TO: Governor Bill Sheffield, Alaska State Legislature and the Board of Game

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	NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1.	Ronald A. Sturgeon	Ronald A. Sturgeon	3532 North Point Dr Anch Ak.	21 yrs
2.	James Reiss	James Reiss	Furar ST Wasilla	7 yrs
3.	Jean J. Burke	Jean J. Burke	Bx 875607 Wasilla, AK	23 YRS
4.	RICHARD L. CARLSON	Richard L. Carlson	3900 GREENLAND DR ANCH AK.	99503
5.	Warren E. Olson	Warren E. Olson	5961 Orth Circle Anch. AK	9956
6.	JOHN M. ZEILER	John M. Zeiler	137 HEINTZLEMAN DR ANCH AK	99503
7.	C H Rosenthal	C H Rosenthal	5900 Christa Way ANCH	99516 15 YRS
8.	CREG HURTLAND	Creg Hurtland	1111 WEST 79th ANCH	99502 1½ yrs
9.				
10.				
11.				
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By February 17, 1985, mail petition to: Sue Entsminger, Mile 91 Tok Cutoff, Tok, Alaska 99780

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NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. JOHN TWARDOWSKI	John Twardowski	KUSKOKWIM VALLEY BUSH RESIDENT	10 1/2 YEARS
2. SHERRON BARNHILL	Sherron Barnhill	KUSKOKWIM VALLEY BUSH RESIDENT	6 YRS
3. Larry Fetland	Larry Fetland	8907 S. Talkeetna Loop Anchorage	3 yrs
4. RICHARD H. LUDKA	Richard H. Ludka	200 W. 34TH STE 170 ANCH, AK. 99503	15 YEARS.
5. MARK A. SANDLAND	Mark A. Sandland	3942 Cosmos Dr. ANCH. AK. 99503	30 yrs.
6. ED HABEGER	Ed Habeger	7838 WISTERIA ANCH, AK.	14 yrs
7. Dwight Gosnell		2116 Glenn Hwy DR	20 yrs
8. LARRY GEPHART	Larry Gephart	3700 Spenard Rd	3 yrs
9. JON SHIESL		3516 North Point ANC	13 yrs
10. JOHN PETERSON	John Peterson	BOX 61265 FBKS 99706	12 YRS
11.			
12.			
13.			
14.			
15.			

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NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. AL RENIC	Al Renic	7140 CRAWFORD Dr.	36 YRS
2. GARY L. STEWART	Gary L Stewart	7601 E 17 AVE ANCH AK	8 YRS
3. JAMES H. HICKLE	James H Hickle	S.R. 5132 WASILLA, AK 99687	22 YRS
4. Cheryl Pettegrew	Cheryl Pettegrew	SR 5132 Wasilla, AK 99687	4 1/2 yrs.
5. GREG REMAKLUS	Greg Remaklus	7756 Brentwood Dr Anch	7 yr
6. "Gus" GILLESPIE	Gus Gillespie	4871 Retreiver Circle Anch	7 yr.
7. [illegible]	[illegible]	Box [illegible] Wasilla	12 yrs
8. Roger D Morris	Roger D Morris	2820 Spring Ave Anch	18 yr
9. JON B. SKINNER	Jon B. Skinner	4201 YUKLA CIR. ANCH, AK,	20 years
10. Steve R Carlson	Steven R. Carlson	Gen. Del Grayling Ak.	10
11. RICHARD AIKEN WOOD	Richard Aiken Wood	GEN DEL GRAYLING AK	7 years
12. LARRY L. OSBORN	Larry L Osborn	1220C WAGNER RD ANCH AK	11 YEARS
13. DAN J. Foster	D. J. Foster	SR 4 Box C 251 Palmer Ak	6 1/2 years
14. Dan Elliott	DAN ELLIOTT	Box 454	TALKEETNA AK 99676 16 yrs
15. Jim Wood	Jim Wood	STR 3148 17	WASILLA AK 99687 36 yrs

By February 17, 1985, mail petition to: Sue Entsminger, Mile 91 Tok Cutoff, Tok, Alaska 99780

(13)

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	NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS		LENGTH OF ALASKA RESIDENCY
1.	SUSAN L ENTSMINGER	Susan L. Entsminger	Mile 91 Tok Cutoff	99780	11 yr
2.	Robert Mark Anthony	Robert Mark Anthony	2020 Lake Otis	99508	19 yr
3.	Mark Hansen	Mark Hansen	2955 Bass St Anch	99507	4 yr
4.	Rita Adams	Rita Adams	Box 20-1 Circle AK	99733	4 yr
5.	Robert Adams	Robert Adams	BOX 201 Circle AK	99733	4 yrs
6.	Sandra G Hansen	Sandra G. Hansen	2955 Bass Anchorage, Ak	99507	4 yrs
7.	David K Cloninger	David K Cloninger	SR 55 LOT M Wasilla AK	99687	5 yrs
8.	Larry Cassingly	Larry Cassingly	100 Bunnell #164 Anch	99508	5 yr
9.	DAVID M JOHNSON	David M. Johnson	3.6 Mi Remington Rd Delta	99737	13 yr
10.	SPENCER BIEGEL		704-B Fischer Ave Fairbanks	99701	2 yr
11.	Scott Nelson	Scott Nelson	2905 Arctic Blv.	99503	1 yr.
12.	Terry Overly	TERRY OVERLY	CHISANA ALASKA PIONEER OUTFITTERS	99588	27 yrs
13.	Deb Overly	Deb Overly	Chisana AK Pioneer Outfitters	99588	12 years
14.	Ben Kusche	Ben Kusche	4110 DeBarr #4E Anchorage AK	99504	5 years
15.	John D'Arcy	John D'Arcy	4110 Debarr #38 Anch. AK	99508	5 years

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NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1. Roy Wichers	Roy Wichers	1303 W 23rd #17	11 years
2. Robert Holshoser	Robert Holshoser	5617 Tonga	3 years
3. Nelson Stinchcomb	Nelson Stinchcomb	3401 W Dowling, Anch	11 years
4. Robert H Conway	Robert H Conway	6951 Hyatt Anch, AK	11 years
5. Mitch Wagner	Mitch Wagner	13351 Semmel Circle	16 years
6. ~~Richard F Voves~~ Russell Schwarz	Russell A. Schwarz	1409 Cleveland #3	7 yrs
7. Richard F Voves	Richard F Voves	2447 Loussac Dr	16 yr.
8. C. LaVern Hartigson	C. LaVern Hartigson	2901 Wedgewood Dr. Anchorage	12 years
9. Tom Shearer	Tom Shearer	1830 Melanie Ave Wasilla	9 years.
10. Tom Hundley	Tom Hundley	406 Rempel Palmer AK	12 years
11. [illegible]	[illegible]	3007 Arctic #151 Anchorage AK	4 years
12. Kenneth D McDonald	Kenneth D McDonald	P.O. Box 670947 Chugiak AK	11 YR.
13. Roger Denny	Roger L Denny	P.O. Box 774604 Eagle River	10 yrs
14. Fred Langvardt	Fred Langvardt	P.O.B 427 Soldotna AK.	17 yrs
15. Ed Hafeger	ED HAFEGER	7838 Wisteria #2 Anch, AK	14 yrs

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	NAME (Please print)	SIGNATURE	RESIDENCE ADDRESS	LENGTH OF ALASKAN RESIDENCY
1.	Barge Vukson	George Vukson JR	BOX 26 CHITINA AK	6 yrs
2.	GAYLE VUKSON	Gayle M. Vukson	Box 26 Chitina, AK	24 yrs.
3.	Douglas Steiner	Douglas R Steiner	1200 W. 79TH Ave Anch	11 yrs
4.	Tammy Steiner	Tammy Steiner	1200 W 74th Ave	11 years
5.	Dale W Reetzsoender	Dale W. Reetzsoender	Golden Nugget Camper Pk 4100 DeBarr Rd Anch AK	10 years
6.	Stuart Johnson	Stuart R Johnson	Box 3074	7 years
7.	Emil Cada	Emil Cada	129 W 23rd	32 yrs.
8.	HAZEL CADA	Hazel J. Cada	129 W 23rd	21 yrs
9.	Dana Ellis	Dana Ellis	431 W 87th	9 yrs
10.	RICHARD L VUTH	Richard Lee Vuth	CRESTVIEW LN #39 EK.	17 YRS
11.	Debra A. Fink	Debra A. Fink	Crestview LN #39 EK.	10 years
12.	DAVE STANCLIFF	Dave J Stancliff	88 mile	12 yrs.
13.	ALAN R. CANE	[illegible]	SR BOX 10261	17
14.	C. W. Phillips	C. W. Phillips	Buchstz Box 517 Anch.	2 yrs.
15.	J. L. Miller	George Miller	Mem Hel. Juneau 99510	31 yrs.

By February 17, 1985, mail petition to: Sue Entsminger, Mile 91 Tok Cutoff, Tok, Alaska 99780

SB

231

FILE 2

ALASKA OUTDOOR COUNCIL

SUBSISTENCE CONSENSUS POINTS

AUGUST 21, 1985

1. Permitting: A permit will be required for subsistence preference use. Permitting will be based on personal or family qualifications--not on the locality in which one lives nor upon racial, cultural or ethnic considerations.

2. Limiting Qualifications: Qualifications for the permit will be very restrictive, requiring that: (1) the wild resource taken be used for personal and family consumptive use only; (2) the applicant must assert and establish that he needs the subsistence because it is reasonably necessary for his survival or the survival of his dependent family; and (3) the permit should be limited to a family unit with income from all sources at or below Federal poverty levels with no more than one subsistence license per family unit.

3. Subsistence Seasons and Bag Limits: The permit holders will be subject to specific subsistence regulations regarding applicable or substituted species by area, seasons, quotas, bag limits and methods and means as authorized by the Boards of Fish or Game. The opportunity to harvest will be given a preference but no guarantee of harvest is intended.

4. Preference Not Priority: The preference will not be an absolute priority over sport, commercial or recreational use. These latter uses need not necessarily be eliminated before subsistence preference use is restricted or regulated.

5. Trade and Barter: Trade provisions will be similar to those in current state law. Subsistence use may include trade, barter or sharing for personal or family consumption of wild renewable resources and must be limited to the first exchange. No cash exchanges or commercial sale shall be included in subsistence use.

OVERVIEW

Game Board Meeting
June 1985

I. Eluska: The Game Board must adopt separate subsistence hunting regulations consistent with Madison, or the "subsistence defense" can be used and many regulations will be unenforceable.

II. Madison:

A. Unless sustained yield will be jeoprodized, subsistence hunting must be authorized on any game population that has been hunted in the past and used for food, shelter, fuel, clothing, tools, transportation, customary trade, barter, or sharing; subsistence hunting means hunting by any Alaskan for these purposes.

B. If subsistence hunting of a game population must be restricted (significantly impaired)to protect the resource, then non-subsistence uses (non-state resident hunting) must be eliminated first.

C. If subsistence hunting on a game population must still be restricted (significantly impaired), then the board must use the three criteria listed in AS 16.05.255(b) to determine how hunting opportunities are to be distributed among Alaskans:

(1) customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) local residency; and

(3) availability of alternative resources.

III. Therefore, in order to have enforceable regulations, for each game population which has been hunted for food, etc., by Alaskans, the board should:

A. Adopt separate subsistence regulations.

B. Examine the current regulations to see if they prohibit any Alaskan from subsistence hunting, fail to provide the same legal subsistence hunting opportunity to all Alaskans, or otherwise significantly impair subsistence uses.

C. If so, eliminate non-state residents, and see if it is still necessary to significantly impair subsistence uses, to protect the resource.

D. If so, apply tier 2 standards.

Mrs. Denny Kay Weathers
P.O. Box 837
Cordova, Alaska 99574
Resedent; Hawkins Island
Lot 6, Deep Bay VHF ch. 6

(Face Letter)

Dear Committee Chairman;

Could you please see that all the members of your committee recieve a copy of my letter in support of Senate Bill #231 and House Bill #288 to help ensure the safety and future of all our natural resourses and wildlife throughout all Alaska. Thank you all for your time and hard work, If I can be of any help to any one of our legislators with our fishing records please let us know.

Signed;

Denny Kay Weathers

Mrs. Denny Kay Weathers

Mrs. Denny Kay Weathers
P.O. Box 837
Cordova, Alaska. 99574
Resedent; Hawkins Island
Lot 6, Deep Bay VHF ch. 6

Dear Alaska State Legislators;

I am a homemaker & mother, I live (5) water miles Northwest of Cordova on the North end of Hawkins Island in the Deep Bay area.

I am strongly in support of Senate Bill # 231 and House Bill # 288, and urge all Senate and House Chairman and Co-Chairman to work as quickly as possible at resolving these major issues.

My personal reasons are as follows; Fishing is our only source of an income which in turn is our survival. Survival meaning we must purchase fishing and hunting license, shells, fuel to even go get game meat.

In order to make jelly, bread or even grow a hand full of potatoes it takes an income to purchase flour, sugar or seed potatoes, and much work to even try to grow a small kelp box garden, do to our poor gardening conditions in this area, compared to Anchorage, Palmer and Fairbanks with such good growing seasons.

You must take in to consideration, our moose and deer, in the Prince William Sound, Copper River and the surrounding Cordova area. All the moose and deer were transplanted here prior to Statehood. This makes a limit on all the game meat in this area, which is set up to ensure that our children will have moose and deer when they grow up. The Alaska Fish and Game regulate these rules to ensure future stocks, this is done in the best interest of the people.

If the State was to open subsistance hunting to all residents it would distroy all that the dept. of Fish amd Game has worked so hard to protect for the future of all Alaskans.

As for the Copper River Red Salmon run; in 1982 my husband caught 2,865 red salmon, 1983 was 1,323 red salmon, 1984 was 741 red salmon. Each year we have been cut back on our take of the Copper River Red Salmon to ensure the brood stock and to assure that the subsistance fisherman get thier increased quota of Red Salmon each year.

My husband in 1982 paid $57.30, 1983 paid $26.46, 1984 $14.82, this was just the Aquaculture asesment for Copper River Red Salmon and by the time the cannerys mached the $.02 per fish it totaled $98.58 paid out for our catch to ensure the preservation of our future Copper River Red Salmon through the Aquaculture. Please also note that the subsistance fishermen do not pay the $.02 per fish nor do they quit fishing during the closers by the State of Alaska Dept. of Fish and Game. These closers are designed to give proper escapement to ensure the proper amuont of brood stock escapement.

If the Copper River Fishermen have to cut back much more there will not be a Copper River Fisherman left.

Please understand , I beleave that subsistance is very important but not to the point of destruction-meaning our resourses can not handle every resident becoming a subsitance user. Please study this issue with the up-most care, because rivers, streams, forests and fields can only provide just so much and when it's gone it's gone forever. The Alaska State Fish And Game have been slowly accomplishing a goal, why not leave it there at least they have some facts and figures andda future to work with.

To me subsistance means a need and a need means necessity which brings us back to subsistance which is the minimum food and shelter necessary to support life-not the want for the food.

I beleave hunting and fishing is still a privilege and honor that the State of Alaska provides by over seeing the resources and keeping them balanced.

People that have a good income, meaning average income or higher should be willing to purchase a hunting or fishing license and leave the subsistance to the person or persons that truely need it for the reasons of survival, not for the want or greed. Remember the key words to subsistance is in the Websters Dictionary. Thank you for your concerns and time on thhse important issues.

Denise Weathers

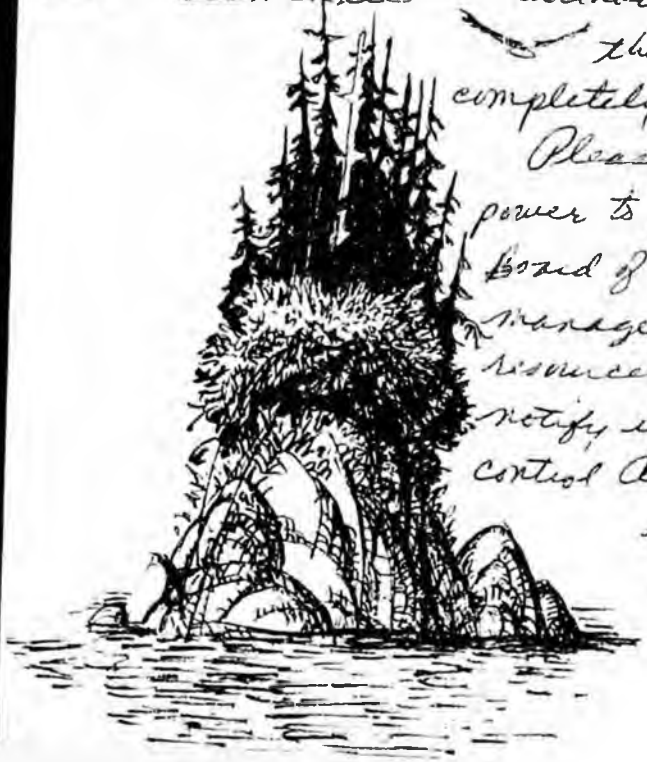
March 25, 1985
Cordova, Alaska

Senator Abood
Chairman, State Affairs Committee

Dear Senator Abood,

I am writing to request your prompt support of SB # 231 regarding our state fisheries management. It is critical for our community, the fishing industry, and our state central that this bill be expediently endorsed by the Senate.

The resources of our great state will disappear rapidly if there is random and wanton usage without management. Violating Federal laws regarding subsistence allows for the possibility of Federal take-over. This would eliminate our authority to manage the resource completely.



Please exercise your power to give authority to Board of Fisheries to manage and allot our resources, before the Feds notify us that they control Alaskan salmon!

Sincerely,

Joanne Lee
Box 989
Cordova, Ak
99574

Carol Emmett
P.O. Box 1472
Cordova AK 99574

Dear Senator Abood
I'm writing to support speedy passage of Senate Bill #231 and House Bill #288 to save the Copper River Salmon fishery.

As a resident and employee in the city of Cordova I have become very aware of the large contribution the P.W.S. gillnetters make to the economic base here. I don't believe Cordova can survive without healthy fisheries.

I believe that the State Fish and Game Board have done a pretty good job, if preservation and growing numbers of Salmon are any indication, and a return to the system that has worked well is the best solution.

As an Alaskan I favor subsistence for those who need it. Has anyone considered an income ceiling for subsistence permit holders?

We are all anxiously watching the outcome of these bills as the futures of so many hang in the balance.

Sincerely
Carol Emmett
Bartender
Cordova

RECEIVED
MAR 28 1985

STATE affairs - Comm.

SENATOR ABOOD

SIR

I Am Quite Concerned about The Madison decision, and I Believe Because of This decision That There is a good Chance of The Fishing Time on The Copper River delta Being Reduced OR Completely Closed for Commercial Fishing This year, Thus Spelling Desaster for The Economy of Cordova and all Commercial Fishermen That fish The Copper River.

Therefore I urge you To do Everything within your Power To Pass SB# 231 OR any other Legislation That will give the Alaska Board of fisheries and game The Power To Regulate and Manage The Resources the way They have Been Regulated The past 3 years

RECEIVED
MAR 28 1985

Thank you
Jack Kettel
Box 489
Cordova AK.

Earl N. Kari
4110 Tazlina Avenue
Anchorage, AK 99503

Sub bill
M

Mitch Abood
Senator
Pouch V
Juneau, AK 99811

Dear Senator Abood:

I am writing regarding the recent court ruling overturning regulation of subsistance use by the State Department of Fish and Game. As a commercial fisherman in Cook Inlet I am concerned that a protracted legislative hearing on the issue may spell financial disaster for me.

I have to assume that you and the majority of your legislative body are fairly well versed on the issue and I cannot understand Senator Bennet's response to the matter unless it represents his constituents narrow interests. There is no justification for not considering the issue now. The Department of Fish and Game had done a commendable job in balancing uses in forming a subsistence policy based on true need and merit. I think it is unfortunate that a small number of individuals who could not justifiably be considered as subsistence users have been able to overturn the present regulation.

Action is needed to put the matter on this sessions legislative agenda. From what I have read of Governor Sheffield's bill I would support his approach. I would like to request your assistance in bringing a subsistence bill to the Governor's desk this session. My personal financial future is dependent on being able to fish a normal commerical salmon season in Cook Inlet.

Thank you for any assistance you can give to this matter.

Sincerely,

Earl N. Kari

RECEIVED
MAR 20 1985

March 25

Dear Senator Aliood:

I'm writting to urge you to please pass Senate Bill 231 and give to the Board of Fisheries the flexibility to manage the resource for the user groups.

Thank you for your time.

Sincerely

Mike McKenzie

RECEIVED
MAR 27 1985

BOX 1471
Cordova 99574

Box 1192
Cordova, Alaska 99574
March 22, 1985

Senator Mitch Abood
Chairman State Affairs Committee
Pouch V (MS3100)
Juneau, Alaska 99811

Dear Senator Abood,

I am writing this letter because I am very much concerned about the pending disaster that is threatening our gillnet fishery in the Copper River area.

I am a resident of Cordova and a commercial fisherman. My own economic stability is threatened as well as the ecomonomy of Cordova.

I rely on the gillnet fishery for a large portion of my livelihood. The City of Cordova is heavily dependent upon the Copper River gillnet fishery and it's loss due to subsistance (personal use) conflicts, threatens the economic well being of our entire city!

I therefore urge your support for Senate Bill 231 and House Bill 288 or a means for keeping us fishing and maintaining the strength and future of this important industry in Alaska.

RECEIVED
MAR 27 1985

Sincerely,

Gerald D. Thorne

March 25, 1985

Dear Senator Abood,

I am a commercial fisherman and hold a PWS Gillnet permit. I am writing to you concerning Senate Bill 231.

As both a commercial and sports fishing enthusiast I feel it is imperative to rectify the situation created by the Madison Decision. Our fisheries resource has been managed very well by the ADF&G to provide sports, commercial and legitimate subsistance users a fair share while maintaining a healthy fish runs.

RECEIVED
MAR 27 1985

The impact on the gillnet fishing without Senate Bill 231 would be very serious.

Please help us retain our livelihood by passing Senate Bill 231 this session.

Sincerely,

Jeff Phillips
Box 1565
Cordova, Ak.
99574

Dear Senator 3-21-85

I am writting to urge you to pass S.B # 231 and give back to the board of fisheries the flexability to manage the resource for the user groups.

thank you
Jeffrey S Davis

RECEIVED
MAR 27 1985

P.O. Box 1142
Cordova, Alaska 99574
March 24, 1985

Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Sirs,

As a commercial fisherman, an Area E limited entry permit holder and a resident of Cordova, Alaska, I urge you to support SB #231. Please return to the Alaska Board of Fisheries and Game the power to regulate and manage our fish and game resources.

The implications of the Madison Decision on myself and this community are economically devastating. If SB #231 is not acted upon in an expedient and just manner financial hardships to the extent of filing a chapter eleven will ensue for myself and a good portion of my fellow fishermen in Prince William Sound and Cook Inlet. Is commercial fishing no longer an Alaskan tradition?

Sincerely,

Karol R. Marx

Karol R. Marx

RECEIVED
MAR 27 1985

P.O. Box 1142
Cordova, Alaska 99574
March 24, 1985

Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

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Sincerely,

Karol R. Marx

Karol R. Marx

RECEIVED
MAR 27 1985

Box 842
Cordova, Alaska 99574
March 22, 1985

Senator Mitch Abood
Chairman State Affairs Committee
Pouch V (MS3100)
Juneau, Alaska 99811

Dear Senator Abood,

I am writing this letter because I am very much concerned about the pending disaster that is threatening our gillnet fishery in the Copper River area.

I am a resident of Cordova and a commercial fisherman. My own economic stability is threatened as well as the ecomonomy of Cordova.

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I therefore urge your support for Senate Bill 231 and House Bill 288 or a means for keeping us fishing and maintaining the strength and future of this important industry in Alaska.

Sincerely,

Gerald E. Thorne

Gerald E. Thorne

RECEIVED
MAR 27 1985

RECEIVED
MAR 27 1985

March 25, 1985

Open Letter to All Senators

RE: SB # 231, HB # 288

Dear Senator Elrod,

There has been a lot of discussion on the Madison opinion, its implications on our Natural Resource mangement plans, and the Administrations bill presented to the House and Senate. My residence is Cordova, Ak. I have been making my livelihood from commercial fishing on the Copper River Flats since I was 16 years of age. I've been fishing for 16 years. I would like to give you my perspective on the Madison opinion as it stands, how it may/will affect this commercial fisheries, and the effect that SB#231 will have on remeding this.

Subsistence defined in regulation by the Board of Fisheries followed a set of criteria that put the State in compliance with the Federal Governments Alaska Native Lands Claim Act (ANiLCA) Specifically, one had to be a RURAL resident that customarily and traditionally used a natural resource for subsistence needs. At the time that this definition was drafted, reports showed that the resource was being used by many residents of Alaska outside of the Rural defined area,(Dept. of Fish and Game- Subsistence Division reports). Now, I will go back to the Copper River. RURAL was defined as the Copper Basin Drainage. Statistics compiled showed that 98.5% of the subsistence permits for dipnetting salmon were outside of the basin area. 80-85% were from the Urban areas of Anchorage, Fairbanks, and the large military bases. A PERSONAL USE category was defined by regulation for the residents outside of the Basin area. At that time it was determined that urban demands on the resource were not true subsistence needs. The PERSONAL USE category recognized the use of the Salmon resource by a quasi-recreational homepack group of residents.

The main difference between Personal Use as defined by regulation and Subsistence as defined by the Madison Opinion is that Personal Use has a QUOTA of 60,000 salmon in the Copper River. Under Subsistence there would be no quota. The bag limits under personal use are Individual 15, Household 30 (about 150 lbs of dressed salmon). Under Subsistence limits are Household 200 (about 1000 lbs of dressed salmon).The impact of these figures of the Personal use use put into Subsistence use (by including personal use as Subsistence) on the Copper River Redsalmon Resource would severely restrict the commercial fleet in 1985, and surely replace it in future years!

SB #231 defines Subsistence so that it is in compliance with ANiLCA. This is done by inserting RURAL as a criteria. This Bill also defines a personal use category to give all residents an equal opportunity to recreate in the Resource.

SB # 231 has been put in the following committees:

Senate State Affairs
Senate Resources
Senate Judiciary
Senate Finance
Rules

HB # 288 has been put in the following committees

House Resources
House Judiciary
Rules

In Conclusion, I urge you to take action on waiving SB# 231 from Senate Judiciary and Senate Finance. Please give this Bill the time and attention that it deserves. But don't let it die because of being put in too many committees!

We fishermen and the citizens of Cordova are very much afraid of the Madison Opinions' impact on our economic dependence on the Copper River Salmon Resource

Thank You,

Dan P. Bilderback

Dan P. Bilderback
P.O. Box 723
Cordova, AK 99574
Ph# (907) 424-3475

Enclosures: SB# 231
ADF&G Position on the Madison opinion as relates to the management of the Copper River
Board of Fisheries and Board of Game Joint Resolution on the Madison opinions' effects on management of resource management

6

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the taking of fish and game for subsistence and personal use; and providing for an effective date."

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

* Section 1. FINDINGS. The legislature finds that:

(1) the taking of fish stocks and game populations for personal and family consumption and related uses is essential to the health, safety, and general welfare of Alaskans domiciled in rural communities or rural areas in which the taking of fish and game for such uses is a significent part of the economy of the community or area; and

(2) the taking of fish stocks and game populations for personal, sport, and commercial uses is also of economic and recreational importance to Alaskans who reside anywhere in the state.

Sec. 2. AS 16.05.251(a) is amended to read:

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.-62) for

(1) setting apart fish reserve areas, refuges and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture and transport of fish;

(6) classifying as commercial fish, sport fish, <u>personal use fish</u> or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) personal use fishing.

*Sec. 3. AS 16.05.940(23) is amended to read:

(23) "subsistence uses" means the customary and traditional uses by rural (IN) Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family comsumption, and for the customary trade, barter, or sharing for personal or family consumption; for the purposes of this paragraph, "family" means all persons related by blood, marriage, or adoption, and any person living within the household on a permanent basis;

*Sec. 4. AS 16.05.940 is amended by adding a new paragraph to read:

(28) "personal use fishing" means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other similar means defined by the Board of Fisheries.

*Sec. 5. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Passed 3/24/85

Resolution of Joint Board of Fisheries & Board of Game

WHEREAS, it is unclear to what extent the boards may restrict subsistence harvest after the Madison ruling and as a result, substantial and significantly disruptive reallocations of opportunities to harvest fish stocks and game populations may be necessary. For example:

1. The commercial gill net fishery which is an important component of the Prince William Sound economy may need to be significantly restricted in 1985 or, eventually, even closed. Prior to the Madison decision the Board of Fisheries had adequate regulatory flexibility to accommodate both the historic commercial fishery and other users.

Box 842
Cordova, Alaska 99574
March 22, 1985

Senator Mitch Abood
Chairman State Affairs Committee
Pouch V (MS3100)
Juneau, Alaska 99811

Dear Senator Abood,

I am writing this letter because I am very much concerned about the pending disaster that is threatening our gillnet fishery in the Copper River area.

I am a resident of Cordova and a commercial fisherman. My own economic stability is threatened as well as the ecomonomy of Cordova.

I rely on the gillnet fishery for a large portion of my livelihood. The City of Cordova is heavily dependent upon the Copper River gillnet fishery and it's loss due to subsistance (personal use) conflicts, threatens the economic well being of our entire city!

I therefore urge your support for Senate Bill 231 and House Bill 288 or a means for keeping us fishing and maintaining the strength and future of this important industry in Alaska.

RECEIVED
MAR 27 1985

Sincerely,

Ina M. Thorne

Ina M. Thorne

JEFF COOK 279-0724
1113 POTLATCH CIRCLE
ANCHORAGE, AK 99503

JUST PURCHASED A SPORT FISHING LODGE. LIFE SAVINGS INVESTED.

IN FAVOR OF SB 231. COULD LOSE LODGE IF THIS LEGISLATION IS NOT IMPLEMENTED.

SB 231 - BY GOVERNOR
SUBSISTENCE & PERSONAL USE OF FISH & GAME

DELIVER TO: JPOM

ORIGINAL
SENT: 03/22/85 TIME: 16:26
FROM: PEGGY SIMONS
SUBJECT: POM
PRINT DATE: 03/22/85 TIME: 16:30

3

TO: SENATOR ABOOD, DE VRIES

FR: TOM LOPEZ, 1231 W. 7TH, ANCHORAGE, 99501
PH. 278-2402

RE: SB 231 SUBSISTANCE

I WOULD LIKE TO URGE THE SENATORS TO QUICKLY PASS SB 231 AND HB 288. OUR LIVLIHOOD DEPENDS ON IT. I AM A COPPER RIVER DRIFT GILL NET FISHERMAN.

RECEIVED
MAR 25 1985

RECEIVED
MAR 19 1985

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*                                                                    *
* DELIVER TO: JPOM                                                   *
*                                                                    *
*                                                                    *
* ORIGINAL                                                           *
* SENT:          03/18/85  TIME: 13:48                               *
* FROM:          MARTIE ROZKYDAL                                     *
* SUBJECT:       POM - MATR-0108                                     *
* PRINT DATE:    03/18/85  TIME: 13:53                               *
*                                                                    *
**********************************************************************
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TO: SENATORS KERTTULA, ABOOD, DEVRIES, V. FISCHER, KELLY, RAY

FROM: DAN BILDERBACK
PO BOX 723
CORDOVA 99574
424-3475

RE: SB 231, SUBSISTENCE

I AM A LIFELONG RESIDENT AND COMMERCIAL FISHERMAN OF THE COPPER RIVER. URBAN DEMANDS ON NATURAL RESOURCES CAN BE MET THROUGH A PERSONAL USE CATEGORY. IF URBAN DEMANDS FALL UNDER SUBSISTENCE, THE LONG TERM IMPACT WOULD DESTROY THE COMMERCIAL AND SPORT FISHERIES OF THE COPPER RIVER.

231

MARCUS F. JENSEN
P.O. BOX 2220
JUNEAU, ALASKA 99803

April 29, 1985

Dear Editor:

Governor Sheffield gave a radio talk on Sunday, April 28, on his subsistence bill, House Bill 288. His talk indicated a lack of understanding of the problem. His bill adds the word "rural" to circumvent the recent Alaska Supreme Court decision. The "Madison" decision says existing state law provides for subsistence regulations but that they must cover both rural and urban Alaskans.

While HB 288 would allocate subsistence only to "rural" residents, it fails to define "rural". Who are the rural residents of Alaska? Are they those individuals living in cities and towns served by roads, commercial aircraft, ferries and trains? Or are they the individuals residing in truly remote areas? And should subsistence be available only to "rural" Alaskans? The Governor should address the intent and scope of his proposal. Merely tossing the Boards another law on subsistence that further restricts their ability to fairly allocate the resources among the various beneficial uses is not the answer.

The answer must include protection of the resources and fairness in the allocation of their uses.

The Governor says he is afraid of federal take-over as is provided for in ANILCA. Instead of meekly complying with a bad federal act, perhaps he should use his authority to test the validity of the federal act. Many lawyers feel it is unconstitutional. By testing the federal act the Governor would be representing most Alaskans who want to control their own resource without federal intervention. This is what statehood was all about.

The need for a state subsistence act is greatly diminished when one understands that 42 million acres were given to the Natives for top priority use for subsistence. This land mass is equal to one mile wide and sixty five thousand miles long. It should raise a few animals.

The Governor's proposed law will only further confuse and alienate people and it is not needed. We should all accept the Alaska Native Claims Act for what it was--settlement of aboriginal claims including special claims on fish and game, and get on with fair and equitable allocation of these resources for all Alaskan citizens.

Sincerely yours,

Marcus F. Jensen

RECEIVED
APR 29 1985

Attachment #21

SB 231

ALASKA OUTDOOR COUNCIL
3780 McGinnis Dr.
Juneau, AK. 99801

RECEIVED
MAY 1 1985

SPECIAL NOTICE

4/29/85

Alaska Subsistence Issue--Myths & Facts

Recent comments by the Governor, members of the Legislature and certain special interst groups have created a growing sense of hysteria over the Alaskan subsistence issue. As a result, numerous distortions of fact have occurred in order to panic the general public, the various user groups and the legislature into supporting a quick fix to the extremely complicated subsistence law. For your information, we are providing you a copy of our 4/17/85 Special Notice on the issue and we are also including herein a few comments on some of the myths and facts that have been circulated recently to the Legislature and the public.

MYTH - The Governor's proposed bills (HB 288 & SB 231) will return the subsistence situation to pre-Madison (Supreme Court Ruling) by inserting the word "rural" into the existing State law and by creating a "personal use fishery" category.

FACT - The Governor's bills do not resolve the major problems clearly enunciated in the Madison Supreme Court ruling. His bills will allow the Boards of Fisheries and Game to eliminate urban users from subsistence uses but the Court also ruled (Supreme Court Opinion #2911):

1. The Boards must adopt regulations giving subsistence uses an absolute priority (Page 5).

2. The Boards must eliminate competing uses such as sport or commercial uses before restricting subsistence uses (Page 16 & 17).

MYTH - The Governor's proposed legislation will solve the potential crises situations involving sport fishing in Cook Inlet, commercial fishing in Prince William Sound and sport hunting throughout Alaska this spring and summer.

FACT - The Madison Supreme Court ruling essentially eliminated the regulations that the Board of Fisheries had established descriminating between Alaskans on the basis of residency--including the ten point criteria used by the Board. Even if the Governor's legislation were to pass there is not enough time under the Administrative Procedures Act for regulations to be properly adopted before the fishing and hunting seasons commence. The only means for immediate relief is under the emergency powers of the Commissioner of Fish and Game.

MYTH - The creation of a "personal use fishery" will provide for urban subsistence needs.

Fact - The personal use fishery provided in the Governor's bill gives no priority to the personal use fishery. Whenever it comes in conflict with subsistence uses, it must be eliminated along with sport or commercial uses. In addition, there is no proposed "personal use hunting" provision in the Governor's bills.

MYTH - The Governor's bills resolve the subsistence problems.

Fact - HB 288 and SB 231 further exacerbate a growing conflict between urban and rural users by giving an ultimate priority over use of common property resources to a portion of Alaskan residents based on their residency.

MYTH - The Governor is concerned with Federal takeover of Fish and Wildlife Management.

Fact - The Governor and the majority in the House refused to accept an amendment to HB 288 which would keep us in compliance with the Federal law but would have provided a sunset clause next year.

MYTH - The Federal Government will manage fish and wildlife if HB 288 does not pass in its present form.

FACT - Deputy Under Secretary Willam P Horn in his April 18, 1985 correspondence to Representative Goll indicated that "we would afford the State an opportunity to correct the program deficiencies". He also indicated "the Department has no immediate plans to undertake activities to discharge its obligations under Sections 805 (a), (b), and (c) if it is finally determined that the Madison decision puts the State in non-compliance and there are indications that the State will act to come into compliance". He did indicate that a Federal Court could require the Federal Government to assume subsistence management, however.

MYTH - The Anchorage Sportfishing organizations support HB 288.

FACT - Both the Alaska Sportfishing Association and the Kenai River Sportfishing Association have indicated:

1. They oppose HB 288 in its present form.

2. They favor a permanent solution to the Alaska subsistence law conflicts.

3. They favor legislation with a sunset clause which will allow the Boards of Fisheries and Game to regulate in the interim.

4. They favor hearings during the interim .

MYTH - The Governor's bills resolve the Court of Appeals ruling on the Eluska case.

Fact - The Eluska case provided that the State could not continue to provide for subsistence uses under sport regulations and a subsistence priority must be provided by regulation. The court held that the Board may not retrict subsistence hunting at all in an area in which sport or commercial hunting is permitted. Lacking regulations giving subsistence a priority, a subsistence user may essentially harvest game unrestricted. The Governor's proposal does not deal with this issue in any way.

MYTH - The Governor supports taking politics out of fish and game management by proposing HB 288.

FACT - The Governor's bills insert politics into management by legislatively instructing the Boards of Fisheries and Game to discriminate against most of Alaskans in the allocation of Alaska's common property fish and wildlife resources.

MYTH - Residents of Anchorage, Fairbanks, Juneau and Ketchikan may be allowed to participate in subsistence uses if HB 288 is passed.

FACT - ANILCA requires that a definition of the term "rural" requires that Anchorage, Fairbanks, Juneau and Ketchikan be considered urban and ineligible for subsistence.

MYTH - The Legislature and this Administration will take up the State subsistence law next year if there are still problems.

FACT - This Administration and many legislators promised to correct the problems three years ago; however, they failed to do so until the recent Supreme Court decision foced them to address the issue this year.

There remain several major questions that should be answered:

1. Why does the Governor and certain special interest groups oppose a thorough review of the State subsistence law during the next year. Especially, if an interim law with a sunset clause could be passed keeping us in compliance with the Federal law while giving the regulatory Boards authority to regulate during the interim?

2. Why must all existing subsistence users in Anchorage, Fairbanks, Juneau and Ketchikan be eliminated from participating in legitimate subsistence activities if they also have the same needs?

3. Why does this Administration and certain special interest groups oppose a precise definition of the word "rural" if it is inserted into the State's law so that Alaskan's will know if they are subsistence users or not?

4. Why do the supporters of HB 288 oppose defining the term "restrict" which will allow for subsistence uses to be regulated?

5. Why do the supporters of HB 288 oppose amendments which will provide that in some cases, as determined by the regulatory Boards, that subsistence, sport and commercial uses may all be regulated rather than requiring that all sport and commercial uses be eliminated before restricting any subsistence uses?

6. Why do the supporters of HB 288 oppose "personal use fishing" including "hook and line" fishing?

7. Why do the supporters of HB 288 oppose a definition of "priority" to include a reasonable preference but not an exclusive use?

8. Why do the supporters of HB 288 oppose amendments which will exclude new Alaskan residents who move into a subsistence community from having a priority over Alaskans elsewhere who have greater dependency and history of use of the same fish and wildlife resources?

These are questions whose answers may help unravel the political web that is making the issue of subsistence nearly impossible to deal with.

ALASKA OUTDOOR COUNCIL
3780 McGinnis Dr.
Juneau, AK. 99801

SB 231

SPECIAL NOTICE

4/17/85

Alaska Subsistence Issue

This special notice summarizes, from the Alaska Outdoor Council's point of view, the most important issues involved in the present controversies surrounding the State's subsistence law. Because the legislature is examining amendments to the law, it is important that the amendment process carefully consider all major problems with the existing law so that these controversies are not perpetuated.

The Alaska Supreme Court Ruling

The Alaska Supreme Court February 22, 1985 struck down a Board of Fisheries regulation that had identified eligibility for subsistence fishing in the Cook Inlet region. Under the regulation, certain residents of the Kenai Peninsula had been eliminated from subsistence fishing.

The Court opinion emphasized the following points:

1. The State law requires the Boards to adopt regulations permitting "subsistence uses".

2. The State subsistence law does not allow the Boards of Fisheries and Game to distinguish between rural and urban subsistence fish and game users.

3. The State law does not allow the Boards to restrict subsistence use to a specific community, unless the resource is in jeopardy.

4. A major point of departure from the State's previous position was the ruling by the Court that all sport and commercial uses must be eliminated before subsistence uses are restricted in any way.

The Alaska Court of Appeals Ruling

On April 12, 1985 the Alaska Court of Appeals issued a ruling dealing with the State's prosecution of a subsistence hunter who had taken a deer on Kodiak Island during the closed season. The court indicated:

1. "Substantial uncertainty" exists on these issues but the

defendant is correct in arguing that his unregulated subsistence use is legitimate in the absence of regulations to the contrary.

2. The Board of Game must (emphasis added) adopt subsistence regulations according to the State's 1978 subsistence law.

3. The State has failed to carry out its responsibilities by not adopting subsistence regulations.

4. "A potential subsistence user must be able to determine before he or she hunts whether the hunt will comply with the law before he or she can be subjected to criminal prosecution for his or her hunting."

5. "The State must prove guilt beyond a reasonable doubt by convincing a jury that the hunting in question was not a subsistence use."

The practical effects of this case means that in instances where the State Boards have failed to identify and provide for existing subsistence uses, the subsistence users may legally participate in that activity. Since the Boards has recognized only a relatively few subsistence uses, most of the State could be essentially unregulated for subsistence.

The Administration Proposal

The Sheffield Administration introduced HB 288 and SB 231 to insert the word "rural" into the State law and provide for a "personal use fishery" category. This offers a patchwork response to the court rulings, fails to correct major flaws in the law and will perpetuate the present political atmosphere of direct competition between urban and rural residents.

The Alaska Outdoor Council Position

The Alaska Outdoor Council offers the following points and option as a basis for permanently correcting the flaws in the present subsistence law:

1. The courts rulings have focused on several critical issues involved with the socially divisive State subsistence law and any changes should be carefully considered and the public fully involved.

2. The Governor created a Subsistence Task Force two years ago that was a total failure and was disbanded.

3. Legislative action this session should focus on clarifying the elements of the issue as the first step in resolving this controversy. Poorly crafted amendments will

cause the issue to emerge annually. Due deliberations and consideration of all alternatives are essential.

4. If it is determined, after full deliberations by the legislature, that immediate temporary corrective measures are essential, we propose that the legislature consider passing a law creating a one year moratorium or "freeze" on the subsistence law which will give them, the public and the Administration one full year to appropriately tackle the entire issue.

5. The 7 year history of controversy and court rulings is a clear statement that neither the public nor the elected public officials clearly understand "subsistence".

6. Other specific recommendations:

a. The position of the Alaska Outdoor Council membership has consistently been that subsistence should be based on some equitable basis of individual or family "need".

b. No common property resources, under provisions of the State Constitution, should be allocated on an exclusive use priority basis.

c. No subsistence user qualifications should be based on residency, including any community.

d. Terms like "Customary and traditional", "rural" or "family" must be clearly defined if they are used in any form in the law. It is imperative for the legislature to clearly define the terms of any subsistence law to allow an Alaskan resident to determine whether he is or is not a subsistence user.

e. The term "customary trade" must exclude all commercial sales.

f. The law must authorize the Boards of Fisheries and Game to regulate subsistence uses at any time, when appropriate.

g. Competing uses should not be eliminated whenever there is a conflict with subsistence uses.

h. The Boards should be allowed to regulate subsistence uses at historic levels of harvest.

i. The term "restricted" must be clearly defined to allow on-going regulation of subsistence uses.

SB 231

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

April 18, 1985

Honorable Peter Goll
Chairman, House Special Committee
on Fisheries
Alaska State Legislature, Pouch V
Juneau, Alaska 99811

Dear Mr. Goll:

Thank you for your letter of April 1 regarding the State of Alaska's subsistence program and the recent Madison decision. In early 1982, the Department of the Interior certified that Alaska's subsistence program was in compliance with Title VIII of the Alaska Lands Act (ANILCA). This action followed extensive consultation between the State authorities and the Department. We had advised the State that the program which was certified (and the focus of the Madison case) was not the only approach that would comply with Title VIII. Although the focus during recent years has been on the urban and rural classifications, ANILCA specifies that rural residency is not the only criterion to be used in determining eligibility for the preference for nonwasteful subsistence taking. Section 803 provides that eligibility for the preference may be limited to those rural residents for whom subsistence is customary and traditional.

Our preliminary review of the Madison decision indicates that it puts the State in a position of non-compliance. The decision appears to require that, under Alaska law, the subsistence preference be extended to urban residents--an extension barred by Title VIII. We have written your Attorney General and asked for his opinion on this preliminary assessment. We prefer not to make a final ruling on the effect of a State of Alaska court decision which focused solely on a State statute and State implementing regulations without the views of Alaska's chief legal officer.

RECEIVED
APR 23 1985

Attachment #20

If our final determination remains the same as our preliminary assessment, we would afford the State an opportunity to correct the program deficiencies. Since the apparent non-compliance is the result of an unexpected court ruling rather than willful action by the State's executive or legislative branches, we are persuaded that Title VIII implicity requires us to provide the State with a reasonable opportunity to take appropriate corrective action. Efforts by the State to comply with the spirit if not the letter of Title VIII would lend support to this approach. Consequently, the Department has no immediate plans to undertake activities to discharge its obligations under Sections 805 (a), (b), and (c) if it is finally determined that the Madison decision puts the State in non-compliance and there are indications that the State will act to come into compliance. Please note, however, that this course of action is not completely free of risk. It is possible someone could pursue the judicial remedy specified in Section 807 and argue that we must take immediate action under Sections 805 (a), (b), and (c). Should a Federal court agree with that assertion, the Department could be compelled to assume subsistence management on public lands notwithstanding our decision to afford the State an opportunity to come back into compliance with Title VIII.

You posed a series of questions regarding how we would take action pursuant to Section 805. Since we have not yet prepared plans for assumption of subsistence management, many of your questions cannot be answered. Nonetheless, it is likely that some form of NEPA compliance will be required. We could however, invoke the emergency rulemaking authorities under the Administrative Procedures Act to save additional time.

If Federal action is required, coordination with the State would be extremely important since the one-third of Alaska that is non-Federal land would remain subject to State fish and game management. The resulting dual management scheme would cause many problems and is one of the primary reasons why we are strongly supportive of continued State management and hope that the State will cure the apparent deficiencies created by the Madison decision.

You also inquired about an arrangement, following Federal action, under which the State would continue on-the-ground management of fish and wildlife resources under the aegis of the Federal Government. The legality of such an arrangement is currently

under review but your Department of Fish and Game might be barred from complying with the statutorily-required Federal directions if existing State law did not permit distinctions to be made between customary and traditional rural subsistence users and other users of fish and wildlife resources.

Your last question addressed the Department's ability to discharge the management responsibilities it might have to assume under Section 805. Presently we do not have such capabilities; however, we shall take all required steps to acquire such capability if necessary to fulfill our legal obligations.

I trust that this is responsive to your concerns. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

William P. Horn

DEPUTY UNDER SECRETARY

Official Business

Alaska State Legislature

House of Representatives

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

Special Committee on Fisheries

April 1, 1985

Mr. Bill Horn
Deputy Undersecretary
Department of the Interior
Washington, D.C. 20240

Dear Mr. Horn:

A recent ruling by the Alaska Supreme Court striking down regulations governing subsistence fishing in Cook Inlet has resulted in the submission of Legislation modifying the state's subsistence law. State compliance with the provisions of ANILCA is an issue that concerns many lawmakers as the legislation is being dealt with in committee.

A timely response by Department of the Interior to the following issues would help the Legislature in its deliberations.

1) Has the Department of Interior reviewed the Madison decision? If so, has it made a determination of whether it would put the state in the position of non-compliance with ANILCA?

2) What kinds of situations would put Alaska in non-compliance with ANILCA?

If the courts or federal government determines the state is not in compliance with ANILCA and the federal government steps in to manage fish and wildlife on federal lands:

1) What kind of regulation promulgating process would the Department of the Interior undertake for fish and game management? Do you envision a NEPA-type process? If so, how long would it take from regulation proposal to enactment?

2) How would the Department of the Interior coordinate its fish and wildlife management on federal areas with state management within state jurisdiction? Does Interior envision problems with a dual management system?

3) Would Interior opt for a management approach where the state continues to be the fish and wildlife manager with federal approval?

4) Does Interior have the in-house expertise to adequately handle the management responsibilities that it might be delegated?

I respectfully request your prompt response to these questions as the subsistence Legislation is under consideration in the House. Please contact me if you need clarifications. Thank you for your consideration of my informational request.

Sincerely,

Representative Peter Goll
Chairman, House Special Committee on Fisheries

3/15/85

&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&POMK106M - 3/15

TO: SENATORS ABOOD, DEVRIES, V. FISCHER, KELLY, RAY
REPS. HERRMANN, SHULTZ, WALLIS, CATO, JENKINS, M.W. MILLER, PEARCE, SUND, THOMPSON

FR: ART DRABECK
SRC BOX 8338
PALMER 99645

SB231

RE: SB231 & HB288 - SUBSISTENCE LEGISLATION

THE PEOPLE OF ALASKA HAVE VOTED FOR SUBSISTENCE. FEDERAL LAW AUTHORIZES SUBSISTENCE. THE ALASKA SUPREME COURT SAYS ALL PEOPLE, URBAN AND RURAL, ARE ELIGIBLE FOR SUBSISTENCE. WHAT YOU NEED TO DO IS HOLD PUBLIC HEARINGS THROUGHOUT ALASKA FOR AT LEAST ONE YEAR AND THEN DECIDE WHAT SUBSISTENCE IS. REPLY REQUESTED.

RECEIVED
MAR 18 1985

RECEIVED
MAR 26 1985

SENATOR ABOOD,

I'm WRTING IN RESPECT TO THE ISSUE OF SUBSISTENCE FISHERY REGULATION. SPECIFICALLY ABOUT MADISON VS STATE & SB #231. IT IS VERY IMPORTANT FOR THE WHOLE COMMUNITY OF CORDOVA THAT THIS BILL BE SCHEDULED FOR HEARING THRU THE SENATE COMMITTEES & TO PUSH FOR QUICK FIX LEGISLATION BEFORE MAY 15th WHICH IS WHEN WE ARE SCHEDULED TO START FISHING THE COPPER RIVER DELTA FOR SOCKEYE & KINGS. THIS PARTICULAR FISHERY COMPRISES LITERALLY ½ (50%) OF MY & THE REST OF THE TOWNS INCOME FOR THE YEAR.

I WOULD APPRECIATE VERY MUCH A LITTLE, OR ALOT OF HELP IN THIS MATTER.

THANK YOU VERY MUCH,

A VERY CONCERNED FISHERMAN

E. J. Chesher
BOX 2204 CORDOVA 99574

Tacoma
Marine/Cordova

3-20-85

SENATOR MITCH ABOOD
CHAIRMAN STATE AFFAIRS COMMITTEE
ALASKA STATE LEGISLATURE
POUCH V (MS 3100)
JUNEAU, ALASKA 99811

RECEIVED
MAR 26 1985

Dear Senator Mitch Abood;

I am very concerned about the new subsistence ruling. If it is not changed back to rural; it could wipe out Cordova's economy this year.

Cordova survives from commercial gillnetting on the Copper River Delta. We have already lost our winter crabfishery three years ago. If gillnetting on the Copper River Delta is cutback or discontinued, it will spell disaster for Cordova this summer.

It is very important that emergency legislation is completed before May 15-85.

Please do all you can to support HB#288 and SB#231.

Sincerely,
Frederick J. Neiwirth
Manager

FREDERICK J. NEIWIRTH

P.O. Box 2268 • Cordova, AK 99574 • 907/424-3291

March 21, 1985

Dear Senator Mitch Abood.

I am writing this letter in regards to pushing up the date on the hearing of the bill SB # 231.

This as you known is a very touchy item, but to Prince William Sound fisherman and the community it is very important that this bill is pushed thur before May 13th which is our opener date for our Red season which is too be the best since 1980.

Would you please consider us, as Cordovan families which all deal w/ commercial fishing

one way or the other.

Thanking you for your help in this matter.

Mrs Joy Kuder
Box 353
Cordova, Alaska
99574

RECEIVED
MAR 26 1985

RECEIVED
MAR 26 1985

3-20-85
Cordova Alaska

Senator Mitch Abood:

We are writing to ask you to push for the Scheduling of hearings on SB# 231 through the Senate Committees of Judiciary, Finance, State Affairs and Resources and to push for Quick Tip Legislation (SB# 231) before this years Fishing Season.

We have been residents & fishermen in Cordova for 25 years our Children are in the fishing Business and we sure would hate to lose our means of making a living.

Sincerely
Mary Beth & Cliff Allen
Box 22
Cordova, Alaska
99574

March 20, 1985

Senator Mitch Abood
Alaska State Legislature
Pouch V (Ms 3100)
Juneau, Alaska 99811

Dear Senator Abood,

It is of great importance to the City of Cordova that the matter of subsistence be clarified before the adjournment of the 1985 session of the 14th Legislature. Fishing is our only industry and fish our only export. Not having this controversial matter settled will have a devasting effect on Cordova and most other coastal communities which are already suffering from economic woes due to lower exvessel prices, reduced fishing time and the loss of winter crab fishing from depleted stocks. The salmon industry is in operation from May 15th until approximately October 1st, a period of only 4 1/2 months. If the subsistence issue remains unsettled it could represent a 50% reductions in fishing time and a complete shutdown of our gillnet fishery representing over 500 permits. Using last years figures that would represent a loss of $8,000,000 in raw product alone not to mention hundreds of other jobs in local processing plants and $240,000 in raw fish tax. Some legislators may feel they can procrastinate on this issue, but the coastal communities of this state cannot afford to see their only resource swim upstream while the subject is being debated in the Halls of Juneau. I personally feel that subsistence should be handled on a case by case basis taking into account historical and customary use, need and regional residency. This is not to say that all Alaskans cannot share in the fishery since we can all buy a sport fishing license and try our luck with rod and reel or dip net.
I would appreciate your support of Senate Bill 231. It is very important that this issue be settled before the 1st of May.

Sincerly,

Leonard Pingatore
Box 520
Cordova, Ak. 99574

I am presently serving as mayor of the City of Cordova. I also own and operate the Cordova Drug Store and fish commercially in the salmon seine fishery.

Leonard Pingatore

F/V Belen-C
Joe and Belen Cook, Jr.
P. O. Box 215
Cordova, Alaska 99574
Phone (907) 424-3507

Senator Mitch Abood

I am writting to ask you to push, for the scheduling of the hearing on S.B. 231 through the Senate committee and to push for quick fix legislation before this year's fishing season May 15, 1985.

95% of my income, is made on the copper river flats. With out your help. I will not be able to make a living

RECEIVED
MAR 26 1985

Thank You
Joe Cook Jr.

Senator Mitch Abood

Please push for scheduling of hearings on SB # 231 through our Senate committees. Alaska will suffer as a whole if its not done soon, I sure hope you share our governors foresight, in that grave suffering will be had by Cordova in particular, and the entire State on a smaller Scale. Please push for SB # 231 before it is too late, a major damage will be done to Cordova and its people.

Thank you for taking the time to read this.

Sincerely,
William B. Evans
Box 1314 Cordova 99574

RECEIVED
MAR 26 1985

Senator Mitch Abood
Chairman State Affairs Committee
Alaska State Legislature

March 20 1985

Dear Senator Abood

I am writing in regard to Senate Bill #231 "Subsistence". At this time I understand that the Bill has been released to the State affairs Committee but it is yet to be scheduld. I am asking you to do anything and everything you can possibly do to get this Bill scheduled and through the State affairs Committee.

I am a resident of Cordova Alaska and commercial fishing is my sole means of income. Without quick fix legislation to the recent State Supreme Court ruling my livelihood is at a total loss!

Sincerely
Tom Nacolini
BX 102
Cordova AK 99574

Kay + Jerry Estes
Box 1304
Cordova, Alaska
99574

Mitch Abood
Pouch V
Juneau, Alaska
99811

RECEIVED
MAR 26 1985

Dear Mr. Abood;

I'm writing concerning our fisheries S.B. II 231. I cannot believe our own state legislator is going to rape our state! Without rules and regulations, our fisheries would cease to exist, as a re-newable resource or anything else.

Unless action is taken immediately, there will be no comm. fishing on the Copper River flats. Do you have any idea what this will do to Cordova? Why do some of our own state senators seem so horribly ignorant on our commercial fishing industry?. It will be here long after the oil is gone; but only if we take care of it. What is happening now doesn't fall into that category.

All the help we can get is needed <u>now</u>, not after the meeting of the board / fish. They can't do much; their hands have been well tied.

Thank you
Jerry + Roxy Estes

RECEIVED
MAR 26 1985

3-20-85

Senator Mitch Abood,

I'm asking you as a fellow Alaskan to remember that this state subsisted on commercial fishing exclusively untill oil was found.

Since oil was found there has been escalation in revenue for the state as well as a lot more people moving in.

I'm a commercial fisherman, I've had to fight every year politically to protect my means of living, the oldest means of a living in the state.

Why don the new politicians cater only to the oil people who also have many voters?

Why do I feel riped off?

Please consider Bill #231 quickly. The fishing season is pending. a quick decision and Salmon don't wait.

Thank

James Kallander
P.O. Box 2272
Cordova AK 99574

RECEIVED
MAR 26 1985

March 21, 1985

The Honorable Abood,
Alaska State Legislature
Pouch V
Juneau Alaska, 99811

Dear Senator Abood,

We urge your support of SB #231 which will help save our Copper River fishery.

This request is not from a casual concern, but we are dependent on the salmon fisheries for our livelihood.

Sincerely yours,

Chris D. Billings

Chris D. Billings
P.O. Box 219
Cordova Ak. 99574

Senator Abood
State Affairs Committee

As a life long commercial fisherman, and native of Alaska I feel your support of Senate Bill 231 is necessary for my family to remain in Cordova.

Commercial fishing on the Copper River starts May 15, so resolving this issue this session is of utmost importance. If we dont go fishing the 15th of May or there abouts the fish will have gone by, the best fish prices will have gone by. Because when Valdez, Cook Inlet and Bristol Bay come on line, our fish prices fall in line with theirs.

It is almost certain Cordova will become a ghost town without fishing the Copper River. Some years 80% of my income comes from these fish.

Right now Cordova, is a Commercial salmon fishing town, we do not have any other industry.

Best Regards
Thomas W. Anderson
P.O. Box 995
Cordova, Alaska 99574

RECEIVED
MAR 26 1985

March 20, 1985

To Sen. Mich Abood;

Just a short note to let you know that I am in favor of Senate Bill #231. We need to get this straighten out as soon as possible.

I also think we need to have Public hearings on this issue.

Thank You,

Robert H. Lohse
Star Route Box 310
Copper Center, Ak.
99573

RECEIVED
MAR 26 1985

March 21, 1985

Senator Mitch Abood
Chairman-State Affairs Committee
Alaska State Legislature
Juneau, Alaska 99811

Dear Senator Abood:

I'm writing to urge you and the rest of the Senate to consider and support S.B. 231 as soon as possible. As a life-long resident and Area E fisherman, I believe that my livelihood is in jeopardy unless this subsistance issue is resolved in a timely manner.

Thank you for your consideration of this matter.

Sincerely,

Kenneth D. Kritchen

Kenneth Kritchen
Box 1255
Cordova, AK 99574

RECEIVED
MAR 26 1985

BOX 2271
Cordova AK
99574

Dear Senator Abood

I'm writing in regards to S.B. #231, it's a nessecity to me that this bill or something similiar be passed. I'm a second generation fisherman of Cordova, and the family head of four. I have always made my living as a fisherman, and don't have an alternative resource should the Copper River be closed to commercial fishing 70% of my income derives from the Copper River fisheries. I've invested heavily in my trade, without it it will be impossible of me to make my payments as well as support my family. Nonsupport of this bill does not only hurt myself, and other gillnetters of this area, but will also be crucial to the economy of Cordova. Also, it would force us to leave our community in which we were reared, to try and seek employment elsewhere. I believe we need to keep our faith in the Board of Fish, where the sport, dipnetters and subsistance fisherman all had a fair and equal opportunity to the fish due them. We have always gone fishing in May - PLEASE HELP KEEP IT THIS WAY.

RECEIVED
MAR 26 1985

Thank You.

Kim Thorn

Mar. 21, 1985

John F. Burch
P.O. Box 1012
Cordova, Alaska
99574

Senator Mitch Abood
Chairman State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Mitch Abood,

I would like to take this oppertunity to ask for your help in the swift passage of Bill #231.

I am a commercial fisherman, 36 years old, and I make 100% of my livelihood from commercial fishing. I am also an Alaska state resident and live in Cordova year round. Non-passage of this bill would mean a substantial loss of income for myself and hundreds of other fishermen, not to mention the community as a whole. Thank you.

Sincerely,

John F. Burch

John F. Burch

RECEIVED
MAR 26 1985

RECEIVED
MAR 26 1985

LYNN W. POTTER
P.O. Box 1472
CORDOVA, AK 99574

STATE SENATE AFFAIRS COMM.,
SENATOR ABOOD, CHAIRMAN

THIS LETTER IS IN SUPPORT OF SENATE BILL #231 AND HOUSE BILL #288 WHICH WILL SAVE THE COPPER RIVER FISHERY.

I MOVED TO CORDOVA TOO LATE TO BE ELIGIBLE FOR A LIMITED ENTRY PERMIT ON THE POINT SYSTEM. FOR THE PAST 10 YEARS I HAVE FISHED FULL-TIME AS A DECKHAND ON CRAB & SALMON BOATS WHILE ALSO RUNNING MY SMALL BOAT ON OTHER HARVESTS.

AS OF LAST YEAR MY HOUSE WAS NEARLY PAID FOR AND I COULD INVEST IN A P.W.S GILLNET PERMIT (VIA A STATE LOAN). IF I AM NOT ALLOWED TO FISH THE COPPER RIVER RED SALMON TEN YEARS OF EFFORT, IN ACCORDANCE WITH LEGISLATIVE POLICY; WILL HAVE BEEN WASTED.

CRAB & OTHER FISHERIES AT THIS POINT ARE NOT LUCRATIVE ENOUGH TO MAKE PAYMENTS. WITHOUT THE GILLNET FISHERY I WOULD BE FORCED TO LEAVE CORDOVA.

AFTER WORKING FOR 10 YEARS, IN COMPLIANCE WITH LEGISLATIVE POLICY, TO HAVE ALL I'VE WORKED FOR THROWN OUT BY LEGISLATIVE ACTION WOULD LEAVE ME WITH A DEEP RESENTMENT & LOSS OF RESPECT FOR THOSE LAWS I HAVE TRIED TO OBEY AND RESPECT.

SINCERELY
LYNN POTTER - COMM. FISHERMAN
CORDOVA.

SB
231
FILE 3

THE FOLLOWING DOCUMENT HAS

NOT BEEN FILMED BUT IS

AVAILABLE IN THE ORIGINAL

FILE

BERING SEA FISHERMAN

June, 1985
Volume 6, Number 9

Published by
Bering Sea Fishermen's Association

632 Chris
Anchorage,
(9

Hodel hears oil lease oppositio

By Julie Settle

KING SALMON—Secretary of the Interior Donald Hodel heard extensive testimony from fishermen and other residents adamantly opposed to the scheduled oil and gas lease sales in Bristol Bay, but maintained his "hands are tied" from halting oil and gas development in western Alaska.

Despite the fact that Bristol Bay fishermen are busily readying their boats and equipment for the salmon season, nearly 200 fishermen and affected residents left their chores to attend the public meeting held in King Salmon. Nineteen of these fishermen presented testimony, and all spoke in favor either of a delay or cancellation of North Aleutian Shelf sale No. 92.

No one at the meeting spoke in favor of proceeding with the lease sale as scheduled.

Prior to the public meeting, Secretary Hodel met with Gov. Bill Sheffield, who has consistently and strongly urged that the lease sale in Bristol Bay be delayed (see Gov. Sheffield's Editorial, page 2). Bob Blake, president of the United Fishermen

Lease delay refused

WASHINGTON—The hopes of western Alaska fishermen who want Congress to delay the oil lease sale on the North Aleutian Shelf were shattered June 20 by the House Interior Subcommittee on Appropriations.

The subcommittee voted not to include Bristol Bay's Sale 92 area in the oil development moratorium due to last-minute pressure from Alaska's Congressional delegation and oil companies who favor the lease sale.

The Alaska delegation did not feel that the fishermen's concerns over the possible environmental effects on the fishery resources of the eastern Bering Sea were valid. The delegation supports the lease sale as scheduled, despite the fact that United Fishermen of Alaska, the state of Alaska, the Environmental Protection Agency, National Marine Fisheries Service and Bristol Bay communities have raised significant concerns about oil development in the area.

Lease Sale 92 will hit the auction block in December unless Interior Secretary Donald Hodel recommends a delay.

Those concerned about the impact of oil development on fisheries in this area should write to Sens. Ted Stevens and Frank Murkowski and Rep. Don Young and urge them to ask Hodel to delay the lease sale.

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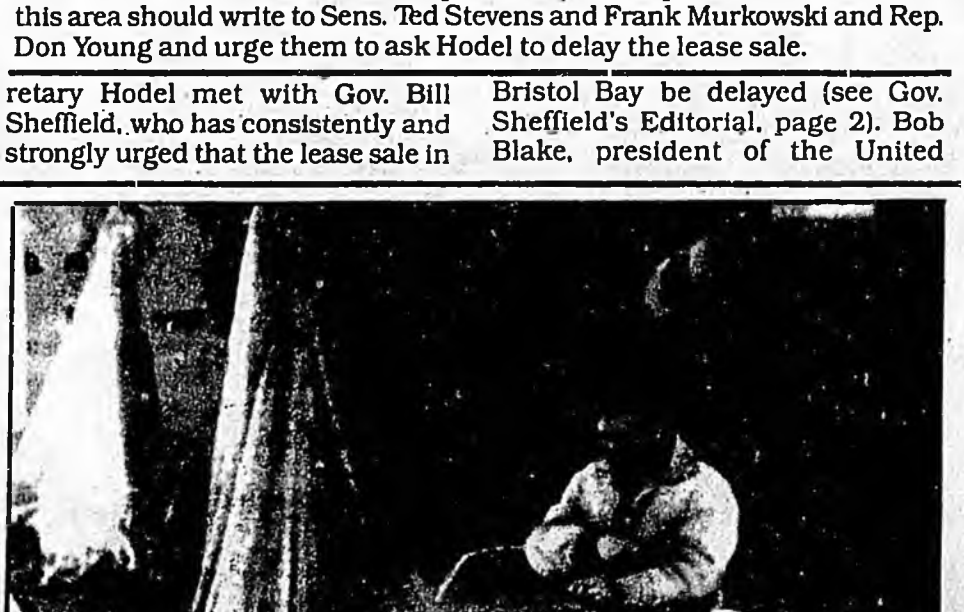
Togiak's fishermen score record catch

By Henry Mitchell

TOGIAK—The Togiak herring ishery in late May resulted in a harvest of more than 25,000 metric ons of herring taken by the purse eine and gillnet fleets.

Herring were harvested in record ime during two short periods. Dur- ng the first period the gillnet fleet



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OVERVIEW

Game Board Meeting
June 1985

I. Eluska: The Game Board must adopt separate subsistence hunting regulations consistent with Madison, or the "subsistence defense" can be used and many regulations will be unenforceable.

II. Madison:

A. Unless sustained yield will be jeoprodized, subsistence hunting must be authorized on any game population that has been hunted in the past and used for food, shelter, fuel, clothing, tools, transportation, customary trade, barter, or sharing; subsistence hunting means hunting by any Alaskan for these purposes.

B. If subsistence hunting of a game population must be restricted (significantly impaired)to protect the resource, then non-subsistence uses (non-state resident hunting) must be eliminated first.

C. If subsistence hunting on a game population must still be restricted (significantly impaired), then the board must use the three criteria listed in AS 16.05.255(b) to determine how hunting opportunities are to be distributed among Alaskans:

(1) customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) local residency; and

(3) availability of alternative resources.

III. Therefore, in order to have enforceable regulations, for each game population which has been hunted for food, etc., by Alaskans, the board should:

A. Adopt separate subsistence regulations.

B. Examine the current regulations to see if they prohibit any Alaskan from subsistence hunting, fail to provide the same legal subsistence hunting opportunity to all Alaskans, or otherwise significantly impair subsistence uses.

C. If so, eliminate non-state residents, and see if it is still necessary to significantly impair subsistence uses, to protect the resource.

D. If so, apply tier 2 standards.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM May 9, 1985

SUBJECT: Sectional analysis of a draft bill entitled "An Act relating to fishing and hunting."

TO: Senator Mitchell Abood
Chairman, Senate State Affairs Committee

FROM: Edward H. Hein EHH
Legislative Counsel

Section 1 amends AS 16.05.251(b), which establishes the subsistence fishing priority and requires the Board of Fisheries to adopt subsistence fishing regulations. This bill section would allow the board to provide for the issuance of and set fees for subsistence fishing licenses and would make the adoption of subsistence regulations discretionary, rather than mandatory. Only those subsistence uses specified in statute or regulation would be allowed. The board would be allowed to determine allocations and regulate seasons, catch limits, methods and means of taking, quotas, etc. Fish taken by a subsistence licensee's dependents, as well as by the licensee, would be counted toward the catch limit established by the board. This bill section deletes the ANILCA or "second-tier" criteria for distinguishing among subsistence users.

Sec. 2 amends AS 16.05.255(b), which establishes the subsistence hunting priority and requires the Board of Game to adopt subsistence hunting regulations. This bill section does to subsistence hunting precisely what section 1 does to subsistence fishing.

Sec. 3 amends the definition of "subsistence fishing" to allow the use of hook and line, and rod and reel gear. It also limits subsistence fishing statutorily to state residents. Subsistence hunting is already limited to residents by statute at AS 16.05.257.

Sec. 4 establishes a system for licensing subsistence fishermen and hunters and their dependents. Proposed

AS 16.05.258(a) requires the boards of fisheries and game to provide for the issuance of three types of subsistence licenses: fishing, hunting, and combination. Subsection (b) provides that an applicant for a subsistence license must be a state resident 16 years of age or older; has to claim as dependents all those living in the applicant's household and also all those who depend on the applicant to provide fish or game, which constitutes a minimum part of the dependent's diet; cannot be claimed as a dependent by another applicant; must prove that the applicant and all of the applicant's dependents rely on subsistence-caught fish or game for their diet and don't have access to alternative food resources for any of four reasons; and must notify everyone claimed as a dependent that they cannot apply for a subsistence license.

Subsection (c) establishes new "second-tier" criteria for distinguishing among subsistence users. If a shortage of fish or game necessitated it, the Department of Fish and Game could require that subsistence license applicants also meet maximum income requirements set jointly by the boards of fisheries and game. Subsection (d) requires the boards to establish income limits for subsistence license applicants, based on the cost of living in the applicant's home community or area. Subsection (e) requires applicants to use forms provided by the department.

Subsection (f) prohibits a person from holding both a subsistence license and a sport or commercial or guiding license for taking the same kind of resource. The subsection also applies to dependents of the license holder. E.g.: a person could not hold both a limited entry permit and a subsistence fishing permit, but could hold a limited entry permit and a sport hunting license. Likewise, a person could not obtain a subsistence fishing license if someone the person claims as a dependent holds a sport or commercial fishing license or permit. Subsection (g) prohibits a person from subsistence fishing or hunting unless the person has a current subsistence license in possession or is a dependent hunting or fishing with the license holder. Subsection (h) makes subsistence licenses nontransferable.

Proposed AS 16.05.259(a) provides for expiration of subsistence licenses five years after issuance. Subsection (b) requires annual validation of subsistence licenses by a fish and game employee or agent to assure that license holders

continue to meet qualifications for the license. Subsection (c) requires the department to revoke all subsistence licenses of a person who is convicted of a fish or game violation, who makes a false statement on a subsistence license applications, who holds two or more licenses impermissibly, or who alter or lends a subsistence license. Subsection (d) makes persons whose licenses are subject to revokation under subsection (c), and persons convicted of subsistence fishing or hunting without a license, ineligible to apply for a subsistence license, with length of the the period of ineligibility varying with the number of convictions.

Sec. 5 makes it a class B misdemeanor to hold two licenses impermissibly, to subsistence fish or hunt without a license, or to alter or lend a subsistence license.

Sec. 6 excludes subsistence hunting from the provisions of AS 16.05.330 - 16.05.430, which currently govern sport fishing, hunting, and trapping.

EHH:ojb
J15/002

JUN 1 4 1985

STATE OF ALASKA
THE LEGISLATURE

POUCH V, STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M June 13, 1985

SUBJECT: Subsistence fishing and hunting

TO: Kurt Dzinich
Senate Advisory Council

FROM: Edward H. Hein EHA
Legislative Counsel

Bill Hall of your staff has referred to me several questions from Senator Abood about subsistence fishing and hunting. The questions and my responses follow.

1. What are the present statutes and regulations for the Department of Fish and Game and the Fish and Game Boards regarding subsistence?

I have enclosed copies of the statutes and regulations relating to subsistence.

2. Does the Alaska Supreme Court ruling (the Madison decision) conflict with statutes? How?

3. Do the regulations conflict with State Statutes? In what way?

The decision in Madison v. Alaska Department of Fish and Game, 696 P.2d 168 (Alaska, 1985), does not "conflict" with the statutes. What can be said is that the court in Madison interpreted the subsistence fishing statutes differently than the Board of Fisheries and the Department of Fish and Game has been interpreting them. The court concluded that the statutes did not authorize the board to limit the subsistence priority initially to persons in rural communities, which the board had effectively done through its regulations. The court held that a regulation relating to Cook Inlet subsistence fishing (5 AAC 01.587) is invalid because it is inconsistent with AS 16.05.251(b), 16.05.940(22), and 16.05.940(23), and inconsistent with the legislature's intent in enacting the 1978 subsistence law. The court found

that the intent of the subsistence law was to protect subsistence users and to give them a priority over other fisheries resources users when there is a shortage of these resources. The court also found that qualifying for subsistence use could not be made to depend initially on where in the state a person resided. The state may distinguish among subsistence users and restrict or even eliminate subsistence use of a particular resource when necessary to manage the resources on a sustained-yield basis, but only after eliminating all other types of takings of the resource. Because the criteria for Cook Inlet subsistence fishing set out in 5 AAC 01.597 had the effect of limiting the subsistence priority to residents of rural communities from the outset, the court held the regulation invalid for going beyond the authority conferred to the board by statute.

4. How does the Alaska National Interest Lands Conservation Act (ANILCA) fit in?

Title VIII of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 3111 - 3126 (P.L. 96-487, "ANILCA"), regulates subsistence management and use on federal public land in Alaska. Among the stated goals of this portion of the Act is the "continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives". Sec. 801. In order to further the achievement of that goal, the Act establishes a preference for rural subsistence users.

The Act does not define "rural", but the report of the Senate Energy and Natural Resources Committee (Senate Report No. 96-413, November 14, 1979) aids in the understanding of what the Congress had in mind:

> Although many residents of cities such as Ketchikan, Juneau, Anchorage, and Fairbanks harvest renewable resources from the public lands for personal or family consumption, by its very nature a "subsistence use" is something done only by Native and non-Native residents of "rural" Alaska. The Committee adopted an amendment to clarify this point by limiting application of the definition to areas of "rural" Alaska including communities such as Dillingham, Behtel, Nome, Kotzebue, Barrow, and other Native and non-Native villages scattered throughout the State. However, the Committee

> does not intend to imply that the rural nature of such communities is a static condition; the direction of the economic development and rural character of such communities may change over time. It should be emphasized that this amendment is not intended to impose a "durational" rural residency requirement in the definition or impede the traditional movement of Alaska residents between the rural areas and the major population centers and vice versa. Nor does the amendment prohibit the taking of fish and wildlife on certain public lands by normal residents. Rather, nonsubsistence uses may continue in accordance with existing law but do not enjoy any preference eon the public lands, and, consequently, may be restricted pursuant to Section 804 when necessary to protect subsistence resources or to ensure the satisfaction of the subsistence needs of rural residents. (Page 233).

State law until Madison effectively limited the subsistence priority to residents of rural communities. But the Court has said that such a restriction is not allowed under the state statutes unless non-subsistence uses of fish and game are first eliminated and even then, only if sustained-yield is jeopardized. To maintain subsistence management authority on federal land in Alaska the state laws must be consistent with the federal requirements, i.e., must provide a subsistence priority for rural residents. Because Madison ruled that state statutes do not authorize such compliance with ANILCA, there is at least some risk that the state could lose subsistence management authority over federal land in Alaska (and accompanying federal funds) if the legislature fails to amend existing statutes and allow the Boards of Fisheries and Game to comply. ANILCA authorizes "local residents and other persons and organizations aggrieved by a failure of the State or the Federal Government to provide for the priority for subsistence uses" by rural residents to bring an expedited suit in federal district court to require that the priority be protected. Sec. 807. This means that the federal government could be forced by the courts to resume subsistence fish and game management on federal land in Alaska even if the government doesn't want to.

5. What options are currently available to Fish and Game?

The Department of Fish and Game and the Boards of Fisheries and Game have no option but to comply with state statutes, as interpreted by the Alaska Supreme Court in Madison. They are still under a constitutional duty to manage fish and game resources in accordance with sustained-yield principles. In doing this they may, if necessary, restrict takings for non-subsistence uses, then takings for subsistence uses. Without further authorization from the legislature, the department and the boards may not initially limit the subsistence priority to rural residents as provided in ANILCA.

If you have further questions or comments, please feel free to contact me at your convenience.

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(11) establishing the times and dates during which the issuance of fishing licenses, permits and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43.

(b) The Board of Fisheries shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) permitting the taking of fish for subsistence uses unless the board determines, in accordance with the Administrative Procedure Act, that adoption of the regulations will jeopardize or interfere with the maintenance of fish stocks on a sustained-yield basis. Whenever it is necessary to restrict the taking of fish to assure the maintenance of fish stocks on a sustained-yield basis, or to assure the continuation of subsistence uses of such resources, subsistence use shall be the priority use. If further restriction is necessary, the board shall establish restrictions and limitations on and priorities for these consumptive uses on the basis of the following criteria:

(1) customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) local residency; and

(3) availability of alternative resources.

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explantion for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later. (§ 3 ch 206 SLA 1975; am § 2 ch 218 SLA 1976; am § 4 ch 151 SLA 1978; am §§ 1, 2 ch 110 SLA 1980; am §§ 8, 9 ch 132 SLA 1984)

Effect of amendments. — The 1984 amendment, effective July 3, 1984, in subsection (a), substituted "bag limits, harvest levels, and sex and size limitations" for "and bag limits" in paragraph (3), deleted "engaging in biological research" from the beginning of paragraph (7), substituted "and management, conservation, protection, use, disposal, propagation and stocking of fish" for "fish management, protection, propagation and stocking" in paragraph (7), repealed paragraph (9), and renumbered former paragraphs (10)-(12) as present paragraphs (9)-(11). The amendment also added subsection (c).

NOTES TO DECISIONS

Cited in Langesater v. State, Ct. App. Op. No. 279 (File No. 7357), 668 P.2d 1359 (1983).

Sec. 16.05.255. Regulations of the Board of Game. (a) The Board of Game may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.62) for

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Effect of amendments. — The 1983 amendment rewrote the existing language of this section and designated that language subsection (a) and added subsection (b).

Sec. 16.05.255. Regulations of the Board of Game. (a) The Board of Game may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.62) for

(1) setting apart game reserve areas, refuges and sanctuaries in the waters or on the lands of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of game;

(3) establishing the means and methods employed in the pursuit, capture and transport of game;

(4) setting quotas and bag limits on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators or other categories;

(6) investigating and determining the extent and effect of predation and competition among game in the state, exercising control measures considered necessary to the resources of the state and designating game management units or parts of game management units in which bounties for predatory animals shall be paid;

(7) engaging in biological research, watershed and habitat improvement, and game management, protection, propagation and stocking;

(8) entering into cooperative agreements with educational institutions and state, federal, or other agencies to promote game research, management, education, and information and to train persons for game management;

(9) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(10) establishing the times and dates during which the issuance of game licenses, permits and registrations and the transfer of permits and registrations between registration areas and game management units or subunits is allowed.

(b) The Board of Game shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) permitting the taking of game for subsistence uses unless the board determines, in accordance with the Administrative Procedure Act, that adoption of the regulations will jeopardize or interfere with the maintenance of game resources on a sustained-yield basis. Whenever it is necessary to restrict the taking of game to assure the maintenance of game resources on a sustained-yield basis, or to assure the continuation of subsistence uses of such resources, subsistence use shall be the priority use. If further restriction is necessary, the board shall establish restrictions and limitations on and priorities for these consumptive uses on the basis of the following criteria:

(1) customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) local residency; and

(3) availability of alternative resources. (§ 3 ch 206 SLA 1975; am § 5 ch 151 SLA 1978)

Cross references. — For validity of regulations of former Board of Fish and Game, see sec. 41, ch. 206, SLA 1975 in the Temporary and Special Acts.

Editor's notes. — For legislative intent, see § 1, ch. 151, SLA 1978, in the 1978 Temporary and Special Acts and Resolves.

Legislative history reports. — For report on ch. 151, SLA 1978 (HB 960), see 1978 House Journal, p. 1154.

Opinions of attorney general. — Neither the Board of Game nor the Department of Fish and Game has jurisdiction over domestic animals. August 29, 1979, Op. Att'y Gen.

Permitting authority over live game, that is, nondomestic animals, rests with the Board of Game as implemented by the Department of Fish and Game. August 29, 1979, Op. Att'y Gen.

For discussion of compatibility of state subsistence-use law with federal standards as set forth in Alaska National Interest Lands Conservation Act (16 U.S.C. § 3115 et seq.), see 1981 Op. Att'y Gen. No. 11.

NOTES TO DECISIONS

Establishment of quotas must be in accordance with the Administrative Procedure Act (AS 44.62). State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Applied in Gottardi v. State, Sup. Ct. Op. No. 2154 (File No. 4436), 615 P.2d 626 (1980).

Sec. 16.05.256. Nonresident and nonresident alien permits. Whenever it is necessary to restrict the taking of big game so that the opportunity for Alaska residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game may, through a permit system, limit the taking of big game by nonresidents and nonresident aliens to accomplish that purpose. (§ 3 ch 74 SLA 1982)

Sec. 16.05.257. Subsistence hunting regulations. (a) The Board of Game, at its regularly scheduled annual meeting and other meetings held under authority of AS 16.05.300(a), shall consider and may adopt regulations providing for subsistence hunting in a game management unit or subunit or a portion of a unit or subunit upon

(1) recommendation of the department, based on biological evidence;

(2) the recommendation of the active local advisory committees for that game management unit or subunit or a portion of a unit or subunit;

(3) the written petition of not less than 100 interested residents of that game management unit or subunit; or

(4) the written petition of not less than 25 interested residents of an area which is requested for establishment as a subsistence area within a game management unit or subunit.

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(b) The regulations may include but are not limited to the following:

(1) the establishment of subsistence hunting areas;

(2) the regulation of transportation methods and means to protect subsistence hunting within subsistence hunting areas, including the prohibition or limitation of pack animals, mechanized vehicles and aircraft, other than watercraft or wheeled vehicles operating on a road maintained by public funds;

(3) the establishment of open and closed seasons and areas to protect subsistence hunting;

(4) the limitation of hunting to only one sex of the animal.

(c) Regulations may not be adopted by the Board of Game under (a), (b) or (f) of this section unless, in addition to the requirements of AS 44.62.180 — 44.62.290, the department

(1) holds public hearings, after reasonable notice, at least 30 days before the meeting at which the regulation is to be adopted, with at least one of the hearings being held in close proximity to the area potentially affected;

(2) presents at the hearings the information provided for in (e) of this section;

(3) makes the information provided for in (e) of this section available to the appropriate advisory committees and to petitioners if consideration of adoption of regulations was prompted by petitions under (a)(3) or (4) of this section; comments shall be received by the board until 10 days before any adoption of regulations.

(d) A petition submitted under (a)(3) — (4) of this section shall contain a complete description of the area requested as a subsistence area and a specification of the species within the area considered necessary for subsistence use. A petition or recommendation made under (a)(2), (3) or (4) of this section must be filed with the department at least 75 days before the meeting of the board at which the petition or recommendation is to be considered.

(e) The department shall investigate, by collecting existing data, and, when necessary, conducting new studies, every petition or recommendation made under (a)(2), (3) or (4) of this section to the extent practicable within the time available and provide the following information:

(1) the concentration of the species to be affected and carrying capacity of the area to be affected;

(2) the current hunting practices in the area, including numbers of animals taken and by what methods and means and whether the take is subsistence or recreational;

(3) the dependence of persons in the area for subsistence use of a species;

(4) the population trends of the affected fish and game in the area;

(5) whether the affected fish and game population is able to support a nonsubsistence harvest; and

(6) other information considered necessary by the section of subsistence hunting and fishing.

(f) The Board of Game at any time may review and change the boundaries of a subsistence area upon

(1) the recommendation of the department, based on biological evidence;

(2) the written petition of not less than 25 interested residents of that area; or

(3) the majority vote of the active local advisory committees for that area.

(g) The department shall submit a report to the legislature during the first 10 days of each legislative session beginning after January 1, 1977. The report shall include, but is not limited to, a listing of the specific subsistence areas established or modified during the preceding year and the species subject to subsistence use within those areas.

(h) In this section

(1) "subsistence hunting" means the taking of game animals by a state resident for subsistence uses by means defined by the Board of Game;

(2) "subsistence hunting area" means an area in which only subsistence hunting of the affected species is permitted and which is managed for maximum food potential.

(i) The Board of Game may not make a decision denying, creating or changing a subsistence hunting area unless the decision is based on specific written findings of fact regarding all the information provided in accordance with (e) of this section. (§ 1 ch 199 SLA 1975; am § 2 ch 269 SLA 1976; am §§ 6-12 ch 151 SLA 1978)

Editor's notes. — As to the section of subsistence hunting and fishing, referred to in (e)(6) of this section, see the editor's note to AS 16.05.090.

For legislative intent, see § 1, ch 151, SLA 1978, in the 1978 Temporary and Special Acts and Resolves.

Legislative history reports. — For report on ch. 199, SLA 1975 (SCS HB 369 am S), see 1975 House Journal, p. 733.

For report on ch. 151, SLA 1978 (HB 960), see 1978 House Journal, p. 1154.

NOTES TO DECISIONS

Regulations adopted under this section must be in accordance with the Administrative Procedure Act (AS 44.62). State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

While this section, which authorizes the Board of Game to adopt regulations providing for subsistence hunting, does not specifically refer to the Administrative Procedure Act (AS 44.62), it appears clear that it merely sets forth an additional purpose for which regulations may be promulgated. State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

Issuance of permits based on verbal instructions to agents held improper. — The issuance of permits for the killing of caribou in certain specified areas of the state based on verbal instructions to the permit agents as to the need of individual applicants does not conform to requirements of the Administrative Procedure Act (AS 44.62). State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 854 (1978).

(2) "barter" means the exchange or trade of fish or game, or their parts, taken for subsistence uses

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;

(3) "a board" means either the Board of Fisheries or the Board of Game;

(4) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; and the term "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish;

(5) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;

(6) "commissioner" means the commissioner of fish and game unless specifically provided otherwise;

(7) "department" means the Department of Fish and Game unless specifically provided otherwise;

(8) "domestic mammals" include musk oxen, bison, and reindeer, if they are lawfully owned;

(9) "fish" means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;

(10) "fish derby" means a contest in which prizes are awarded for catching fish;

(11) "fishing derby association" means a civic, service, or charitable organization in the state, not for pecuniary profit, whose primary purpose is to promote interest in fishing for recreational purposes and which has been in existence for five years before applying for a permit under this chapter, but does not include an organization formed or operated for gaming or gambling purposes;

(12) "fish or game farming" means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and "captivity" means

having the fish or game under positive control, as in a pen, pond, or an area of land or water which is completely enclosed by a generally escape-proof barrier;

(13) "fur dealing" means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person's own use;

(14) "game" means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;

(15) "hunting" means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;

(16) "nonresident" means a person who is not a resident of the state;

(17) "nonresident alien" means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;

(18) "operator" means the individual by law made responsible for the operation of the vessel;

(19) "resident" means a person who for 12 consecutive months has maintained a permanent place of abode in the state and who has continually maintained a voting residence in the state; and in the case of a partnership, association, joint stock company, trust, or corporation, "resident" means one that has its main office or headquarters in the state; however, a member of the military service who has been stationed in the state for the preceding 12 consecutive months is a resident for the purposes of this paragraph, and the dependent of a resident member of the military service, who has been living in the state for the preceding year is a resident for the purposes of this paragraph, and a person who is an alien but who for one year has maintained a permanent place of abode in the state is a resident for the purposes of this paragraph;

(20) "seizure" means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 — AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(21) "sport fishing" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(22) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources for subsistence

uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(23) "subsistence uses" means the customary and traditional uses in Alaska of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; for the purposes of this paragraph, "family" means all persons related by blood, marriage, or adoption, and any person living within the household on a permanent basis;

(24) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(25) "taxidermy" means tanning, mounting, processing, or other treatment or preparation of fish or game, or any part of fish or game, as a trophy, for monetary gain, including the receiving of the fish or game or parts of fish or game for such purposes;

(26) "trapping" means the taking of mammals declared by regulation to be fur bearers;

(27) "vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft. (§ 2 art I ch 95 SLA 1959; am §§ 1 — 4 ch 131 SLA 1960; am § 1 ch 21 SLA 1961; am §§ 1, 2 ch 102 SLA 1961; § 9 art III ch 94 SLA 1959; am § 23 ch 131 SLA 1960; am § 1 ch 160 SLA 1962; am §§ 13, 14 ch 31 SLA 1963; am § 2 ch 32 SLA 1968; am § 3 ch 73 SLA 1970; am § 1 ch 91 SLA 1970; am § 4 ch 110 SLA 1970; am § 1 ch 90 SLA 1972; am § 5 ch 82 SLA 1974; am §§ 26, 82 ch 127 SLA 1974; am §§ 18 — 20 ch 206 SLA 1975; am § 12 ch 105 SLA 1977; am §§ 14, 15 ch 151 SLA 1978; am § 1 ch 78 SLA 1979; am § 1 ch 24 SLA 1980; § 4 ch 74 SLA 1982; am § 24 ch 132 SLA 1984)

Effect of amendments. — The 1984 amendment, effective July 3, 1984, substituted "AS 16.05 — AS 16.40" for "this chapter" in the introductory language and paragraphs (14), (15) and (20); in paragraph (9), substituted "invertebrate, or amphibian" for "invertebrates and amphibians" and "its" for "their" preceding "life cycle" and added the language beginning "and includes any part of such aquatic finfish"; reworded the contents of paragraph (13); inserted "reptile" near the beginning of paragraph (14); substituted "those chapters" for "it" in paragraph (15); substituted "this paragraph" for "this chapter" in three places in paragraph (19); inserted "of" following "taking" in paragraph (22); deleted "for the purposes of this chapter" preceding "does not include aircraft" in paragraph (27); and repealed paragraph (28), defining "visitor."

Editor's notes. — Section 1, ch. 111, SLA 1974, provides: "It is the intent of this Act to authorize the private ownership of salmon hatcheries by qualified nonprofit corporations for the purpose of contributing, by artificial means, to the rehabilitation of the state's depleted and depressed salmon fishery. The program shall be operated without adversely affecting natural stocks of fish in the state and under a policy of management which allows reasonable segregation of returning hatchery-reared salmon from naturally occurring stocks."

For legislative findings concerning salmon enhancement and purpose of AS 16.10.375 — 16.10.620, see § 1, ch. 59, SLA 1979, in the 1979 Temporary and Special Acts and Resolves.

Sec. 16.10.375. Regional salmon plan. The commissioner shall designate regions of the state for the purpose of salmon production and have developed and amend as necessary a comprehensive salmon plan for each region, including provisions for both public and private nonprofit hatchery systems. Subject to plan approval by the commissioner, comprehensive salmon plans shall be developed by regional planning teams consisting of department personnel and representatives of the appropriate qualified regional associations formed under AS 16.10.380. (§ 2 ch 161 SLA 1976; am § 2 ch 154 SLA 1977)

Sec. 16.10.380. Regional associations. (a) The commissioner shall assist in and encourage the formation of qualified regional associations for the purpose of enhancing salmon production. A regional association is qualified if the commissioner determines that

(1) it is comprised of associations representative of commercial fishermen in the region;

(2) it includes representatives of other user groups interested in fisheries within the region who wish to belong; and

(3) it possesses a board of directors which includes no less than one representative of each user group that belongs to the association.

(b) In this section "user group" includes, but is not limited to, sport fishermen, processors, commercial fishermen, subsistence fishermen, and representatives of local communities.

(c) A qualified regional association, when it becomes a nonprofit corporation under AS 10.20.005 — 10.20.725, is established as a service area in the unorganized borough under AS 29.03.020 for the purpose of providing salmon enhancement services. (§ 2 ch 161 SLA 1976; am § 2 ch 59 SLA 1979)

Effect of amendments. — The 1979 amendment added subsection (c).

TITLE 5.
FISH AND GAME

Editor's Note: Due to the frequency of regulatory changes in fish and game matters, section, subsection, paragraph, and subparagraph designations in 5 AAC have in many cases been re-used following repeal of the earlier material in those provisions.

Editor's Note: Beginning in 1980 with Register 75, history notes are being supplied for fish and game regulations as they are being amended or adopted.

PART 1.
COMMERCIAL AND SUBSISTENCE FISHING AND PRIVATE NONPROFIT SALMON HATCHERIES

Chapter

01. Subsistence Finfish Fishing (5 AAC 01.001–5 AAC 01.747)
02. Subsistence Shellfish Fishery (5 AAC 02.001–5 AAC 02.625)
03. Kotzebue-Northern Area (5 AAC 03.001–5 AAC 03.990)
04. Norton Sound-Port Clarence Area (5 AAC 04.001–5 AAC 04.510)
05. Yukon Area (5 AAC 05.001–5 AAC 05.510)
06. Bristol Bay Area (5 AAC 06.001–5 AAC 06.990)
07. Kuskokwim Area (5 AAC 07.100–5 AAC 07.510)
09. Alaska Peninsula Area (5 AAC 09.001–5 AAC 09.930)
12. Aleutian Islands Area (5 AAC 12.001–5 AAC 12.990)
15. Chignik Area (5 AAC 15.001–5 AAC 15.990)
18. Kodiak Area (5 AAC 18.001–5 AAC 18.990)
21. Cook Inlet Area (5 AAC 21.001–5 AAC 21.992)
24. Prince William Sound Area (5 AAC 24.001–5 AAC 24.990)
27. Herring Fishery (5 AAC 27.001–5 AAC 27.985)
30. Yakutat Area (5 AAC 30.001–5 AAC 30.990)
31. Shrimp Fishery (5 AAC 31.001–5 AAC 31.550)
32. Dungeness Crab Fishery (5 AAC 32.001–5 AAC 32.440)
33. Southeastern Alaska Area (5 AAC 33.001–5 AAC 33.990)
34. King crab Fishery (5 AAC 34.001–5 AAC 34.960)
35. Tanner Crab Fishery (5 AAC 35.001–5 AAC 35.640)
36. International Water Area (5 AAC 36.010–5 AAC 36.050)
37. Aquatic Plants (5 AAC 37.100–5 AAC 37.900)
38. Miscellaneous Shellfish Fishery (5 AAC 38.001–5 AAC 38.425)
39. General Provisions (5 AAC 39.001–5 AAC 39.997)
40. Private Nonprofit Salmon Hatcheries (5 AAC 40.005–5 AAC 40.990)
41. Transportation, Possession and Release of Live Fish (5 AAC 41.001–5 AAC 41.100)

any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(l) The taking of rainbow trout and steelhead is prohibited.

(f) The use of explosives and chemicals is prohibited.

(g) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice on the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, Kuskokwim and Bristol Bay areas.

(h) Each subsistence fisherman shall plainly and legibly inscribe his first initial, last name, and address on his fishwheel, or on a keg or buoy attached to gill nets and other unattended subsistence fishing gear.

(i) All pots used to take fish must contain an opening in the webbing of a side wall of the pot which has been laced, sewn or secured together by untreated cotton twine or other natural fiber no larger than 120 thread, which upon deterioration or parting of the twine produces an opening in the web with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter.

(j) Persons licensed under AS 43.75.011 to engage in a fisheries business may not receive for commercial purposes or barter or solicit to barter for subsistence taken salmon or their parts. Further restrictions on the bartering of subsistence taken salmon or their parts may be implemented by emergency order for a specific time or area if circumvention of management programs is occurring because of illegal bartering activities.

(k) No person may use a gill net web that contains less than 30 filaments in the taking of salmon for subsistence purposes. (In effect before 1983; am 4/16/83, Reg. 86)

Authority: AS 16.05.060
AS 16.05.251
AS 16.05.930(e)

5 AAC 01.015. SUBSISTENCE FISHING PERMITS AND REPORTS. (a) Salmon may be taken only under the authority of a subsistence fishing permit issued by the commissioner or his local representative, unless a permit is specifically not required in a particular area by the subsistence regulations in this chapter, or unless the fisherman is retaining salmon from his commercial catch consistent with 5 AAC 01.020.

(b) If a subsistence fishing permit is required by this chapter, the following permit conditions apply unless otherwise specified by the subsistence fishing regulations in this chapter:

(1) the numbers of fish taken for subsistence use may not exceed the limits set out in the permit;

(2) permits must be obtained from a local representative of the department prior to subsistence fishing;

(3) permits must be retained in the possession of the permittee and be readily available for inspection while taking fish. A person who transports subsistence-taken fish shall have a subsistence fishing permit in his possession;

(4) the permit may designate the species and numbers of fish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) if specified on the permit, each subsistence fisherman shall keep accurate daily records of the catch involved, showing the number of fish taken by species, location and date of the catch and such other information as the department may require for management or conservation purposes;

(6) subsistence fishing reports must be completed on forms provided by the department and submitted to the department office from which the permit was issued at a time specified by the department for each particular area and fishery;

(7) if applicable, the total annual possession limit for the permittee must be entered on each permit by the local representative of the department issuing the permit; if applicable, the local representative of the department issuing the permit shall require from an applicant documented

Cape Prince of Wales and west of 141° West longitude, including those waters draining into the Chukchi Sea and Arctic Ocean.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.105. DESCRIPTION OF DISTRICTS AND SUBDISTRICTS. Districts and subdistricts are as described in 5 AAC 03.200.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.110. FISHING SEASONS AND WEEKLY FISHING PERIODS. Fish may be taken at any time except that, during the weekly fishing closures of the commercial salmon fishing season in the Kotzebue district, commercial fishermen may not fish for subsistence purposes.

Authority: AS 16.05.251(a)(2),(7),(10) and (b)

5 AAC 01.120. LAWFUL GEAR AND GEAR SPECIFICATIONS. (a) Salmon may only be taken by gill net, beach seine or fishwheel.

(b) Fish other than salmon may be taken by set gill net, drift gill net, beach seine, fishwheel, pot, long line, fyke net, dip net, jigging gear, spear and lead.

(c) A gill net may obstruct not more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(d) In the Kotzebue district, kegs or buoys attached to subsistence gill nets may be any color except red.

Authority: AS 16.50.251(a)(2),(4),(7) and (b)

5 AAC 01.121. IDENTIFICATION OF GEAR. In addition to the requirements of 5 AAC 01.010(h)

(1) each fishwheel must have the first initial, last name and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river;

(2) for all gill nets and unattended gear that are fished under the ice, the first initial, last name and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

Authority: AS 16.05.251(a)(4),(5),(7) and (b)

5 AAC 01.125. WATERS CLOSED TO SUBSISTENCE FISHING. (a) In the Northern district, all waters between the Kalubik River and Bullen Point are closed to subsistence fishing.

(b) In the Kotzebue district, the Noatak River one mile upstream and one mile downstream from the mouth of the Kelly River, and the Kelly River from its mouth to one-fourth mile upstream are closed to subsistence char fishing from June 1 through September 20.

Authority: AS 16.05.251(a)(2),(7),(10) and (b)

5 AAC 01.130. SUBSISTENCE FISHING PERMITS. Fish may be taken for subsistence purposes without a subsistence fishing permit.

Authority: AS 16.05.251(a)(2),(3),(4),(7), (10),(12) and (b)

ARTICLE 3.
NORTON SOUND–PORT CLARENCE AREA

Section

150. Description of the Norton Sound-Port Clarence area
155. Description of districts and subdistricts
160. Fishing seasons and weekly fishing periods
170. Lawful gear and gear specifications
171. Identification of gear
175. Waters closed to subsistence fishing
180. Subsistence fishing permits

5 AAC 01.150. DESCRIPTION OF THE NORTON SOUND–PORT CLARENCE AREA. The Norton Sound-Port Clarence area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Canal Point light, including the waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.155. DESCRIPTION OF DISTRICTS AND SUBDISTRICTS. Districts and subdistricts are as described in 5 AAC 04.200.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.160. FISHING SEASONS AND WEEKLY FISHING PERIODS. (a) In the Port Clarence district, fish may be taken at any time except that during the period July 1 through

ARTICLE 4.
YUKON AREA

Section
200. Description of Yukon area
205. Description of districts and subdistricts
210. Fishing seasons and weekly fishing periods
220. Lawful gear and gear specifications
221. Identification of gear
225. Waters closed to subsistence fishing
230. Subsistence fishing permits
240. Marking of subsistence-taken salmon
245. Restrictions on commercial fishermen
247. Tanana River Subdistrict 6-C subsistence salmon management plan

5 AAC 01.200. DESCRIPTION OF YUKON AREA. The Yukon area includes all waters of Alaska between the latitude of Canal Point light and the latitude of the westernmost point of the Naskonat Peninsula, including those draining into the Bering Sea.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.205. DESCRIPTION OF DISTRICTS AND SUBDISTRICTS. Districts and subdistricts are as described in 5 AAC 05.200.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.210. FISHING SEASONS AND WEEKLY FISHING PERIODS. (a) Unless restricted in this section and 5 AAC 01.225, salmon may be taken in the Yukon Area at any time.

(b) In the following locations, salmon may be taken only during the open weekly fishing periods of the commercial salmon fishing season and may not be taken for 24 hours before the opening and 24 hours after the closure of the commercial salmon fishing season:

(1) Districts 1, 2, and 3, except

(A) through July 19 in Districts 1 and 2 subsistence fishing periods will be established by emergency order every other weekend during commercial salmon fishing closures;

(B) after July 19 in District 1, except for the set net only locations described in 5 AAC 05.330(a)(1)—(8), and in District 2, a 24-hour subsistence fishing period will be established by emergency order each weekend during commercial salmon fishing closures:

(2) District 4, excluding the Koyukuk and Innoko River drainages:

(A) in Subdistrict 4-A from June 15 through August 1, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(B) in Subdistricts 4-B and 4-C from June 15 through September 30, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(3) District 5, excluding the Tozitna River drainage and excluding Subdistrict 5-B;

(4) District 6, excluding the Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River.

(c) During any commercial salmon fishing season closure of greater than five days in duration, salmon may not be taken during the following periods in the following districts:

(1) repealed 4/14/82;

(2) in District 4, excluding the Koyukuk and Innoko River drainages, salmon may not be taken from 6:00 p.m. Friday until 6:00 p.m. Sunday;

(3) in District 5, excluding the Tozitna River drainage and Subdistrict 5-B, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday;

(4) in Subdistricts 6-A and 6-B, excluding the Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River, salmon may not be taken from 6:00 p.m. Wednesday until 6:00 p.m. Friday.

(d) In Subdistrict 6-C and that portion of the Tanana River drainage upstream to the mouth of the Salcha River, salmon may not be taken following the closure of the commercial salmon

closed to subsistence fishing, except that whitefish and suckers may be taken under the authority of a subsistence fishing permit designating measures for the protection of other fish:

(1) the following streams and within 500 feet of their mouths:

(A) Birch Creek;

(B) Dall River from June 10 through September 10;

(2) repealed 4/15/81;

(3) repealed 4/15/81;

(4) repealed 4/15/81;

(b) The following drainages located north of the main Yukon River are closed to subsistence fishing:

(1) Kanuti River upstream from a point five miles downstream of the state highway crossing;

(2) Fish Creek upstream from the mouth of Bonanza Creek;

(3) Bonanza Creek;

(4) Jim River including Prospect Creek and Douglas Creek;

(5) South Fork of the Koyukuk River system upstream from the mouth of Jim River;

(6) Middle Fork of the Koyukuk River system upstream from the mouth of the North Fork;

(7) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek.

(c) The main Tanana River and its adjoining sloughs are closed to subsistence fishing between the mouth of the Salcha River and the mouth of the Gerstle River, except that salmon may be taken in the area upstream of the Richardson Highway bridge to the mouth of Clearwater Creek after November 20.

(d) The Tanana River drainage is closed to subsistence fishing for pike between the Kantishna River and the Delta River at Black Rapids on the Richardson Highway and Cathedral Rapids on the Alaska Highway, except that pike may be taken for subsistence purposes in the Tolovana River and adjoining sloughs and lakes between Department of Fish and Game regulatory markers placed approximately two miles upstream and downstream of the village of Minto.

(e) The Delta River is closed to subsistence fishing, except that salmon may be taken after November 20.

(f) Repealed 4/13/80.

(g) The following locations are closed to subsistence fishing:

(1) the following rivers and creeks and within 500 feet of their mouths: Delta Clearwater River (Clearwater Creek at 64° 06′ N. lat., 145° 334′ W. long.), Richardson Clearwater Creek (Clear Creek at 64° 14′ N. lat., 146° 16′ W. long.), Goodpaster River, Chatanika River, Chena River, Little Chena River, Little Salcha River, Blue Creek, Big Salt River, Shaw Creek, Bear Creek, McDonald Creek, Moose Creek, Goldstream Creek, Hess Creek and Beaver Creek;

(2) Ray River and Salcha River upstream of a line between ADF&G regulatory markers located at the mouth of the rivers;

(3) Deadman, Jan, Boleo, Birch, Lost, Harding, Craig, Fielding, Two-Mile, Quartz and Little Harding lakes;

(4) Piledriver and Badger (Chena) sloughs.

Authority: AS 16.05.251(a)(2),(7),(10), (12) and (b)

5 AAC 01.230. SUBSISTENCE FISHING PERMITS. (a) Except as provided in this section, fish may be taken for subsistence purposes without a subsistence fishing permit.

(b) A subsistence fishing permit is required as follows:

(1) for the Yukon River drainage from the

of a Subdistrict 6-C subsistence salmon fishing permit is 10 king salmon and 75 chum salmon for periods through August 15 and 75 chum and coho salmon for periods after August 15.

(f) A subsistence fisherman taking salmon in Subdistrict 6-C shall report his salmon catch to the department's Fairbanks office by using a designated phone number. Each report must be made within 18 hours of the end of each subsistence salmon fishing period. Immediately after taking salmon, the subsistence fisherman shall record that take on a harvest form provided by the department. (In effect before 1984; am 4/28/84, Reg. 90)

Authority: AS 16.05.060
AS 16.05.251

Editor's Note: The designated phone number will be announced by the department before the opening of the subsistence salmon fishing season.

ARTICLE 5.
KUSKOKWIM AREA

Section
250. Description of the Kuskokwim area
255. Description of districts and subdistricts
260. Fishing seasons and periods
270. Lawful gear and gear specifications
271. Identification of gear
275. Waters closed to subsistence fishing
280. Subsistence fishing permits

5 AAC 01.250. DESCRIPTION OF THE KUSKOKWIM AREA. The Kuskokwim area consists of all waters of Alaska between the latitude of the westernmost point of the Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.255. DESCRIPTION OF DISTRICTS AND SUBDISTRICTS. Districts and subdistricts are as described in 5 AAC 07.200.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.260. FISHING SEASONS AND PERIODS. (a) Unless restricted in this section and 5 AAC 01.275, salmon may be taken in the Kuskokwim area at any time.

(b) In district 1, excluding Kuskokuak Slough, salmon may be taken at any time except

(1) from June 1 through June 25, salmon may not be taken for 24 hours before, during and for six hours after each open commercial salmon fishing period in the district;

(2) from June 26 through July 31, salmon may not be taken downstream of a line crossing the Kuskokwim River at ADF&G regulatory markers located three-fourths of a mile upstream from Brown's Slough in Bethel for 24 hours before, during and for six hours after each open ADF&G commercial salmon fishing period in the district;

(3) from August 1 through August 31, salmon may not be taken for 15 hours before, during and for six hours after each open commercial salmon fishing period in the district.

(c) In district 1, Kuskokuak Slough only, salmon may be taken at any time except

(1) from June 1 through June 25, salmon may not be taken for 24 hours before and during each open commercial salmon fishing period in the district;

(2) from August 1 through August 31, salmon may not be taken for 15 hours before and during each open commercial salmon fishing period in the district.

(d) In districts 4 and 5, salmon may be taken at any time except from June 1 through September 8 salmon may not be taken for 24 hours before, during and six hours after each open commercial salmon fishing period in each district.

(e) Except as provided in 5 AAC 01.275, there is no closed season on fish other than salmon. (In effect before 1982; am 4/14/82, Reg. 82)

Authority: AS 16.05.251(a)(2),(7),(10) and (b)

5 AAC 01.270. LAWFUL GEAR AND GEAR SPECIFICATIONS. (a) Salmon may only be taken by gill net, beach seine or fishwheel subject to the restrictions set forth in this section and 5 AAC 01.275, except that salmon may also be taken by spear in the Holitna River drainage.

ARTICLE 6.
BRISTOL BAY AREA

Section
300. Description of Bristol Bay area
305. Description of districts
310. Fishing seasons and weekly fishing periods
320. Lawful gear and gear specifications
325. Waters closed to subsistence fishing
330. Subsistence fishing permits
340. Marking of subsistence-taken salmon
345. Subsistence bag and possession limits

5 AAC 01.300. DESCRIPTION OF BRISTOL BAY AREA. The Bristol Bay area consists of all waters of Bristol Bay including drainages enclosed by a line from Cape Newenham to Cape Menshikof.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.305. DESCRIPTION OF DISTRICTS. Districts and sections for salmon, halibut, bottomfish, and other finfish fisheries are described in 5 AAC 06.200. The districts and sections for herring, herring spawn on kelp, and capelin fisheries are described in 5 AAC 27.805. (In effect before 1983; am 4/16/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 01.310. FISHING SEASONS AND WEEKLY FISHING PERIODS. (a) Unless restricted in this section and 5 AAC 01.325, or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Bristol Bay area.

(b) Within any district, salmon may only be taken during open weekly commercial salmon fishing periods except as follows:

(1) during the period from June 16 through 9:00 a.m. July 17, salmon for subsistence purposes may be taken in the Nushagak district from the Department of Fish and Game regulatory marker two statute miles below Bradford Point to a marker at Red Bluff on the west shore of Wood River, only during the following periods: 9:00 a.m. Monday to 9:00 a.m. Tuesday, 9:00 a.m. Wednesday to 9:00 a.m. Thursday, and 9:00 a.m. Friday to 9:00 a.m. Saturday;

(2) during the period from June 23 through 9:00 a.m. July 17, salmon for subsistence purposes may be taken in the Naknek, Egegik and Ugashik Rivers only during the following periods: 9:00 a.m. Tuesday to 9:00 a.m. Wednesday and 9:00 a.m. Saturday to 9:00 a.m. Sunday.

(c) From October 1 through December 31, sockeye salmon may be taken along a 100 yard length of the west shore of Naknek Lake near the outlet to the Naknek River as marked by ADF&G regulatory markers. (In effect before 1982; am 4/14/82, Reg. 82)

Authority: AS 16.05.251(a)(2),(7),(10), (12) and (b)

5 AAC 01.320. LAWFUL GEAR AND GEAR SPECIFICATIONS. (a) Within any district, salmon, herring, and capelin may be taken only by drift and set gill nets.

(b) Outside the boundaries of any district, salmon may only be taken by set gill net, except that salmon may also be taken by spear in the Togiak River excluding its tributaries.

(c) The maximum lengths for set gill nets used to take salmon are as follows:

(1) in the Naknek, Egegik and Ugashik Rivers, in the Nushagak district as described in 5 AAC 01.310(b)(1) and in Naknek Lake as described in 5 AAC 01.310(c), set gill nets may not exceed 10 fathoms in length;

(2) in the remaining waters of the area, set gill nets may not exceed 25 fathoms in length.

(d) No part of a set gill net may be operated within 300 feet of any part of another set gill net, except that in the Nushagak district from the Department of Fish and Game regulatory marker two statute miles below Bradford Point to a marker at Red Bluff on the west shore of Wood River, no part of a set gill net may be operated within 100 feet of any part of another set gill net.

(e) No set gill net may obstruct more than one-half the width of a stream.

(f) Each set gill net must be staked and buoyed.

(g) No person may operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(h) Fish, other than salmon, herring, and capelin, may be taken by gear listed in 5 AAC 01.010(a) unless restricted under the terms of a subsistence fishing permit.

(i) Herring spawn on kelp may be taken only by hand picking and hand operated rakes.

(j) During closed commercial herring fishing periods gill nets used for the subsistence taking of herring or capelin may not exceed 25 fathoms in length. (In effect before 1982; am 4/14/82, Reg. 82; am 4/16/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 01.355. DESCRIPTION OF DISTRICTS. Districts are as described in 5 AAC 12.220.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.360. FISHING SEASONS. (a) In the Unalaska district, salmon may be taken at any time except within 24 hours before and within 12 hours following each open weekly

commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(b) In the Akutan, Umnak and Adak districts, salmon may be taken at any time.

(c) Fish other than salmon may be taken at any time unless restricted under the terms of a subsistence fishing permit.

Authority: AS 16.05.251(a)(2),(7),(10), (12) and (b)

5 AAC 01.370. LAWFUL GEAR AND GEAR SPECIFICATIONS. (a) Salmon may be taken by seine and gill net, or with gear specified on a subsistence fishing permit.

(b) Fish other than salmon may be taken by gear listed in sec. 10(a) of this chapter, unless restricted under the terms of a subsistence fishing permit.

Authority: AS 16.05.251(a)(4),(7),(12) and (b)

5 AAC 01.375. WATERS CLOSED TO SUBSISTENCE FISHING. The waters of Unalaska Lake (at Unalaska Village), its drainages and the outlet stream and within 500 yards of its terminus are closed to subsistence fishing.

Authority: AS 16.05.251(a)(2),(7),(10) and (b)

5 AAC 01.380. SUBSISTENCE FISHING PERMITS. (a) Salmon, trout and char may only be taken under the terms of a subsistence fishing permit, except that a permit is not required in the Akutan, Umnak and Adak districts.

(b) Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(c) A record of subsistence-caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the department no later than October 31.

Authority: AS 16.05.251(a)(2),(3),(4),(7), (10),(12) and (b)

ARTICLE 8.
ALASKA PENINSULA AREA

Section
400. Description of Alaska Peninsula area
410. Fishing seasons
420. Lawful gear and gear specifications
425. Waters closed to subsistence fishing
430. Subsistence fishing permits

5 AAC 01.400. DESCRIPTION OF ALASKA PENINSULA AREA. The Alaska Peninsula area includes all Pacific Ocean waters of Alaska between a line extending southeast (135°) from the tip of Kupreanof Point and the longitude of the tip of Cape Sarichef, and all Bering Sea waters of Alaska east of the longitude of the tip of Cape Sarichef and south of the latitude of the tip of Cape Menshikof.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.410. FISHING SEASONS. (a) Salmon may be taken at any time except within 24 hours before and within 12 hours following each open weekly commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(b) Fish other than salmon may be taken at any time unless restricted under the terms of a subsistence fishing permit.

Authority: AS 16.05.251(a)(2),(7),(10), (12) and (b)

5 AAC 01.420. LAWFUL GEAR AND GEAR SPECIFICATIONS. (a) Salmon may be taken by seine and gill net, or with gear specified on a subsistence fishing permit.

(b) Fish other than salmon may be taken by gear listed in sec. 10(a) of this chapter, unless restricted under the terms of a subsistence fishing permit.

(c) No set gill net may exceed 100 fathoms in length.

Authority: AS 16.05.251(a)(4),(7),(12) and (b)

5 AAC 01.425. WATERS CLOSED TO SUBSISTENCE FISHING. The following waters are closed to subsistence fishing for salmon:

ARTICLE 10.
KODIAK AREA

Section
500. Description of Kodiak area
510. Fishing seasons and weekly fishing periods
520. Lawful gear and gear specifications
525. Waters closed to subsistence fishing
530. Subsistence fishing permits
545. Subsistence bag and possession limits

5 AAC 01.500. DESCRIPTION OF KODIAK AREA. The Kodiak area includes all waters of Alaska south of a line extending east from Cape Douglas (58° 52′ N. lat.), west of 150° W. long., north of 55° 30′ N. lat.; and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (156° 20′ 13″ W. long.).

Authority: AS 26.05.251(a)(2) and (b)

5 AAC 01.510. FISHING SEASONS AND WEEKLY FISHING PERIODS. (a) Salmon for subsistence purposes may be taken by seines and gill nets daily from 6:00 a.m. until 9:00 p.m. January 1 through December 31, except that purse-seine vessels registered for salmon net fishing may not be used to take salmon for subsistence purposes from June 1 through September 15.

(b) Repealed 6/30/83.

(c) Fish other than salmon may be taken at any time unless restricted by the terms of a subsistence fishing permit. (In effect before 1983, am 6/30/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 01.520. LAWFUL GEAR AND GEAR SPECIFICATIONS. (a) Unless restricted by this section or under the terms of a subsistence fishing permit, fish may be taken by gear listed in 5 AAC 01.010(a).

(b) Salmon may only be taken by gill net and seine.

(c) Halibut may be taken only by a single hand-held line with not more than two hooks attached to it.

(d) Subsistence fishermen must be physically present at the net at all times the net is being fished.

Authority: AS 16.05.251(a)(2),(4),(7), (12) and (b)

5 AAC 01.525. WATERS CLOSED TO SUBSISTENCE FISHING. The following waters are closed to the subsistence taking of salmon:

(1) all waters of Mill Bay and all those waters bounded by a line from Spruce Cape to the northernmost point of Woody Island, then to the northernmost point of Holiday Island, then to a point on Near Island opposite the Kodiak small boat harbor entrance and then to the small boat harbor entrance;

(2) all freshwater systems of Little Afognak River and Portage Creek drainage in Discoverer Bay;

(3) repealed 4/13/80;

(4) all waters closed to commercial salmon fishing in the Barbara Cove, Chiniak Bay, Saltery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay as described in 5 AAC 18.350, and all waters closed to commercial salmon fishing within 100 yards of the termius of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

(5) repealed 4/13/80;

(6) all waters 300 yards seaward of the terminus of Monks Creek.

Authority: AS 16.05.251(a)(2),(7),(10) and (b)

5 AAC 01.530. SUBSISTENCE FISHING PERMITS. (a) A subsistence fishing permit is required for taking salmon, trout and char for subsistence purposes. A subsistence fishing permit is required for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from May 1 through June 30.

(b) A subsistence salmon fishing permit allows the holder to take 25 salmon plus an additional 25 salmon for each member of the same household whose names are listed on the permit. An additional permit may be obtained if it can be shown that more fish are needed.

(g) In that portion of the Kenai River from its mouth upstream to the Kenai bridge, herring may only be taken from April 1 through May 31.

(h) Repealed 6/30/83.

(i) Trout, grayling, char and burbot may not be taken for subsistence purposes in freshwater. (In effect before 1981; am 5/6/81, Reg. 78; am 5/17/81, Reg. 78; am 6/30/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 01.570. LAWFUL GEAR AND GEAR SPECIFICATIONS. (a) Unless restricted in this section, 5 AAC 01.575, or under the terms of a subsistence fishing permit, fish may be taken by gear listed in 5 AAC 01.010(a).

(b) Salmon may be taken only as follows:

(1) in the Tyonek subdistrict, by set gill nets not exceeding 10 fathoms in length, six inches in mesh size, and 45 meshes in depth;

(2) in the Port Graham subdistrict, by set gill nets not exceeding 35 fathoms in length, six inches in mesh size, and 45 meshes in depth;

(A) repealed 5/17/81;

(B) repealed 5/17/81;

(C) repealed 5/17/81;

(3) no part of a set gill net may be set or operated within 600 feet of any part of another set gill net.

(d) In the Northern and Central districts, subsistence fishermen holding a subsistence permit must be physically present at the net at all times while the net is being fished.

(e) Bottomfish may be taken by legal gear for commercial bottomfish fishing in the area.

(f) In taking smelt

(1) the mesh size of gill nets may not exceed two inches and no gill net may exceed 50 feet in length except in the Kenai River no gill net may exceed 20 feet in length;

(2) dip nets may not be used in waters of the Kenai Peninsula;

(3) subsistence fishermen taking smelt in the Kenai River must be physically present at the net at all times the net is being fished.

(g) In taking herring

(1) the mesh size of gill nets may not exceed two inches and no gill net may exceed 50 feet in length;

(2) subsistence fishermen taking herring in the Kenai River must be physically present at the net at all times the net is being fished.

(h) Halibut may be taken only by a single hand-held line with not more than two hooks attached to it. (In effect before 1981; am 5/6/81, Reg. 78; am 5/17/81, Reg. 78)

Authority: AS 16.05.251(a)(2),(4),(7), (12) and (b)

5 AAC 01.575. WATERS CLOSED TO SUBSISTENCE FISHING. (a) The taking of salmon is prohibited in the following waters:

(1) those waters described in 5 AAC 39.290;

(2) all waters of the Northern district not part of the Tyonek subdistrict;

(3) the Seldovia Bay, Barbara Creek, Tutka Bay, Humpy Creek, and Northshore subdistricts of the Southern district;

(4) the Central, Kamishak Bay, Barren Island, Outer and Eastern districts.

(b) The taking of herring and smelt is prohibited in the Central district east of 152° West longitude and south of the latitude of Ninilchik. (In effect before 1981; am 5/6/81, Reg. 78; am 5/17/81, Reg. 78)

Authority: AS 16.05.251(a)(2),(7),(10) and (b)

5 AAC 01.580. SUBSISTENCE FISHING PERMITS. (a) Only one subsistence salmon fishing permit may be issued to each household per year

(1) subsistence salmon fishing permits for the Tyonek subdistrict will be issued only to those persons domiciled in the village of Tyonek;

subsistence taking of a range of wild resources in proximity to the community or primary residency.

(b) The board will identify established geographic communities which may be participating in a subsistence system. The board will then apply all of the characteristics in (a) of this section to the communities and to subcommunities, groups and individuals within the communities to determine which uses are customary and traditional and therefore, which communities are eligible for the subsistence priority.

(c) For purposes of this section, a "community" is generally considered to be several households of full-time residents who all reside in a specific geographic area because of common interests. (Eff. 4/14/82, Reg. 82)

Authority: AS 16.05.251(b)

ARTICLE 12.
PRINCE WILLIAM SOUND AREA

Section
600. Description of Prince William Sound area
605. Description of districts and subdistricts
610. Fishing seasons
620. Lawful gear and gear specifications
625. Waters closed to subsistence fishing
630. Subsistence fishing permits
640. Marking of subsistence-taken salmon
645. Subsistence bag and possession limits
647. Copper River subsistence salmon management plan

5 AAC 01.600. DESCRIPTION OF PRINCE WILLIAM SOUND AREA. The Prince William Sound area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.605. DESCRIPTION OF DISTRICTS AND SUBDISTRICTS. The Upper Copper River district consists of all waters of the main Copper River from the confluence of the Slana River downstream to an east-west line crossing the Copper River at the confluence of the unnamed stream located approximately one and one-fourth mile below the U.S.G.S. gauging cable across the Copper River, as designated by Alaska Department of Fish and Game regulatory markers

(1) the Chitina subdistrict consists of all waters of the main Copper River from the downstream edge of the Chitina-McCarthy Road Bridge downstream to an east-west line crossing the Copper River at the confluence of the unnamed stream located approximately one and one-fourth mile below the U.S.G.S. gauging cable across the Copper River, as designated by the Alaska Department of Fish and Game regulatory markers;

(2) the Glennallen subdistrict consists of all waters of the main Copper River from the confluence of the Slana River downstream to the downstream edge of the Chitina-McCarthy Road Bridge.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.610. FISHING SEASONS. (a) Unless restricted in this section and 5 AAC 01.625, or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Prince William Sound area.

(b) Salmon may be taken in the Upper Copper River District only as follows:

(1) in the Glennallen Subdistrict, from June 1 through September 30;

(2) in the Chitina Subdistrict, only when that subdistrict is open to personal use salmon fishing;

(3) when the Copper River subsistence fishery is closed or restricted because of an inadequate escapement of sockeye or chinook salmon, the fishery may be reopened September 1 for the taking of coho salmon, which constitute the majority of the salmon at that time.

(c) Repealed 6/30/83.

(d) Herring spawn on kelp may be taken only during the open commercial herring spawn on kelp season. (In effect before 1983; am 6/30/83, Reg. 86; am 4/28/84, Reg. 90)

Authority: AS 16.05.060
AS 16.05.251

5 AAC 01.620. LAWFUL GEAR AND GEAR SPECIFICATIONS. (a) Fish may be taken by gear listed in 5 AAC 01.010(a) unless restricted

(1) only one type of gear may be specified on a permit;

(2) only one permit per year may be issued to a household;

(3) permits must be returned to the department no later than October 31, or a permit for the following year may be denied as provided in 5 AAC 01.015(c);

(4) during closed fishing periods, the department's Chitina permit issuing station may be closed or operated at reduced hours to reduce manpower costs.

(f) The total annual possession limit for an Upper Copper River District subsistence salmon fishing permit is as follows:

(1) 30 salmon for a household with one person;

(2) 60 salmon for a household with two persons;

(3) 10 salmon for each additional person in a household over those specified in (2) of this subsection;

(4) upon request, permits for additional salmon will be issued with the following limits:

(A) no more than a total of 200 salmon for a permit issued to a household with one person;

(B) no more than a total of 500 salmon for a permit issued to a household with two or more persons. (In effect before 1982; am 4/14/82, Reg. 82; am 4/28/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 01.640. MARKING OF SUBSISTENCE-TAKEN SALMON. No person may possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit unless the dorsal fin has been immediately removed from the salmon. (Eff. 4/28/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 01.645. SUBSISTENCE BAG AND POSSESSION LIMITS. (a) Possession limits for salmon in the Upper Copper River District are described in 5 AAC 01.630(f).

(b) In locations open to commercial salmon fishing and in conformance with commercial salmon fishing regulations, the annual subsistence salmon limit is as follows:

(1) 15 salmon for a household of one person;

(2) 30 salmon for a household of two persons;

(3) 10 salmon for each additional person in a household over those specified in (2) of this subsection;

(4) no more than five king salmon may be taken per permit.

(c) The daily bag and possession limit for halibut is two. No person may possess sport-taken and subsistence-taken halibut on the same day. (In effect before 1984; am 4/28/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 01.647. COPPER RIVER SUBSISTENCE SALMON MANAGEMENT PLAN. (a) The purpose of this plan is to ensure that adequate escapement of salmon in the Copper River system occurs and that subsistence uses, as described under AS 16.05.251 and 5 AAC 99.010, are accommodated.

(b) The following are directives pertaining to the management of Copper River System salmon:

(1) this policy governs only those salmon which pass the department sonar counters located at the Million Dollar Bridge;

(2) the department will manage the Copper River commercial salmon fishery to attain a total escapement into the Copper River of 411,000 salmon to ensure that an adequate escapement reaches the spawning grounds and to provide for hatchery brood stock and for subsistence, personal use, and sport fisheries;

(3) repealed 4/28/84;

(4) repealed 4/28/84.

possess sport-taken and subsistence-taken halibut on the same day.
Authority: AS 16.05.251(a)(3),(7),(10) and (b)

ARTICLE 14.
SOUTHEASTERN ALASKA AREA

Section
700. Description of the Southeastern Alaska area
705. Description of districts and sections
710. Fishing seasons
720. Lawful gear and gear specifications
725. Waters closed to subsistence fishing
730. Subsistence fishing permits
740. Marking of subsistence-taken salmon
745. Subsistence bag and possession limits
747. Subsistence fishing policy for the Juneau, Petersburg, Wrangell, Sitka and Ketchikan road systems

5 AAC 01.700. DESCRIPTION OF THE SOUTHEASTERN ALASKA AREA. The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance. (In effect before 1982; am 4/14/82, Reg. 82)
Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.705. DESCRIPTION OF DISTRICTS AND SECTIONS. Districts and sections are as described in 5 AAC 33.200.
Authority: AS 16.05.251(a)(2) and (b)

5 AAC 01.710. FISHING SEASONS. (a) Unless restricted in this section, 5 AAC 01.725, or under the terms of a subsistence fishing permit, fish may be taken in the Southeastern Alaska Area at any time.

(b) Repealed 6/30/83.

(c) Herring may be taken at any time, except that vessels licensed as commercial fishing vessels may not be used to take herring for personal use in any district that is open for commercial herring fishing for 72 hours before, during and 72 hours after any open commercial herring fishing period for that district when the vessel has aboard it any person holding a Southeastern Alaska Area winter bait herring or herring sac roe interim-use or entry permit.

(d) Coho salmon may be taken from Salt Lake and Mitchell Bay from August 1 through October 31. (In effect before 1983; am 6/30/83, Reg. 86)
Authority: AS 16.05.251

5 AAC 01.720. LAWFUL GEAR AND GEAR SPECIFICATIONS. Fish may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted under the terms of a subsistence fishing permit and except as follows:

(1) in District 13, Redoubt Bay, gill net or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;

(2) set gill nets may not be used to take salmon except in the mainstream and side channels, but not the tributaries, of the Chilkat River from the latitude of Zimovia Point to one mile upstream of Wells Bridge;

(3) halibut may be taken only by a single hand-held line with not more than two hooks attached to it;

(4) beach seines and gaffs only may be used to take coho salmon during the season and in the area described in 5 AAC 01.710(d). (In effect before 1982; am 4/14/82, Reg. 82)
Authority: AS 16.05.251(a)(2),(4),(7) and (b)

5 AAC 01.725. WATERS CLOSED TO SUBSISTENCE FISHING. The following waters are closed to the subsistence taking of salmon:

(1) in District 1

(A) repealed 4/14/82;

(B) Mahoney Creek in George Inlet;

(C) Naha Bay: Roosevelt Lagoon and within one statute mile of the falls at the outlet of Roosevelt Lagoon;

(2) in District 11

(A) repealed 4/14/82;

Harvestable numbers of salmon in excess to the spawning escapement needs for those streams are normally of such a small magnitude that these numbers alone are not sufficient to support the consumptive demands of those communities. Therefore, permits allowing the use of nets shall not be issued for the streams along the road systems of those communities.

(b) Repealed 4/14/82.

(In effect before 1982; am 4/14/82, Reg. 82)

Authority: AS 16.05.251(a)(2),(3),(4),(7), (12) and (b)

CHAPTER 02.
SUBSISTENCE SHELLFISH FISHERY

Article

1. Statewide Provisions (5 AAC 02.001–5 AAC 02.040)
2. Southeastern Yakutat Area (5 AAC 02.100–5 AAC 02.135)
3. Prince William Sound Area (5 AAC 02.200–5 AAC 02.230)
4. Cook Inlet Area (5 AAC 02.300–5 AAC 02.330)
5. Kodiak Area (5 AAC 02.400–5 AAC 02.425)
6. Alaska Peninsula-Aleutian Islands Area (5 AAC 02.500–5 AAC 02.525)
7. Bering Sea Area (5 AAC 02.600–5 AAC 02.625)

ARTICLE 1.
STATEWIDE PROVISIONS

Section

1. Application of this chapter
2. Subsistence fishing permitted
10. Methods, means, and general restrictions
15. Subsistence fishing permits and reports
20. Subsistence fishing by commercial fishermen
25. Use of commercially licensed or registered vessels
30. Unlawful possession of subsistence shellfish
40. Policy on closures due to illegal fishing

5 AAC 02.001. APPLICATION OF THIS CHAPTER. Regulations in this chapter apply to subsistence fishing for dungeness crab, king crab, tanner crab, shrimp, clams, abalone and other types of shellfish or their parts. The descriptions of legal types of gear (5 AAC 39.105), the definitions (5 AAC 39.975) and the abbreviations and symbols (5 AAC 39.997) set forth in 5 AAC 39 are applicable to the regulations in this chapter.

Authority: AS 16.05.251

5 AAC 02.005. SUBSISTENCE FISHING PERMITTED. Shellfish may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations in this chapter.

Authority: AS 16.05.251(a)(2),(3),(4) and (b)
AS 16.05.920

5 AAC 02.010. METHODS, MEANS, AND GENERAL RESTRICTIONS. (a) Unless otherwise provided in this title, the following are legal types of gear for subsistence fishing:

(1) gear specified in 5 AAC 39.105;

(2) jigging gear which consists of a line or lines with lures or baited hooks which are operated during periods of ice cover from holes cut in the ice and which are drawn through the water by hand;

(3) a spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and which is operated by hand;

(4) a lead which is a length of net employed for guiding fish into a seine or a length of net or fencing employed for guiding fish into a fishwheel, fyke net or dip net.

(b) It is unlawful to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified in this chapter.

(c) The use of explosives and chemicals is prohibited, except that chemical baits or lures may be used to attract shellfish.

(d) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice in the Bering Sea area.

(e) Each subsistence fisherman shall plainly and legibly inscribe his first initial, last name and address on a keg or buoy attached to unattended subsistence fishing gear. Subsistence fishing gear may not display a permanent vessel license (ADF&G) number.

(f) A side wall of all subsistence shellfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. The opening must be laced, sewn or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab and shrimp pots may have the pot lid tiedown straps secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

crab for subsistence purposes during the period starting 14 days before an opening until 14 days after the closure of an open king crab fishing season in the area or areas for which the vessel is registered;

(4) no commercially licensed or registered tanner crab fishing vessel may be used to take tanner crab for subsistence purposes during the period starting 14 days before an opening until 14 days after the closure of an open tanner crab fishing season in the area or areas for which the vessel is registered;

(5) no commercially licensed and registered shrimp trawl fishing vessel may be used to take shrimp for subsistence purposes in any district that is open for commercial shrimp trawl fishing for 14 days before, during and 14 days after any open commercial shrimp trawl fishing season for that district. (In effect before 1982; am 7/25/82, Reg. 83)

Authority: AS 16.05.251(a) and (b)

5 AAC 02.030. UNLAWFUL POSSESSION OF SUBSISTENCE SHELLFISH. (a) No person may possess, transport or place into the possession of another person, raw or unprocessed subsistence-taken shellfish or their parts that the person has taken contrary to state law or regulation.

(b) No person may possess or transport raw or unprocessed subsistence-taken shellfish or their parts if the items have been received from a person who took, possessed or transported the items contrary to state law or regulation and if the person receiving the items knows, has reason to know or should have reason to know that the items were taken, possessed or transported contrary to state law or regulation.

(c) No person may possess or transport raw or unprocessed subsistence-taken shellfish or their parts that the person knows were taken, possessed or transported contrary to state law or regulation.

Authority: AS 16.05.251(a)(4),(10) and (b)

5 AAC 02.040. POLICY ON CLOSURES DUE TO ILLEGAL FISHING. (a) Some fisheries have had a documented history of illegal commercial fishing dating back to 1968. Enforcement efforts by the Department of Public Safety have been largely ineffective in controlling this recurring problem on a long-term basis. The board recognizes the difficulty of enforcement in some areas of the state and although the current regulations are sufficient to protect fish stocks, they may be ineffective due to special enforcement problems.

(b) In the interest of the conservation of valuable renewable fish resources, the Board of Fisheries directs the commissioner, or his authorized designee, to take the following actions given the specified circumstances. If illegal fishing activities develop to the point that regulations pertaining to protection of fish stocks become ineffective, the commissioner shall consider closing the affected fishery by emergency order for a period of up to one week. When the fishery reopens and illegal fishing continues to be a problem, the appropriate fishery may be closed for an additional period of time. Continued violations may result in additional closures of the fishery.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(7) and (b)

ARTICLE 2.
SOUTHEASTERN YAKUTAT AREA

Section
100. Description of the Southeastern Alaska-Yakutat area
105. Description of districts
110. Subsistence shrimp fishery
115. Subsistence dungeness crab fishery
120. Subsistence king crab fishery
125. Subsistence tanner crab fishery
130. Subsistence clam fishery
135. Subsistence abalone fishery

5 AAC 02.100. DESCRIPTION OF THE SOUTHEASTERN ALASKA-YAKUTAT AREA. The Southeastern Alaska-Yakutat area has as its western boundary the longitude of Cape Suckling (143° 53′ West longitude), its southern boundary the International Boundary at Dixon Entrance, and its seaward boundary the 400-fathom (732 m) depth contour.

Authority: AS 16.05.251(a)(2) and (b)

(1) the possession limit is 50 abalone per person;

(2) the minimum legal size is three inches (76 mm) in greatest diameter of shell, except in district 13 the minimum legal size is three and one-half inches (89 mm) in greatest diameter of shell;

(3) subsistence fishing is prohibited while engaged in commercial abalone fishing; prior to engaging in the subsistence fishery, commercial abalone fishermen must return the commercial permit to the Department of Fish and Game and land the commercial catch in possession;

(4) repealed 6/30/83.

(In effect before 1981; am 6/28/81, Reg. 78; am 6/30/83, Reg. 86)

Authority: AS 16.05.251

ARTICLE 3.
PRINCE WILLIAM SOUND AREA

Section

200. Description of the Prince William Sound area
210. Subsistence shrimp fishery
215. Subsistence dungeness crab fishery
220. Subsistence tanner crab fishery
225. Subsistence crab fishery
230. Subsistence clam fishery

5 AAC 02.200. DESCRIPTION OF THE PRINCE WILLIAM SOUND AREA. The Prince William Sound area has as its western boundary the longitude of Cape Fairfield (148° 50′ West longitude), its eastern boundary the longitude of Cape Suckling (143° 53′ West longitude) and its seaward boundary the 400-fathom (732 m) depth contour.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 02.210. SUBSISTENCE SHRIMP FISHERY. In the subsistence taking of shrimp, no more than 10 pots in the aggregate may be used. (Eff. 7/25/82, Reg. 83)

Authority: AS 16.05.251(a) and (b)

5 AAC 02.215. SUBSISTENCE DUNGENESS CRAB FISHERY. In the subsistence taking of dungeness crab

(1) the daily bag and possession limit is 20 crab per person;

(2) the minimum legal size is six and one-half inches (165 mm) in shoulder width;

(3) only male crab may be taken.

Authority: AS 16.05.251(a)(2),(3),(4),(7), (10) and (b)

5 AAC 02.220. SUBSISTENCE TANNER CRAB FISHERY. In the subsistence taking of tanner crab the daily bag and possession limit is 20 male crab per person. (Eff. 6/30/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 02.225. SUBSISTENCE KING CRAB FISHERY. In the subsistence taking of king crab

(1) the daily bag and possession limit is six male crab per person;

(2) all crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open. (In effect before 1983; am 6/30/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 02.230. SUBSISTENCE CLAM FISHERY. In waters east of 146° West longitude and south of a line from the southernmost tip of Point Bentinck to the southernmost tip of Point Whitshed

(1) razor clams may be taken only under the authority of a subsistence razor clam fishing permit;

(2) only razor clams four and one-half inches or longer in length of shell may be taken or possessed. (Eff. 6/30/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 02.415. SUBSISTENCE DUNGENESS CRAB FISHERY. The daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken. (Eff. 6/30/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 02.420. SUBSISTENCE KING CRAB FISHERY. In the subsistence taking of king crab

(1) the daily bag and possession limit is six crab per person and only male crab may be taken;

(2) all crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(3) no more than five crab pots may be used to take king crab;

(4) crab may be taken only from June 1 through January 31, except that from July 15 through January 31 the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth, unless the commercial red king crab fishing season is open in the location. (In effect before 1983: am 6/30/83, Reg. 86: am 6/30/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 02.425. SUBSISTENCE TANNER CRAB FISHERY. In the subsistence taking of tanner crab

(1) no more than five crab pots may be used to take tanner crab;

(2) from July 15 through February 10, the subsistence taking of tanner crab is prohibited in waters 25 fathoms or greater in depth, unless the commercial tanner crab fishing season is open in the location;

(3) the daily bag and possession limit is 12 crab per person and only male crab may be taken. (In effect before 1983: am 6/30/83, Reg. 86: am 6/30/84, Reg. 90)

Authority: AS 16.05.251

ARTICLE 6.
ALASKA PENINSULA – ALEUTIAN ISLANDS AREA

Section
500. Description of the Alaska Peninsula-Aleutian Islands area
505. Subsistence shellfish fishing permits
510. Subsistence shrimp fishery
515. Subsistence dungeness crab fishery
520. Subsistence king crab fishery
525. Subsistence tanner crab fishery

5 AAC 02.500. DESCRIPTION OF THE ALASKA PENINSULA-ALEUTIAN ISLANDS AREA. The Alaska Peninsula-Aleutian Islands area includes Pacific Ocean waters west of the longitude of Cape Kumlik (157° 27′ West longitude), east of 172° East longitude and shoreward of the 800-fathom (1463 m) depth contour, and Bering Sea waters east of 172° East longitude and south of 54° 36′ North latitude.

Authority: AS 16.05.251(a)(2) and (b)

5 AAC 02.505. SUBSISTENCE SHELLFISH FISHING PERMITS. Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit. (Eff. 6/30/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 02.510. SUBSISTENCE SHRIMP FISHERY. The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the department prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection.

(1) The permit shall specify the area and the date the vessel operator intends to fish;

(2) No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

Authority: AS 16.05.251(a)(2),(3),(4),(7), (10) and (b)

5 AAC 02.515. SUBSISTENCE DUNGENESS CRAB FISHERY. The daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken. (Eff. 6/30/84, Reg. 90)

Authority: AS 16.05.251

(3) in the Norton Sound section of the Northern District, a subsistence fishing permit is required and may be obtained from a local representative of the department;

(4) in waters south of 60° North latitude, crab may be taken only from June 1 through January 31. (In effect before 1984; am 6/30/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 02.625. **SUBSISTENCE TANNER CRAB FISHERY.** In waters south of 60° North latitude, the daily bag and possession limit is 12 tanner crab, and only males may be taken. (Eff. 6/30/84, Reg. 90)

Authority: AS 16.05.251

CHAPTER 39. GENERAL PROVISIONS

Article

1. General (5 AAC 39.001—5 AAC 39.200)
2. Salmon Fishery (5 AAC 39.230—5 AAC 39.290)
3. Groundfish Fishery (5 AAC 39.380—5 AAC 39.399)
4. Smelt Fishery (5 AAC 39.410)
5. Herring Fishery (5 AAC 39.510—5 AAC 39.580)
6. Shellfish Fishery (5 AAC 39.610—5 AAC 39.680)
7. Commercial Freshwater Fishery (5 AAC 39.734—5 AAC 39.780)
8. Subsistence Fishery (5 AAC 39.885—5 AAC 39.890)
9. Definitions (5 AAC 39.975—5 AAC 39.997)

ARTICLE 1. GENERAL

Section

1. Application of this chapter
2. Liability for violations
105. Types of legal gear
107. Operation of net gear
108. Operation of fishwheels
110. Crewmember fishing license requirements
115. Designation of salmon net registration area
120. Registration of commercial fishing vessels
123. Late registration
130. Reports required of processors, buyers and fishermen
140. Inspection of fishery establishments
145. Escape mechanism for shellfish and bottomfish pots
150. Explosives, chemicals and poisons unlawful
155. Seine drums unlawful
160. Maximum length of salmon seine vessel
163. Bottom trawl fisheries management plan
165. Trawl gear unlawful
170. Monofilament purse seine web unlawful
175. Use of lights prohibited
180. Time limit for preservation of salmon
185. Policy on closures due to illegal fishing
190. Driving salmon prohibited
195. Announcement of emergency orders
197. Unlawful possession of fish
198. Foreign fish-processing permits
200. Application of fishery management plans

5 AAC 39.001. APPLICATION OF THIS CHAPTER. Requirements in this chapter apply to commercial fishing only, except that 5 AAC 39.105, 5 AAC 39.975, and 5 AAC 39.997 also apply to subsistence fishing, and 5 AAC 39.002 applies to all of 5 AAC 01 — 5 AAC 41. Other subsistence fishing regulations affecting commercial fishing vessels or affecting any other commercial fishing activity are set out in the subsistence fishing regulations in 5 AAC 01 and 5 AAC 02. (In effect before 1983: am 6/30/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 39.002. LIABILITY FOR VIOLATIONS. Unless otherwise provided in 5 AAC 01 — 5 AAC 41 or in AS 16, a person who violates a provision of 5 AAC 01 — 5 AAC 41 is strictly liable for the offense, regardless of his intent. (Eff. 6/30/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 39.105. TYPES OF LEGAL GEAR. (a) All gear shall be operated in a manner conforming to its basic design.

(b) The size of meshes of a gill net shall be substantially consistent.

(c) All references to mesh size in the regulations are considered to be "stretched measure."

(d) Unless otherwise provided in this title, the following are legal types of gear:

(1) a gill net is a net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork line and lead line, and fished from the surface of the water;

(2) a set gill net is a gill net that has been intentionally set, staked, anchored, or otherwise fixed;

(3) a drift gill net is a drifting gill net that has not been intentionally staked, anchored or otherwise fixed;

(4) a purse seine is a floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line;

(5) a hand purse seine is a floating net designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed;

(6) a beach seine is a floating net designed to surround fish which is set from and hauled to the beach;

(7) power gurdy troll gear consists of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy;

(8) hand troll gear consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment;

(9) a fishwheel is a fixed, rotating device for catching fish which is driven by river current or other means of power;

(10) a trawl is a bag-shaped net towed through the water to capture fish or shellfish;

(A) a beam trawl is a trawl with a fixed net opening utilizing a wood or metal beam;

(B) an otter trawl is a trawl with a net opening controlled by devices commonly called otter doors;

(11) a pot is a portable structure designed and constructed to capture and retain fish and shellfish alive in the water;

(12) a ring net is a bag-shaped net suspended from a circular or rectangular frame;

(13) a longline is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached;

(14) a shovel is a hand-operated implement for digging clams or cockles;

(15) a mechanical clam digger is a mechanical device used or capable of being used for the taking of clams;

(16) a scallop dredge is a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor;

(17) a fyke net is a fixed, funneling (fyke) device used to entrap fish;

(18) a lead is a length of net employed for guiding fish into a seine;

(19) an anchor is a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor or being secured to another vessel or net that is anchored;

(20) a herring pound is an enclosure used primarily to retain herring alive over extended periods of time;

(21) diving gear is any type of hard hat or skin diving equipment;

(22) a hydraulic clam digger is a device using water or a combination of air and water to remove clams from their environment;

(23) a grappling hook is a hooked device with flukes or claws and attached to a line and operated by hand;

(24) a dip net is bag-shaped net suspended from a frame, which may not exceed five feet in diameter; the frame is attached to a single handle and is operated by hand;

(25) a mechanical jigging machine is a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels;

(26) an abalone iron is a flat device used for taking abalone and which is more than one inch (25 mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded

and smooth. (In effect before 1982; am 7/25/82, Reg. 83; am 4/16/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 39.107. OPERATION OF NET GEAR. (a) Each fisherman shall operate or assist in operating only one type of net gear at any one time.

(b) The person who holds a valid interim-use or entry permit card for any net gear shall be physically present during the operation of the gear except that salmon set gill net gear may be unattended in the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, and Kuskokwim areas.

(c) Each interim-use or entry permit holder shall personally operate or assist in the operation of the net gear. "Personally operate or assist in the operation" means being physically present at the net gear site and operating net gear or assisting or supervising some portion of the immediate operation, except that salmon set gill net gear may be unattended in the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, and Kuskokwim areas.

(d) No person may operate or assist in the operation of fishing net gear unless the interim-use or entry permit card holder for that gear is in compliance with (c) of this section. (In effect before 1983; am 4/16/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 39.108. OPERATION OF FISHWHEELS. (a) The person who holds a valid interim-use or entry permit card for a fishwheel shall be physically present during the operation of the gear, except that fishwheels may be unattended in the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, and Kuskokwim areas.

(b) Each interim-use or entry permit holder shall personally operate or assist in the operation of the fishwheel. "Personally operate or assist in the operation" means being physically present at the fishwheel site and operating the fishwheel or assisting or supervising some portion of the immediate fishing operation, except that fishwheels may be unattended in the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, and Kuskokwim areas.

(c) No person may operate or assist in the operation of a fishwheel unless the interim-use or entry permit card holder is in compliance with (b) of this section. (Eff. 4/16/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 39.110. CREWMEMBER FISHING LICENSE REQUIREMENTS. (a) Each commercial fisherman who does not hold a valid interim-use or entry permit card issued by the Commercial Fisheries Entry Commission shall obtain a crewmember fishing license before fishing in any waters of Alaska. A crewmember fishing license is not required for the holder of a valid interim-use or entry permit card.

(b) Not more than one crewmember fishing license may be obtained by a person during any one calendar year.

(c) A crewmember licensee who does not hold a valid interim-use or entry permit card may crew in any fishery if the holder of a valid interim-use or entry permit card for that fishery is present and actively engaged in the operation of the fishing gear.

(d) A valid interim-use or entry permit card holder may crew in any fishery.

(e) In this section "crew" means the activities of a commercial fisherman as defined in AS 16.05.940(2) and "present and actively engaged in the operation of" means being present at the gear site and operating gear or assisting or supervising some portion of the immediate fishing operation. (In effect before 1982; am 4/14/82, Reg. 82)

Authority: AS 16.05.251(a)(4),(5) and (12)
AS 16.05.450
AS 16.05.480

5 AAC 39.115. DESIGNATION OF SALMON NET REGISTRATION AREA. A person who holds salmon net gear permits for more than one registration area listed in 5 AAC 39.120(d) shall designate upon a form provided by the Commercial Fisheries Entry Commission the single area in which he desires to salmon net fish in that year. The area so designated must be an area for which the person holds a valid salmon net permit.

Authority: AS 16.05.251(4),(5) and (12)

5 AAC 39.680. PERMIT FOR OYSTERS. Repealed 10/12/74.

ARTICLE 7.
COMMERCIAL FRESHWATER FISHERY

Section
734. Identification of gear
780. Permit required

5 AAC 39.734. IDENTIFICATION OF GEAR. All freshwater fishing gear, while in operation, must be plainly and legibly marked with the operator's name and permanent vessel license plate number of the vessel fishing the gear or the fishing permit number assigned by the department.
Authority: AS 16.05.251(a)(5)

5 AAC 39.780. PERMIT REQUIRED. (a) Whitefish, sheefish, char, trout, pike, smelt, burbot and lamprey in fresh and salt water may be taken or purchased under the authority of a permit secured from the commissioner or his local representative.

(b) The permit may be issued to either the fisherman or the buyer.

(c) These species, when taken incidentally in conjunction with commercial salmon fishing, are legally taken and possessed without a permit, unless otherwise provided in this title.

(d) The following stipulations apply to both the permit holder or buyer and to fishermen selling their catch to the buyer:

(1) the time and area of fishing and type and amount of fishing gear may be designated;

(2) the species to be harvested may be designated and the number of fish may be limited.
Authority: AS 16.05.251(a)(2),(3),(4) and (7)

ARTICLE 8.
SUBSISTENCE FISHERY

Section
885. (Repealed)
890. (Repealed)

5 AAC 39.885. SEASONS, GEAR AND AREAS. Repealed 6/30/79.

5 AAC 39.890. RESTRICTIONS. Repealed 6/30/79.

ARTICLE 9.
DEFINITIONS

Section
975. Definitions
997. Abbreviations and symbols

5 AAC 39.975. DEFINITIONS. In 5 AAC 01 – 5 AAC 39

(1) "alien" means a person who is not a citizen of the United States, and who does not have a petition for naturalization pending before the district court;

(2) "bag limit" means the maximum legal take per person per day, even if part or all of the fish are preserved;

(3) "buyer" means a person who purchases fish from the fishermen who caught the fish or who, for commercial purposes, processes fish he has caught himself;

(4) "depth of net" means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed;

(5) repealed 2/18/73;

(6) "gear" means any type of fishing apparatus;

(7) "inclusive season dates" means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first date specified designates the first day of the period, and the second date specified designates the last day of the period;

(8) "legal limit of fishing gear" means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section;

(9) "local representative of the department" means the nearest, most accessible professional employee of the department, a person designated by the commissioner or by a professional employee of the department to perform a specific function for the department and a law enforcement officer of the Department of Public Safety;

(10) "salmon stream" means any stream used by salmon for spawning or for traveling to a spawning area;

(11) "stretched measure" means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet after use; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight, except as otherwise provided in this title;

(12) repealed 6/30/79;

(13) "waters of Alaska" means the internal waters of the state including rivers, streams, lakes and ponds, the tidal zone of the state from mean higher high water to mean lower low water, and those waters extending three miles seaward of a line (the baseline) between the following points:

(A) Southeastern and Yakutat Areas:

100 southernmost tip Cape Muzon, Dall Island;
101 westernmost tip unnamed point, Dall Island (54° 39′ 52″ N. lat. 132° 43′ 32″ W. long.);
102 westernmost tip Wolk Point, Dall Island;
103 southernmost tip Liscome Point, Dall Island;
104 westernmost tip Point Cornwallis, Dall Island;
105 westernmost tip Security Point, Dall Island;
106 westernmost tip Parrot Point, Dall Island;
107 westernmost tip Point Bazan, Dall Island;
108 westernmost tip of westernmost unnamed island west of Dolgoi Island (54° 49′ 20″ N. lat. 133° 00′ 24″ W. long.);
109 westernmost tip Ritter Point, Dall Island;
110 westernmost tip Rockwell Point, Dall Island;
111 westernmost tip Cape Augustine, Dall Island;
112 westernmost tip Sakie Point, Dall Island;
113 southernmost tip Cape Felix, Suemez Island;
114 southernmost tip of southernmost island off Cape Bartolome, Baker Island;
115 westernmost tip Cape Chirikof, Baker Island;
116 southernmost tip Cape Addington, Noyes Island;
117 westernmost tip of the southernmost island of the Hazy Islands;
118 westernmost tip of the westernmost island of the Hazy Islands;
119 southernmost tip Cape Ommaney, Baranof Island;
120 southernmost tip Eagle Rocks, Baranof Island;
121 westernmost tip Puffin Point, Baranof Island;
122 westernmost tip Sea Lion Rocks;
123 56° 19′ 30″ N. lat. 134° 54′ W. long., Baranof Island;
124 westernmost tip First Kekur Island;
125 westernmost tip Second Kekur Island;
126 westernmost tip North Cape, Baranof Islands;
127 westernmost tip John Rock;
128 westernmost tip Jacob Rock;
129 westernmost tip Kaiuchali Island;
130 westernmost tip Cape Edgecumbe, Kruzof Island;
131 westernmost tip Pt. Amelia, Kruzof Island;
132 westernmost tip Sealion Islands;
133 westernmost tip Eagle Rock;
134 westernmost tip Klokachef Point, Klokachef Island;
135 westernmost tip Black Island;
136 westernmost tip Cape Edward;
137 westernmost tip Urey Rocks;

138 westernmost tip of westernmost rock off Cape Cross, Yakobi Island (57° 54′ 40″ N. lat. 136° 34′ 20″ W. long.);
139 westernmost tip Yakobi Rock (off Cape Bingham, Yakobi Island);
140 westernmost tip Zip Rock (off Cape Spencer);
141 westernmost tip Graves Rocks;
142 westernmost tip Surgarloaf Island;
143 westernmost tip Astrolabe Rocks;
144 southernmost tip Icy Point;
145 westernmost tip Harbor Point;
146 westernmost tip La Chaussee Spit;
147 westernmost tip Cape Fairweather;
148 easternmost tip of the west side of the entrance to Dry Bay;
149 southernmost tip at the mouth of Dangerous River;
150 westernmost tip Ocean Cape;
151 easternmost tip Point Manby;
152 southernmost tip Sitkagai Bluffs;
153 southernmost tip Point Riou;
154 southernmost tip Icy Cape;
155 southernmost tip Cape Yakataga;
200 southernmost tip Cape Suckling;

(B) Prince William Sound and Cook Inlet Areas:

200 southernmost tip Cape Suckling;
201 easternmost tip Pinnacle Rock (off Cape St. Elias, Kayak Island);
202 southernmost tip Hook Point, Hinchinbrook Island;
203 southernmost tip Cape Hinchinbrook, Hinchinbrook Island;
204 easternmost tip Montague Island;
205 easternmost tip Box Point, Montague Island;
206 easternmost tip Wooded Islands;
207 southernmost tip, Wooded Islands;
208 southernmost tip Jeanie Point, Montague Island;
209 southernmost tip Cape Cleare, Montague Island;
210 southernmost tip Point Elrington, Elrington Island;
211 southernmost tip Cape Puget;
212 southernmost tip Cape Junken;
213 southernmost tip Cape Fairfield;
214 southernmost tip Barwell Island (off Cape Resurrection);
215 easternmost tip Pilot Rock;
216 easternmost tip Chiswell Island;
217 southernmost tip Seal Rocks;
218 southernmost tip unnamed cape south of Black Mountain (Black Bay) (59° 27′ 12″ N. lat. 150° 14′ W. long.);
219 easternmost tip Hoof Point, Ragged Island;
220 easternmost tip Outer Island, Pye Islands;
221 southernmost tip of southernmost island off Outer Island;
222 southernmost tip Nuka Rock (south of Nuka Point, Nuka Island);
223 southernmost tip Gore Point;
224 southernmost tip East Chugach Island;
225 southernmost tip Perl Rock (off Perl Island, Chugach Islands);
300 easternmost tip East Amatuli Island, Barren Islands;

(C) Kodiak, Chignik, Aleutian Islands, and Alaska Peninsula Areas:

300 easternmost tip East Amatuli Island, Barren Islands;
301 easternmost tip Point Banks, Shuyak Island;
302 northernmost tip Tonki Cape, Afognak Island;
303 northernost tip Cape St. Hermogenes, Marmot Island;
304 along the seaward coast of Marmot Island southernmost tip of Marmot Cape;
305 southernmost tip Pillar Cape, Afognak Island;
306 easternmost tip East Cape, Spruce Island;
307 northernmost tip Kodiak Rock (off Long Island);
308 easternmost tip Cape Chiniak, Kodiak Island;
309 easternmost tip Cape Greville, Kodiak Island;
310 easternmost tip Ugak Island;

311 along the coast to the southernmost tip of Ugak Island;
312 southernmost tip Dangerous Cape, Kodiak Island;
313 easternmost tip Cape Barnabas, Sitkalidak Island;
314 easternmost tip Black Point, Sitkalidak Island;
315 easternmost tip Twoheaded Island;
316 easternmost tip Geese Islands;
317 easternmost tip Cape Sitkinak, Sitkinak Island;
318 along the coast to the southernmost tip of Sitkinak Island;
319 southernmost tip Tugidak Island;
320 along the west coast to the northernmost tip of Tugidak Island;
321 southernmost tip Cape Alitak, Kodiak Island;
322 westernmost tip Low Cape, Kodiak Island;
323 westernmost tip Cape Ikolik, Kodiak Island;
324 easternmost tip Kilokak Rocks (off Alaska Peninsula);
325 easternmost tip Ashiiak Island;
326 easternmost tip Poltava Island;
327 easternmost tip Navy Island (off Cape Providence);
328 easternmost tip Aiugnak Columns;
329 easternmost tip Ugaiushak Island;
330 easternmost tip Hydra Island;
331 easternmost tip Foggy Cape, Sutwik Island;
332 around the south coast of Sutwik Island via the southernmost offcoast islets to the westernmost tip of Sutwik Island;
333 southernmost tip Cape Kumlik;
334 easternmost tip Unavikshak Island;
335 southernmost tip Atkulik Island;
336 easternmost tip Kak Island;
337 easternmost tip Castle Cape (Tuliumnit Point);
338 easternmost tip Chankliut Island;
339 along seaward coast to southernmost tip Chankliut Island;
340 southernmost tip Seal Cape;
341 easternmost tip Mitrofania Island;
342 southernmost tip Spitz Island;
343 southernmost tip Chiachi Island;
344 easternmost tip Kupreanof Point;
345 easternmost tip Castle Rock;
346 easternmost tip Atkins Island;
347 easternmost tip Simeonof Island;
348 along the seaward coast of Simeonof Island to the southernmost tip;
349 easternmost tip of the unnamed island off the southern coast of Simeonof Island;
350 easternmost tip Chernabura Island;
351 along the coast to southernmost tip of Point Farewell, Chernabura Island;
352 southernmost tip Point Welcome, Bird Island;
353 southernmost tip Mountain Cape, Nagai Island;
354 westernmost tip Sealion Rocks;
355 southernmost tip Acheredir Point, Unga Island;
356 southernmost tip of Kennoys Island;
357 easternmost tip East Rock;
358 easternmost tip Olga Rock;
359 easternmost tip Pinnacle Rock;
360 easternmost tip Hay Island;
361 easternmost tip Hague Rock;
362 easternmost tip Lookout Point, Caton Island, Sanak Islands;
363 along the coast to southernmost tip Caton Island;
364 southernmost tip Umla Island;
365 southernmost tip Telemitz Island;
366 southernmost tip Dora Island;
367 easternmost tip Seal Rock;
368 southernmost tip Haystack Rock;
369 southernmost tip South Rock;
370 southernmost tip Sisters Island;
371 easternmost tip Clifford Island;
372 along the coast of Clifford Island and Long Island to the westernmost tip of the westernmost Trinity Island;

373 westernmost tip Point Petrof, Sanak Island;
374 southernmost tip Cape Lutke, Unimak Island;
375 along the coast to the southernmost tip of Scotch Cap, Unimak Island;
376 easternmost tip Ugamak Island;
377 easternmost tip Round Island;
378 easternmost tip Aiktak Island;
379 easternmost tip Kaligagan Island;
380 easternmost tip Tigalda Island;
381 along the coast of Tigalda Island to Derbin Island;
382 southernmost tip Avatanak Point, Avatanak Island;
383 easternmost tip Rootok Island;
384 along the coast to southernmost tip Rootok Island;
385 southernmost tip Battery Point, Akutan Island;
386 easternmost tip Unalga Island;
387 easternmost tip Egg Island off Sedanka Island;
388 easternmost tip Outer Signal (island);
389 easternmost tip Inner Signal (island);
390 southernmost tip Sedanka Island;
391 easternmost tip Kayak Cape, Unalaska Island;
392 easternmost tip Cape Yanaliuk, Unalaska Island;
393 easternmost tip Whalebone Cape, Unalaska Island;
394 southernmost tip Cape Prominence, Unalaska Island;
395 southernmost tip Reef Point, Unalaska Island;
396 southernmost tip Ogangen Island off Unalaska Island;
397 southernmost tip Eagle Point, Unalaska Island;
398 southernmost tip Cape Aiak, Unalaska Island;
399 southernmost tip South Rock off Cape Izigan, Unalaska Island;
400 southernmost tip Emerald Island off Konets Head, Unalaska Island;
401 easternmost tip Kettle Cape, Umnak Island;
402 easternmost tip The Pillars (off Thumb Point, Umnak Island);
403 easternmost tip Kigul Island;
404 easternmost tip Ogchul Island;
405 easternmost tip Vsevidof Island;
406 easternmost tip Black Cape, Umnak Island;
407 easternmost tip Cape Udak, Umnak Island;
408 easternmost tip Breadloaf Island;
409 easternmost tip Samalga Island;
410 along the coast to westernmost tip of Samalga Island;
411 southernmost tip Concord Point, Chuginadak Island;
412 southernmost tip unnamed point south of Mt. Cleaveland, Chuginadak Island (52° 48′ 45″ N. lat. 169° 57′ 30″ W. long.);
413 southernmost tip Herbert Island;
414 southernmost tip Yunaska Island;
415 southernmost tip Amutka Island;
416 along the south and west coast to northernmost tip of Amutka Island;
417 northernmost tip Chagulak Island;
418 northernmost tip of Yunaska Island;
419 northernmost tip Herbert Island;
420 westernmost tip of Carlisle Island;
421 along the coast to the northernmost tip of Carlisle Island;
422 westernmost tip Uliaga Island;
423 along northern coast to easternmost tip of Uliaga Island;
424 northernmost tip of Kagamil Island;
425 northernmost tip Anangula Island (off Okee Point, Umnak Island);
426 northernmost tip Ananiuliak Island;
427 northernmost tip Okee Point, Umnak Island;
428 westernmost tip Cape Kigushimkada, Umnak Island;
429 along the coast to westernmost tip of Kshaliuk Point;
430 northernmost tip Cape Ilmalianuk, Umnak Island;
431 westernmost tip Cape Aslik, Umnak Island;

432 along the coast to northernmost tip of Ashishik Point;
433 northernmost tip Cape Tanak, Umnak Island;
434 northernmost tip Cape Idak, Umnak Island;
435 westernmost tip Chernofski Point, Unalaska Island;
436 northernmost tip Cape Aspid, Unalaska Island;
437 westernmost tip of westernmost unnamed island off Sedanka Point, Unalaska (53° 27′ 03″ N. lat. 167° 20′ W. long.);
438 westernmost tip Kashega Point, Unalaska Island;
439 westernmost tip Spray Cape, Unalaska Island;
440 westernmost tip Cape Starichkof, Unalaska Island;
441 southernmost tip of Cape Kovrizhka, Unalaska Island;
442 along the coast to the northernmost tip of Cape Kovrizhka;
443 westernmost tip Point Kadin, Unalaska Island;
444 northernmost tip Koriga Point, Unalaska Island;
445 northernmost tip Bishop Point, Unalaska Island;
446 northernmost tip Point Tebenkof, Unalaska Island;
447 northernmost tip Cape Wislow, Unalaska Island;
448 northernmost tip Cape Cheerful, Unalaska Island;
449 northernmost tip Priest Rock (off Cape Kalekta, Unalaska Island);
450 westernmost tip Reef Point, Akutan Island;
451 westernmost tip Lava Point, Akutan Island;
452 northernmost tip North Head, Akutan Island;
453 northernmost tip Akun Head, Akun Island;
454 westernmost tip Cape Sarichef, Unimak Island;
455 northernmost tip Raven Point, Unimak Island;
456 northernmost tip Oksenof Point, Unimak Island;
457 northernmost tip Cape Mordvinof, Unimak Island;
458 northernmost tip Cape Lapin, Unimak Island;
459 northernmost tip of unnamed point, Unimak Island (55° N. lat. 163° 54′ W. long.);
460 northernmost tip Otter Point, Unimak Island;
461 northernmost tip Cape Krenitzin;
462 along the north coast of the Alaska Peninsula to northernmost tip of Cape Glazenap;
463 along the coast and across the entrances between the Kudiakof Islands and the northernmost tip of Moffet Point;
464 along the north coast of the Alaska Peninsula to easternmost tip of Lagoon Point;
465 northernmost tip Cape Kutuzof;
500 along the north coast of the Alaska Peninsula including the outer coast of all barrier islands, to the westernmost tip of Cape Menshikof;

(D) Bristol Bay Area:

500 westernmost tip of Cape Menshikof;
501 southernmost tip of Pyrite Point;
502 along the coast to the westernmost tip of Cape Peirce;
600 westernmost tip of Cape Newenham;

(E) Kuskokwim, Yukon, Norton Sound-Point Clarence and Kotzebue-Northern Areas:

600 westernmost tip Cape Newenham;
601 southernmost tip Kwigluk Island;
602 southernmost tip Pingurbek Island;
603 westernmost tip Kikegtek Island;
604 westernmost tip Cape Vancouver;
605 southernmost tip Dall Point;
606 along the coast and across all entrances, to the westernmost tip of Cape Romanzof;

607 westernmost tip Cape Rodney;
608 westernmost tip of Point Spencer Spit;
609 southernmost tip Cape York;
610 westernmost tip Cape Prince of Wales;
611 along coast of all barrier islands to Northwest Corner light;
612 westernmost tip Cape Krusenstern;
613 along the coast to the westernmost tip of Point Hope;
614 westernmost tip Cape Lisburne;
615 along the coast of all barrier islands and across all entrances to the northernmost tip of Point Barrow;
616 along the coast of all barrier islands and across all entrances to the easternmost tip of Cape Simpson;
617 northernmost tip Pitt Point;
618 along the coast to easternmost tip of Cape Halkett;
619 easternmost tip Thetis Island, Jones Islands;
620 along the coast of all barrier islands and across all entrances, through the Jones Islands to the northernmost tip Long Island;
621 northernmost tip Reindeer Island, Midway Islands;
622 northernmost tip Cross Island;
623 westernmost tip Flaxman Island;
624 along the north coast of Flaxman Island and across all entrances to the northernmost tip Brownlow Point;
625 along the coast of all barrier islands and across all entrances to the easternmost tip Konganevik Point;
626 northernmost tip Anderson Point;
627 northernmost tip Arey Island;
628 northernmost tip Barter Island;
629 northernmost tip Bernard Spit;
630 along the coast of all barrier islands and across all entrances to the northernmost tip Griffen Point;
631 northernmost tip along the coast to Humphrey Point;
632 across the entrances and along coast of all barrier islands, to the northernmost tip Demarcation Point;
700 along the coast to the United States-Canada Boundary;

(F) and extending three miles seaward of all islands not enclosed by the above line;

(14) "salmon stream terminus" means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water;

(15) repealed 8/14/70;

(16) "ton" means 2,000 pounds avoirdupois weight;

(17) "king crab" means any or all of the following species:

(A) *Paralithodes camtschatica* (red king crab);

(B) *Paralithodes platypus* (blue king crab);

(C) *Lithodes couesi;*

(D) *Lithodes aequispina* (brown king crab);

(18) "tanner crab" or "snow crab" means all species of the genus *Chionoectes;*

(19) "dungeness crab" means the species *Cancer magister;*

(20) "household" means a person or persons having the same residence;

(21) "bottomfish" means any marine finfish except halibut, osmerids, herring and salmonids;

(22) "to operate fishing gear" means

(A) the deployment of gear in the waters of Alaska;

(B) the removal of gear from the waters of Alaska;

(C) the removal of fish or shellfish from the gear during an open season or period; or

(D) possession of a gill net containing fish during an open fishing period;

(23) "possession limit" means the maximum number of fish a person may have in his possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period;

(24) "hung measure" means the maximum length of the cork line when measured wet or dry with traction applied at one end only;

(25) "drainage" means all of the waters comprising a watershed, including tributary rivers, streams, sloughs, ponds and lakes which contribute to the supply of the watershed;

(26) "freshwater of streams and rivers" means freshwater is to be separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide;

(27) "guideline harvest level" means the preseason estimated level of allowable fish harvest which will not jeopardize the sustained yield of the fish stocks. An area, district, section or portion thereof may close to fishing before or after the guideline harvest level has been reached if principles of management and conservation dictate such action;

(28) "peace officer of the state" means a person defined in AS 16.05.150;

(29) "processing" means completion of

(A) cooking;

(B) canning;

(C) smoking;

(D) salting, which means uniformly mixing with a minimum salting level of at least 20 percent of the weight of the fish resources;

(E) drying; or

(F) freezing, which means to congeal and solidify the flesh of fish by abstraction of heat;

(30) "domicile" means the location of a person's primary residence; evidence of domicile may include, but is not limited to, the following:

(A) statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) affidavit of the person, or of other persons who may know of that person's domicile;

(C) place of voter registration;

(D) location of residences owned, rented, or leased;

(E) location of storage of household goods;

(F) location of business owned or operated;

(G) residence of spouse and minor children or dependents;

(H) governments to which taxes are paid; and

(I) whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location. (In effect before 1983; am 4/16/83, Reg. 86; am 6/30/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 39.997. ABBREVIATIONS AND SYMBOLS. (a) The abbreviations a.m. and p.m. indicate antemeridian and postmeridian respectively for either Standard Time or Daylight Saving Time in conformance with the official time in use for Alaska.

(b) The symbols °, ′, ″, indicate degrees, minutes and seconds, respectively, of longitude or latitude, based on the North American datum of 1927.

(c) Lat. and long. indicate latitude and longitude, respectively.

(d) E. indicates east, N. indicates north, W. indicates west, and S. indicates south. All bearings and directions shall be construed to be true bearings and true directions.

(e) ADF&G is the abbreviation for Alaska Department of Fish and Game.

(f) CFEC is the abbreviation for the Commercial Fisheries Entry Commission.

Authority: AS 16.05.251

CHAPTER 40. PRIVATE NONPROFIT SALMON HATCHERIES

Article

1. General (5 AAC 40.005–5 AAC 40.015)
2. Special Harvest Areas (5 AAC 40.030–5 AAC 40.045)
3. Applicability of Regulations (5 AAC 40.100)
4. Permit Application Procedures (5 AAC 40.110–5 AAC 40.230)
5. Regional Comprehensive Planning (5 AAC 40.300–5 AAC 40.370)
6. (Reserved)
7. (Reserved)
8. General Provisions (5 AAC 40.800–5 AAC 40.990)

ARTICLE 1. GENERAL

Section

5. General
7. Gear
10. Modifications of applicable regulations
15. Prohibitions

5 AAC 40.005. GENERAL. (a) The harvest of salmon inhabiting the water of the state, regardless of whether the salmon are naturally or artificially propagated, may be conducted only pursuant to regulations adopted by the Board of Fisheries.

(b) The harvest of salmon returning to a private nonprofit salmon hatchery will be governed by regulations adopted by the Board of Fisheries. The board will, in its discretion, develop harvesting regulations after review of the harvest plans or other materials, information and testimony (if any) presented by the regional associations, hatchery operators, the Department of Commerce and Economic Development, fishermen, processors, and other interested parties.

(c) Where hatchery returns enter a terminal location and can be harvested without significantly affecting wild stocks, a special harvest area will be designated and described by regulation adopted by the board. The board will, in its discretion, adopt additional regulations

PART 8.
SUBSISTENCE HUNTING, FISHING, AND TRAPPING

Chapter
99. Subsistence Uses

CHAPTER 99.
SUBSISTENCE USES

Section
10. Joint Boards of Fisheries and Game subsistence procedures
20. (Repealed)

5 AAC 99.010. JOINT BOARDS OF FISHERIES AND GAME SUBSISTENCE PROCEDURES. (a) In applying a subsistence priority, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to the following procedures:

(1) each board will assess the biological status of fish or game resources and determine whether a surplus may be harvested during a regulatory year consistent with the conservation and development of the resources on the sustained yield principle and compatible with the public interest;

(2) each board will identify subsistence uses of fish or game resources, recognizing that subsistence uses are customary and traditional uses by rural Alaska residents for food, shelter, fuel, clothing, tools, transportation, making of handicrafts, customary trade, barter and sharing.

(b) Customary and traditional subsistence uses by rural Alaska residents will be identified by use of the following criteria:

(1) a long-term, consistent pattern of use, excluding interruption by circumstances beyond the user's control such as regulatory prohibitions;

(2) a use pattern recurring in specific seasons of each year;

(3) a use pattern consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, and conditioned by local circumstances;

(4) the consistent harvest and use of fish or game which is near, or reasonably accessible from, the user's residence;

(5) the means of handling, preparing, preserving, and storing fish or game which has been traditionally used by past generations, but not excluding recent technological advances where appropriate;

(6) a use pattern which includes the handing down of knowledge of fishing or hunting skills, values and lore from generation to generation;

(7) a use pattern in which the hunting or fishing effort or the products of that effort are distributed or shared among others within a definable community of persons, including customary trade, barter, sharing, and gift-giving; customary trade may include limited exchanges for cash, but does not include significant commercial enterprises; a community may include specific villages or towns, with a historical preponderance of subsistence users, and encompasses individuals, families, or groups who in fact meet the criteria described in this subsection; and

(8) a use pattern which includes reliance for subsistence purposes upon a wide diversity of the fish and game resources of an area, and which provides substantial economic, cultural, social, and nutritional elements of the subsistence user's life.

(c) After identifying subsistence uses based upon the criteria set out in (b) of this section, each board will determine the approximate amount of fish or game necessary to provide fully for reasonable opportunities to engage in these customary and traditional uses.

(d) Each board will adopt regulations that provide an opportunity for the subsistence taking of fish or game resources in amounts sufficient to provide for the customary and traditional uses identified in (b) of this section, and consistent with sound conservation and management practices. In no instance may the subsistence taking jeopardize or interfere with the maintenance of a specific fish stock or game population on a sustained-yield basis.

(e) Each board will, in its discretion, adopt

regulations that provide an opportunity for non-subsistence uses of the resource, to the extent that the non-subsistence uses do not jeopardize or interfere with the conservation and development of fish or game resources on a sustained-yield basis, or with the opportunity for taking these resources for customary and traditional subsistence uses as provided in (d) of this section.

(f) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting non-subsistence harvest before subsistence uses are restricted. If all available restrictions for non-subsistence uses have been implemented and further restrictions are needed, each board will reduce the take for subsistence uses in a series of graduated steps, by giving maximum protection to subsistence users who

(1) live closest to the resource;

(2) have the fewest available alternative resources; and

(3) have the greatest customary and direct dependence upon the resource.

(g) In no event, however, will a board allow uses which will jeopardize or interfere with the conservation and management of fish stocks or game populations on a sustained-yield basis. (Eff. 5/30/82, Reg. 82)

Authority: AS 16.05.251(b)
AS 16.05.255(b)

5 AAC 99.020. DEFINITIONS. Repealed 10/9/83.

ALASKA SPORTFISHING ASSOCIATION

PISCATORIAL PATTER

June 1985 Volume 1 Letter 6

JUNE MEETING PROGRAM

The June program will feature RAINBOW TROUT. Look for two local experts to share their knowledge and experience on where to find and take these fine fish in Cook Inlet waters. An excellent film is scheduled and our great raffle is on, as usual. In addition, the winner of the $1000 Bristol Bay fishing trip will be drawn. See you at the International Airport Inn, 7:30 p.m., Tuesday, June 11. BRING A FRIEND -- he will thank you!

RECORD KING TAKEN IN KENAI RIVER

This writer happened to be in Soldotna when the 97# - 4oz record king was brought in for weighing. A king salmon nearly 5 feet long is truly impressive. Being weighed at the same time was an 83 pounder. Since second run (July) Kenai king salmon average about 5 to 6 pounds heavier than the Kenai River early (June) run fish, could this be an omen of BIG things to come?

FISHING FORECAST

King Salmon: June is truly king salmon month. With the exception of the late run in the Kenai River and the latter part of the Naknek River run, all southcentral king salmon runs occur in June.

The biggest run enters the Susitna River, where fisheries occur in a host of tributary streams. The largest number of fish are taken at Alexander Creek, Deshka River and Lake Creek. These are all fly-in or boat-in fisheries. Adjacent to the Parks Highway there are weekend only fisheries at Willow, Caswell and Montana Creeks for 4 weekends, commencing the second Saturday in June. Last year all streams on the westside between the forelands and the Susitna River were opened to king fishing and good catches were made in the Chuitna (Chuit) and Theodore Rivers. The big problem this year is high, dirty water from the big snow pack and the late breakup. Be sure to verify water conditions before booking a flight into the Susitna fly-in areas.

On the Kenai, Memorial day opening on the lower streams (Anchor, Deep and Ninilchik Rivers) was very slow. These streams should improve dramatically during the next 2 weeks if flows do not stay excessively high. The best king salmon fishing on the peninsula to date has been the troll fishery off Deep Creek, where good numbers have been taken. This fishery should remain good until late June. Early catches in the Kenai River have been spotty, and it is still too soon to determine the size of the early run.

The Naknek River offers good king fishing in June. This is a large, crystal-clear river immediately adjacent to King Salmon and it can be fished from shore near King Salmon Creek.

In the upper Copper River area, the Gulkana River June king fishery is expected to be poor due to high, dirty water.

Rainbow Trout: The Kenai River opens June 15. Remember - no bait is allowed in waters upstream of Skilak Lake.

In upper Cook Inlet, high stream flows are expected to interfere with trout fishing in the Susitna tributaries. Lakes in the Matanuska Valley should produce good catches of trout for those anglers fishing late evenings or early mornings, when light levels are low. Call Fish and Game, 349-4687, for the names of the hottest lakes.

Halibut: Catches are good throughout lower Cook Inlet, with an unusually large number of big halibut being landed.

DEADLINE-$1000 BRISTOL BAY DRAWING

The deadline to participate in the drawing for the $1000 fishing trip to Chris Goll's Rainbow River Lodge is June 8. Any member joining, renewing, or extending his membership by that date will be in the drawing. The drawing will be held at the June 11 membership meeting.

NEW ASA MEMBERSHIP BENEFIT

A new benefit is available to members of the ASA. Paid-up members may join the FedAlaska Credit Union by presenting their membership card showing current status. FedAlaska has joined our organization as a business member, showing their support for the goals we are working for.

CHANGE OF ADDRESS

If you have moved, or are about to move, be sure to notify the ASA, either by mail or phone, at 344-5235. The newsletter is mailed 3rd class and is not always forwarded. In addition, it is not necessarily returned if undelivered. Therefore, we have no way of knowing that we have lost contact with you.

BILLING-CURRENT AND EXPIRED MEMBERS

To give you a full year's membership for your dues, we have changed from a calendar to an individual membership year, and are now billing members as their membership comes due. Statements will be mailed the month prior to the expiration date shown on your mailing label, and are due by the 15th of the expiration month. Because your dues support the cost of membership meetings, the newsletter and Fish and Game Magazine, we are unable to continue supplying these to members whose dues have lapsed. If your membership is not renewed, you will receive your last newsletter the month of your expiration, and the Fish and Game magazine subscription will expire.

Current Members: For example, those memberships expiring in June were mailed statements in May, which are due by June 15. Renewals received by this date insure you will continue to receive your newsletter and Fish and Game Magazine without interruption. Without renewal, this will be your last newsletter.

Expiring Members: Recently, a letter and final renewal notice was mailed to those whose memberships expired January 1-May 31, 1985. If dues payment is not received in June, this will be your final newsletter and your Fish and Game Magazine subscription will expire. We appreciate your past membership and sincerely hope you will continue your support for better sport fishing through the efforts of the ASA.

KENAI RIVER ADVISORY BOARD

The Kenai River Advisory Board is continuing its work in implementing a long range management plan for the river. The board has established a series of subcommittees to study specific issues. These meetings are open to the public, and they will result in recommendations to the board. The Advisory Board may have a profound impact on the future activities on the river. Of particular importance just now is the work of the Social and Recreation subcommittee, which is currently taking public testimony on topics such as: boat and motor sizes, speed limits, methods and means of fishing and any other "people vs people" issues of concern. The public testimony will continue through May 31. Beginning June 1 through August 15, they will assemble data and take expert testimony. Beginning August 16, they will put proposals out to the public for input through public hearings. For further information, call Dave Stevens, 265-4526.

LEGISLATIVE UPDATE

The ASA worked on a series of bills this past session. Most of these bills are still in the legislative process. Since the 1985 Legislature has just adjourned the 1st session, all bills remain active through the 1986 2nd session. We will lobby local legislators between sessions and then work for passage next session. Bills of major interest to anglers include:

- HB29 Funding for boat launch and associated facilities at Lower Little Susitna River. In House Finance Committee.
- HB36 Funding for facilities at the confluence of Willow Creek and Susitna River. In House Finance Committee.
- HB43 Funding for access acquisition at several northern Cook Inlet streams, such as Little Willow Creek and Montana Creek. In House Finance Committee.
- HB86 Creates the Willow Creek Recreation Area. In House Resources Committee.
- HB93 Establishing a system of recreational rivers. (A top priority) In House Resources Committee.
- HB142 Creates the Kroto-Desnka Public Use Area. In House Resources Committee.
- HB280 Creates the Fritz Creek Critical Habitat Area. On the Governor's Desk.
- HB324 Creates the Jim-Swan Lakes Recreation Area. In House Resources Committee.

Mitch

Our top legislative priority was subsistence legislation. The legislature adjourned without action by the senate. Senator Mitch Abood is being "blamed" for inaction when, in fact, he offered Governor Sheffield support for the Governor's bill (HB288), if he would put ir a sunset clause, as advocated by ASA. A sunset clause would have assured public hearings and adequate study time prior to reconsideration during the 2nd session. The governor would not accept this compromise. We insisted on the sunset clause because, next year being an election year, it was unlikely any subsequent legislative action would be taken to bring about a long term solution once any interim bill was passed. Meanwhile, flagrant hunting violations are taking place and subsistence permit applications for early kings on eastside set net beaches are coming in to ADF&G. Public Safety and ADF&G will enforce all sport and commercial regulations. Current guesses are that existing gear, such as gill nets and fish wheels, will continue to be the only legal gear for subsistence users. Don't hook and line fish in excess of the sport limit or seasons and espect subsistence to protect you from prosecution -- unless you can afford the court costs.

FEATURING BUSINESS MEMBERS

THE FISH SPECIALIST is one of Alaska's longest established fish taxidermists. Ken Guffey, the fish specialist, has been in the business for nearly 20 years in Anchorage, forming his own business at 3421 W.31st, in 1980. He provides both mounts and fiberglass replicas. Ken is responsible for the painting, using the actual fish, tne anglers photo, color notes and knowledge of where the fish was caught. Carole, Ken's wife, specializes in putting together the fiberglass casts. Dan Buesseler, master fisn mounter, handles all the skin mounts. For more information on field care of fish to be mounted, stop by or call 248-2688. Ken was active in the formation of the ASA and has continued his support as a business member.

The RAINBOW RIVER LODGE, operated by Chris Goll, is one of Bristol Bay's premier lodges. Guests are treated to outstanding fishing for all species present in Bristol Bay. However, Chris specializes in rainbow trout and king and sockeye salmon. This writer has fished with Chris at his lodge and I can tell you the food and hospitality are great. Anglers live "high-on-the-hog" at Rainbow River Lodge. As a long time supporter of the ASA, Chris recently donated a $1000 fishing trip to our organization to encourage memberships.

Don W. Collinsworth, Commissioner

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Alaska Department of Fish & Game NEWS

FOR IMMEDIATE RELEASE MAY 29, 1985

GAME BOARD SCHEDULES EMERGENCY MEETING

JUNEAU--The Alaska Board of Game will convene in Juneau for an emergency session beginning June 10, 1985, to adopt emergency regulations providing for subsistence hunting. Without such regulations, Chief Prosecutor Daniel Hickey has concluded that his staff would be unable to prosecute some hunting violations successfully.

In a May 22, 1985, memorandum, the chief prosecutor advised the department that emergency regulations are needed in order to ensure enforceability of all game regulations, some of which cannot be enforced currently. The Department of Law further explained that the board must take these actions because of recent decisions in Madison v. Department of Fish and Game, _____ P.2d ____, Op. No. 2911 (Alaska February 22, 1985) and State v. Eluska, ____ P.2d ____, Op. No. 210 (Alaska App. April 12, 1985). Because the Legislature has not yet enacted corrective legislation, the Department of Law has noted that the board must now provide subsistence hunting regulations for every game population which has been hunted by Alaska residents for food.

-MORE-

The combined effect of both cases will eventually require the board to change current harvest management extensively. Perhaps the most significant problem the board must address at this meeting will be permit and registration hunts. Although the current random drawing and first-come/first-served type distribution methods for harvest opportunity are no longer legally acceptable, the board will have a great deal of difficulty finding an appropriate feasible alternative. Any alternative must be consistent with the three criteria contained in the current statute and discussed by the Supreme Court in Madison: 1) customary and direct dependence upon the resource as the mainstay of one's livelihood; 2) local residency; and 3) availability of alternative resources.

The meeting will begin at 8:30 a.m. in the Conference Room at the ADF&G headquarters office at 1255 West 8th Street, Juneau. The meeting is open to the public, but, due to the emergency nature of the meeting, public testimony will not be taken. The emergency regulations will be effective for 120 days, and if they are later considered for submission as permanent regulatory changes, public comment will be solicited.

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STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
PUBLIC COMMUNICATIONS SECTION
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OFFICIAL BUSINESS
STATE OF ALASKA

STATE PENALTY FOR
PRIVATE USE

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Alaska Department of Fish & Game NEWS

FOR IMMEDIATE RELEASE MAY 23, 1985

EMERGENCY SUBSISTENCE SALMON REGULATION TO BE ISSUED

JUNEAU--In response to a memorandum from the Department of Law, the Department of Fish and Game has begun issuing emergency regulations to provide subsistence fishing permits for locations not open under current regulations.

Chief Prosecutor Dan Hickey has advised the ADF&G that emergency regulations are necessary because of recent judicial decisions in Madison v. ADF&G and State v. Eluska and because the Legislature has not yet enacted corrective legislation. Without such regulations, the Chief Prosecutor has concluded that his staff would be unable to prosecute successfully some subsistence fishing violations.

The emergency regulations, which will incorporate the requirements specified by the Department of Law, will ensure full enforceability of all fishing regulations in Cook Inlet and throughout the state.

Under these emergency regulations, permits will be issued to Alaska residents for subsistence salmon net fishing in Cook Inlet, if that fishing had previously been authorized by state subsistence regulations and the depart-

-MORE-

ment's records indicate that such fishing actually occurred. The permits will indicate locations and times when subsistence fishing will be allowed, gear specifications, and bag limits.

Rod and reel fishing is defined in Alaska statutes as sport fishing and thus no subsistence permits will be issued for fishing with rod and reel gear.

No Cook Inlet subsistence salmon permits will be issued for fishing during May, since no state regulations have ever allowed subsistence fishing during that month.

Violators of sport, commercial, personal use, or subsistence regulations will be cited by ADF&G personnel and by officers of the Fish and Wildlife Protection Division, Department of Public Safety.

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OFFICIAL BUSINESS
STATE OF ALASKA

STATE PENALTY FOR
PRIVATE USE

JUNEAU ALASKA MAY 24 '85 U.S. POSTAGE 22

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Alaska Department of Fish & Game
NEWS

FOR IMMEDIATE RELEASE MAY 22, 1985

ADF&G Issues Subsistence Regulations

JUNEAU--Since the Legislature has not yet enacted adequate personal use and subsistence fishing and hunting legislation, the Alaska Department of Fish and Game, under instructions from the Board of Fisheries, has issued emergency fishing regulations for the 1985 season. During the March meeting of the Board of Fisheries, the board instructed ADF&G Commissioner Don Collinsworth to use his limited emergency authority to make the necessary changes in the regulations if the Legislature did not enact personal use and subsistence legislation to correct deficiencies with the current law as identified by the Alaska Supreme Court in its Madison v. ADF&G decision.

Under the emergency regulations, the Naknek, Iliamna drainage, Port Graham, English Bay, and Angoon subsistence fisheries will be open to all Alaska residents.

Cook Inlet personal use coho salmon fisheries will be subsistence fisheries in 1985. In Cook Inlet, the Eastside Beach personal use coho fishery, largely composed of fish

-MORE-

bound for the Kenai River, will become a subsistence fishery. The 1984 harvest level of 2,500 to 3,500 fish will be increased to 13,000, and the fishery will open on August 17 instead of mid-September. The harvest levels for all other personal use and subsistence fisheries will remain as published in current regulations.

The Copper River dip net and fishwheel fisheries will be subsistence fisheries open to all Alaskans. Alaskans may apply for either a dip net permit or a fishwheel permit, but not both.

As emergency regulatory changes, these regulations are for the 1985 subsistence season only. Subsistence permits are available at regional offices and at field stations in local areas. For additional information contact your local Fish and Game offices.

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OFFICIAL BUSINESS
STATE OF ALASKA

STATE PENALTY FOR
PRIVATE USE

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
PUBLIC COMMUNICATIONS SECTION
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PARK USE PERMIT POLICY AND PROCEDURE FOR GUIDES, OUTFITTERS, AND COMMERCIAL ACTIVITIES IN THE KENAI RIVER SPECIAL MANAGEMENT AREA

April 12, 1985

Alaska Department of Natural Resources
Division of Parks and Outdoor Recreation

RECEIVED
MAY 29 1985

PARK USE PERMIT POLICY FOR GUIDES, OUTFITTERS AND COMMERCIAL ACTIVITIES IN THE KENAI RIVER SPECIAL MANAGEMENT AREA
April 12, 1985

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I. POLICY STATEMENT

GUIDES AND COMMERCIAL OPERATORS PARK USE PERMIT POLICY

Pursuant to 11 AAC 12.300, 11 AAC 18.025 and 11 AAC 18.030, all guides and outfitters operating in the Kenai River Special Management Area (hereinafter referred to as KRSMA) shall hold a park use permit issued by the Alaska Division of Parks and Outdoor Recreation. This permit system is intended to meet park management objectives of protecting and enhancing recreational and natural values, and compensating the State of Alaska for the commercial use of its land and resources.

General categories of guides include, but are not limited to, non-motorized backcountry guiding services, water/float guiding, sportfish guiding, sport-hunting guides, and air/water taxis. All guides and outfitters operating in the KRSMA in 1985 are required to obtain a valid permit. In 1985, a fee will be charged the applicants that is a fair and reasonable return of revenue in light of the impact of the proposed activity on the park. The number of permits issued in the KRSMA will be unlimited at this time.

Guiding and outfitting on state park lands or waters is a commercial activity, as defined in 11 AAC 12.300, and as such is subject to the provisions of state regulations dealing with commercial activities in state park units (11 AAC 18.030) and state purchasing law AS 37.05.220 - .240 and regulations 2 AAC 15.010 - .120. The KRSMA guide and outfitter park use permit has been established in accordance with 11 AAC 12.300 and 11 AAC 18.030.

PURPOSE OF PARK USE PERMIT

1. To provide a management tool to ensure that guides, outfitters, and other commercial activities operate safely, provide a quality service to the public, protect park resources and reimburse the state for a portion of the cost associated with management of such activities.

2. To provide information to park managers and others on guide and commercial activities in the Alaska State Park System.

3. To provide for effective communications between guides and other commercial operators and the Division of Parks and Outdoor Recreation staff on the management of guiding and commercial activities and other park management policies.

4. To comply with state law and regulations.

II. PERMIT ISSUANCE PROCEDURE

PERMIT AVAILABILITY

Application Period

Permit applications will be made available to the public year-round, with applications being accepted, processed and issued annually. Guides, outfitters and other commercial activities operating in the KRSMA during 1985 are required to possess a valid park use permit.

Permit applications will be made available to the public at the Kenai Area Office of the DPOR at Morgan's Landing State Recreation Area in Sterling (phone number 262-5581).

Completed application packets must be submitted to the Kenai Area Office along with originals or certified copies of all required documents. The applicant must appear in person at the Kenai Area Office to pick up the permit, permit stickers, and logbook.

PERMIT PROCESSING

Delegation of Authority to Issue Permits

Permits in the KRSMA shall be authorized by the superintendent of the Kenai Area. The authority to issue permits may be delegated in writing to subordinates.

Fee Structure

For the 1985 season, resident permit fees will be $150, while permit fees for non-resident commercial operators will be $450. The Division anticipates that the permit fee will be changed in 1986 based upon the recommendations of the Alaska Land Use Council and the Kenai River Special Management Area Advisory Board, and with the approval of the Commissioner of the Department of Natural Resources.

Revenue Handling Procedure

The guidelines described in Appendix III, Revenue Accounting (source: Alaska Administrative Manual) and referred to hereafter by specific section numbers, detail the procedure for handling fees collected from guides and outfitters permit applications.

The fee required for processing and issuing the permit application must accompany the application. Applications can be submitted in person or by mail. Section no. 7890 details mail collection of permit application fees.

Fee payment can take the form of cash, check, or money order. Receipts should be issued for cash received, following section no. 7886. Checks and money orders are restrictively endorsed at

the time of initial receipt, following section no. 7888. The collection of fees shall be entered in a daily record, following the guidelines in section no. 7892.

Case files containing copies of individual applications, permits and other information shall be maintained at DPOR regional or area offices. This will include a record of numbers and types of permits issued for budgetary and management purposes.

PERMIT RECIPIENTS

Definitions

1. Guiding is the provision of personal services or assistance to recreationists in their pursuit of a natural or cultural resource based outdoor recreation experience for compensation of any kind. This includes such personal services as leading, teaching, training, supervision, protection, education, interpretation, transportation, packing, equipment operation, or any other similar service or assistance. It does not include private trips in which only travel or food expenses are shared among party members.

2. Outfitting: The provision of equipment, supplies, or other materials for compensation in any form. This includes such services as rental of boats, tents, and other equipment or gear, whether such gear is actually stored on or off state park lands and waters when rented specifically for use in the Kenai River Special Management Area. Outfitting excludes the provision of personal services to the client except for incidental instructions as to equipment operation.

3. Resident: A person who for 12 consecutive months has maintained a permanent place of abode in the state and who has continually maintained his voting residence in the state and; in the cuase of partnership, association, joint stock company, trust or corporation, "resident" means one that has its main office or headquarters in the state; however, a member of the military service how has been stationed in the state for the preceding 12 consecutive months is a resident for the purposes of this park use permit, and the dependent of a resident member of the military service, who has been living in the state for the preceding year is a resident for the purpose of this park use permit, and a person who is an alien but who for one year has maintained a permanent place of abode in the state is a resident for the purpose of this park use permit.

Pre-qualification Criteria

To pre-quality for issuance of a 1985 permit, all permit applicants shall be required to submit the information listed below. Non-fishing commercial operators will be required to provide the

information described except for numbers 4 and 7. Verification of original certificates, or certification thereof, must be submitted at the time of application. Pre-qualification information includes:

1. Completion of park use permit application in full.

2. A photostatic copy of the Alaska Business License for the individual guide's business. (Must be SIC code no. 7990 or no. 7999).

3. A photostatic copy of the Certificate of Authority to collect the Kenai Peninsula Borough Sales Tax for the individual guide's business (Blue Card).

4. A photostatic copy of the Alaska Commercial Fisheries Entry Commission Vessel License (ADF&G vessel license plate number) for each vessel to be used in guiding activities (with current registration).

5. Vessel AK numbers for any powerboat to be used in guiding activities with current registration.

6. A photostatic copy of the applicant's valid U.S. Coast Guard Commercial 6 passenger license to operate or navigate passenger carrying vessels for hire on the Kenai River. This is required by federal law of all powerboat operators (any type of vessel powered by any motor). Non-motorized boating operations not carrying a motor do not need this license.

7. Valid Alaska Sport Fishing License. (Class 1, 3E, 5, 7, 9, 5A, 12, or 14).

8. Valid American Red Cross Basic First Aid certification or equivalent.

9. Proof of liability insurance covering the commercial boat operation to a minimum of $100,000 per individual and $500,000 per event, and naming the State of Alaska, Division of Parks and Outdoor Recreation as "the additional name insured". Prior to commencement of operations under this permit the permittee shall furnish all required insurance and such insurance shall be approved. All certificates must provide a 30-day prior written notice to the Kenai Area Superintendent, Division of Parks and Outdoor Recreation, Box 1247, Soldotna, Alaska 99669, of cancellation, non-renewal or material alteration of such insurance. Failure to furnish satisfactory evidence of insurance or lapse of insurance is grounds for termination of this permit.

10. Payment of a Park Use Permit fee of $150 for an Alaska resident KRSMA guide or $450 for a non-resident KRSMA guide.

Reporting Procedures

All guides and commercial operators permitted to operate in the KRSMA are required to submit the appropriate logbook in a timely manner. In order to receive a permit for the 1986 season, these requirements must be fulfilled by October 31, 1985, unless otherwise specified. Reports should be filed at the Kenai Area office in person or sent by mail to the Kenai Area Office, Alaska Division of Parks and Outdoor Recreation, Box 1247, Soldotna, Alaska 99669.

PERMIT REVIEW

Terms and Enforcement

Guides, outfitters, and other commercial activity park use permits are to be issued for a calendar year period. Commercial operators shall have a valid park use permit in their possession prior to operation. Persons operating without a valid park use permit in the KRSMA will be cited under the authority of 11 AAC 12.300. Conviction for violation of 11 AAC 12.300 may be grounds for denial of a park use permit application. Further reasons for the suspension or revocation of a KRSMA guide park use permit are listed below:

A. Grounds for automatic suspension or revocation:
   1) Loss or expiration of U.S. Coast Guard "6 - Pack" license.
   2) Loss of required level of liability insurance coverage.
   3) Loss of Alaska sport fishing license by court conviction.
   4) Failure to pay commercial use permit fees.
   5) Conviction of gross public safety violation relating to boating activity (i.e., DWI boat operation, reckless endangerment).
   6) Failure to accurately maintain and submit required logbook records.
   7) Guiding in a powerboat with a "drift only" permit.

B. Grounds for possible suspenstion or revocation:
   1) Repeated or willful non-compliance with park use permit stipulations.
   2) Conviction of two Alaska State Park violations within a one year period, or three convictions within a five year period.

C. Grounds for immediate temporary suspension of the guide park use permit by the Kenai Area Superintendent for up to five guiding days:
   1) Gross violation within the KRSMA of laws protecting public peace and dignity.
   2) Citation of any fishing regulation violation (i.e., over-limit, failure to log, wanton waste).

3) Allowing clients to take over-limit, or to continue fishing from the guide boat after retaining a king salmon.
4) Fishing or allowing clients to fish from a registered guide vessel in a closed area, or during a closed season, or during non-guide hours, or on non-guide days, or retaining protected species, or using illegal gear or methods.
5) Use of a motor in a "drift only" area except in an emergency.
6) Allowing a non-permitted guide to operate a registered guide vessel for guiding activities without a permitted guide aboard except in an emergency.

Permit Compliance Evaluation

During the term of the permit, the area superintendent or their designee shall review the permitte's operation to verify compliance with the provisions of the permit. Non-compliance with the stipulations of a permit, or violation of appropriate state regulations, may be grounds for revocation of a permit, or non-renewal of a permit in the following year. Appendix II contains a "Permit Compliance Checklist" for use by the officer reviewing the operating history of a guide or outfitter.

Appeal Process

A permit applicant or holder whose application or permit is denied, suspended or revoked by the area superintendent may make an appeal of that decision to the director's office, or to the commissioner of the Department of Natural Resources in a case concerning the director. Members of the public who disagree with an action taken by the division concerning an issued permit may undertaken the same appeals process. Appeals will be considered only if made in writing and postmarked or received by the division within 30 days after the date the decision being appealed was issued.

APPENDIX I

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
KENAI RIVER SPECIAL MANAGEMENT AREA
STATE PARK USE PERMIT

*Nature of activity*_____ *Permit number*_____

*Issue date*_____

*Permittee name*_____ *Expiration date*_____

*Name of business*_____

*Mailing address*_____

_____

_____

Physical address (street location)

_____

_____

_____

*Telephone number, business*_____
*home*_____
*message*_____

*Alaska Business License No.*_____

*Category*_____ *Year*_____

*Kenai Peninsula Borough Sales Tax Registration Number*_____

*Alaska Sport Fishing License Number*_____
*Res. Class 1, 3B, 5*_____
*Non-Res. Class 7, 9, 5A, 12, 14*_____

*Alaska Department of Fish and Game Logbook issued*_____

*Permit Fee*_____

*Receipt Number*_____

*Date*_____ _____

*Alaska Resident Kenai River Guide $150*_____

*Non-resident Kenai River Guide $450*_____

*Proof of minimum liability insurance, (100K per person, 500K per event) verified*_____

*American Red Cross Standard First Aid certification (or equivalent) Verified*_____

Expiration date _____

Powerboat operation authorized: ___ *Yes* ___ *No*
If yes, U.S.C.G. Commercial 6 Passenger License to operate or navigate passenger-carrying vessels for inland waters:
Number _____
Expiration date _____
Limitations (as stated on the license):
_____
_____
_____

Registered Guide Vessels (vessels use for guiding purposes)

U.S. Coast Guard AK # _____ *and current registration verified* _____ *(motorized vessels).*

3 digit (12") Guide vessel number assigned _____

Kenai River Guide Sticker issued (2 each) _____

Alaska Commercial Fisheries Entry Commission vessel license number (ADF&G) _____ *with current decal* _____ *veritifed.*
(use additional sheets as necessary)

Registered Guide Vessels (vessels use for guiding purposes)

*U.S. Coast Guard AK #*_____ *and current registration verified* _____ *(motorized vessels).*

*3 digit (12") Guide vessel number assigned*_____

*Kenai River Guide Sticker issued (2 each)*_____

Alaska Commercial Fisheries Entry Commission vessel license number (ADF&G) _____ *with current decal* _____ *veritifed.*

****

Registered Guide Vessels (vessels use for guiding purposes)

*U.S. Coast Guard AK #*_____ *and current registration verified* _____ *(motorized vessels).*

*3 digit (12") Guide vessel number assigned*_____

*Kenai River Guide Sticker issued (2 each)*_____

Alaska Commercial Fisheries Entry Commission vessel license number (ADF&G) _____ *with current decal* _____ *veritifed.*

****

Registered Guide Vessels (vessels use for guiding purposes)

*U.S. Coast Guard AK #*_____ *and current registration verified* _____ *(motorized vessels).*

*3 digit (12") Guide vessel number assigned*_____

*Kenai River Guide Sticker issued (2 each)*_____

Alaska Commercial Fisheries Entry Commission vessel license number (ADF&G) _____ *with current decal* _____ *veritifed.*

****

Registered Guide Vessels (vessels use for guiding purposes)

*U.S. Coast Guard AK #*_____ *and current registration verified* _____ *(motorized vessels).*

*3 digit (12") Guide vessel number assigned*_____

*Kenai River Guide Sticker issued (2 each)*_____

Alaska Commercial Fisheries Entry Commission vessel license number (ADF&G) _____ *with current decal* _____ *veritifed.*

This Park Use Permit is issued in accordance with 11 AAC 12.300 and 11 AAC 18.030.

_____ *(individual) known as* _____ _____ *(business name) is hereby authorized to use state park lands and water of the Kenai River Special Management Area for* _____ *purposes in a manner consistent with the stipulations in Attachment A and subject to all existing local, state and federal laws and regulations.*

This Permit is non-transferable and is suspendable or revokable at the discretion of the Director of the Division of Parks and Outdoor Recreation. Further, the permittee shall not sub-let or enter into any third party agreements involving the privileges authorized by this permit.

The permittee understands that the issuance of this permit does not confer any right of renewal or preference for renewal despite investments made by the permittee or for other reasons.

The permittee also understands that guiding, outfitting or other commercial activities conducted within the boundaries of the Kenai National Wildlife Refuge requires an additional Special Use Permit from the U.S. Fish and Wildlife Service.

This permit is accepted as stated.

_____	_____	_____
Permittee Signature	*Title*	*Date*
_____	_____	_____
Authorizing Officer	*Title*	*Date*

This is to certify that on this _____ *day of* _____, *19*___, *before me, the undersigned, a Notary Public in and for the State of Alaska duly commissioned and sworn as such, that the above permittee, known to be or identified to me by* _____, *personally came and appeared and executed the above permit document with their signature.*

WITNESS MY HAND AND NOTARIAL SEAL the day and year first above in this certificate written.

_____
Notary Public in and for Alaska
My Commission expires: _____

APPENDIX II

PARK USF PERMIT
Stipulations for Guides and Outfitters in the
Kenai River Special Management Area

1. *SUPERVISION*

A permitted guide must be aboard a guide vessel whenever it is on the river being used for guiding activities.

2. *GUIDE VESSEL IDENTIFICATION*

A guide vessel shall be identified by Kenai River Guide Stickers on both sides of the vessel aft the midpoint and directly forward of the assigned three digit guide vessel number to be permanently displayed in 12 inch minimum size figures of contrasting color to the color of the vessel hulk.

3. *SAFETY EQUIPMENT*

The permittee is responsible to insure that the guide vessel, or vessels, is equipped, maintained and operated in accordance with all applicable state and federal laws and regulations. This includes loading of the vessel not to exceed the U.S. Coast Guard/Manufacturer's Capacity Information Plate.

4. *FISHING FROM A GUIDE VESSEL*

The permittee is not allowed to fish from a registered guide vessel during the months of June and July while guiding in the Kenai River Special Management Area.

5. *LAWFUL OPERATIONS*

The permittee agrees to operate in accordance with the regulations of the Alaska Department of Fish and Game and all other local, state and federal laws and regulations.

6. *LOG BOOK*

The permittee shall maintain and submit the appropriate log books. (The ADF&G Fishing Guide log book shall be maintained in the 1985 season as applicable.)

7. *LIABILITY INSURANCE*

Prior to commencement of operations under this permit the permittee shall furnish proof to the authorizing officer that they have insurance against loss to publicly-owned resources, public liability insurance to cover commercial boating operations and such insurance shall be approved by

the authorizing officer. A minimum of $100,000 per person/ $500,000 per event public liability insurance is required and the policy must name the State of Alaska, Division of Parks and Outdoor Recreation, as the "additional name insured". All certificates must provide a 30-day prior written notice to the Kenai Area Superintendent, Box 1247, Soldotna, Alaska 99669 (phone 262-5581), of cancellation, non-renewal or material alteration of such insurance or lapse of insurance.

8. *SUSPENSION OR REVOCATION*

The permittee has read and agreed to the terms of this permit and understands that the breach of any terms is cause for revocation. Further, it is expressly understood and agreed that this permit may be revoked with cause at the discretion of the authorizing officer without compensation to the permittee or liability to the authorizing agency. Grounds for immediate suspension or revocation are:

A. Loss or expiration of U.S. Coast Guard "6 - Pack" license.
B. Loss of required liability insurance coverage.
C. Loss of Alaska sport fishing license by court conviction.
D. Conviction of gross public safety violation relating to boating activity (i.e., DWI boat operation, reckless endangerment).
E. Failure to accurately maintain and submit required logbook records.
F. Guiding in a powerboat with a "drift only" permit.

Grounds for possible suspension or revocation:
A. Repeated or willful non-compliance with park use permit stipulations.
B. Conviction of two Alaska State Park violations within a one year period, or three convictions within a five year period.

Grounds for immediate temporary suspension of the guide park use permit by the Kenai Area Superintendent for up to five guiding days:
A. Violation of laws protecting public peace and dignity within the area covered by the permit.
B. Citation of any fishing regulation violation (i.e., retain fish over the specified limit, failure to maintain logbook, wanton waste).
C. Allowing clients to take over-limit, or to continue fishing from the guide boat after retaining a king salmon.
D. Fishing or allowing clients to fish from a registered guide vessel in a closed area, or during a closed season, or during non-guide hours, or on non-guide

days, or retaining protected species, or using illegal gear or illegal methods and means.

E. Use of a motor in a "drift only" area except in an emergency.

F. Allowing a non-permitted guide to operate a registered guide vessel for guiding activities without a permitted guide aboard except in an emergency.

9. *NON-EXCLUSIVE USE*

This permit shall not be construed as limiting the rights of the authorizing officer to issue similar permits for same or similar activities in the area covered by this permit. The permittee, his or her agents or clients, shall not interfere with free public use or other authorized use of roads, trails, parking areas or other lands and water in the area of their activities. Guides may use state public launch facilities to pick up or return passengers and to launch and retrieve boats.

10. *ADVERTISING*

It is agreed and understood that this permit does not authorize the permittee to solicit business, advertise, collect any fees or sell any goods or services on lands and water authorized to be used by this permit unless specified on the permit. Further, the permittee shall not make any misrepresentations in his/her advertisements, signs, circulors, brochures, letterheads and like materials regarding this permit.

11. *STRUCTURES*

No temporary or permanent structures shall be erected in the area under this permit.

12. *CLIENT INFORMATION*

The permittee agrees to provide clients with information regarding rules, regulations and other information pertaining to the area and with basic safety information relative to the client's visit.

13. *ACCIDENT NOTIFICATION*

The permittee will notify the authorizing officer immediately after completing a trip of any accidents involving personal injury or of any threatening incidents involving wildlife or incidents involving the loss of equipment such as canoes, rafts, tents or other gear which could create the impression that someone may be lost or in danger.

14. *INDEMNIFICATION*

The permittee shall indemnify, save harmless, and defend the State, its officers, agents, and employees from liability of any nature or kind, including costs and expenses, for or on account of any and all legal actions or claims of any character whatsoever resulting from injuries or damages sustained by any person or persons or property as a result of any error, omission or negligent act of the permittee relating to its performance of this permit. All legal actions or claims including defense cost resulting from injuries or damages sustained by any person(s) or property arising from the permittee's performance of this permit which will result in joint liability of the State and permittee shall be apportioned on a comparative fault basis. Any such joint liability on the part of the State must be due to the active negligence on the part of the State.

15. *QUALITY OF SERVICE*

The permittee shall observe such requirements respecting quality and standards of service as dictated by laws or regulations or as is necessary to protect the public health, safety and welfare.

16. *RESOURCE PROTECTION*

The permittee shall exercise diligence in protecting from damage lands, water, facilities and resources in the permit area and used in connection with this permit.

17. *REPAIR OF DAMAGE*

The permittee shall be liable for the repair of any damages to lands, water, facilities or resources resulting from the activities of the permittee, his agents, employees or clients.

18. *HAZARDS*

Rising waters, high winds, falling limbs or trees, wildlife and other hazards are natural phenomenons that present risks which the permittee assumes. The permittee is responsible for insuring the safety of the clients under his supervision.

19. *COOPERATION*

The permittee agrees to cooperate with agency representatives for the purpose of permit compliance and to gather current information on the area.

20. *SANITATION*

The permittee must dispose of all human wastes and refuse generated by himself or his clients within the permit area in the appropriate facility outside of the permit area.

21. *CAMPS AND CACHES*

The permittee agrees not to establish temporary or permanent camps or caches within the permit area.

22. *FIRES*

The permittee is strongly encouraged to use gas or propane stoves for cooking. Ground fires are prohibited. However, dead and down wood may be gathered and fires of wood or charcoal may be built if contained in metal bottom containers (firepan). All fire rings shall be broken up and ashes shall be removed as refuse.

I have read, understand and agree to comply with the above state park use permit stipulations.

Permittee Signature	Title	Date

Cash

7882 - ACCOUNTABILITY (7-80)

One of the most important responsibilities of each of us is to safeguard assets of the State. Cash is a particularly difficult asset to safeguard because it is relatively easily concealed and readily negotiable. This asset is safeguarded through the use of whatever records and controls are necessary under the circumstances.

Cash collections may be in the form of checks, money orders, bank drafts, lock box receipts, electronic fund transfers, letter of credit deposits, coin and currency. As most cash collections are for revenues, the minimal statewide procedures to establish accountability and safeguards until they are deposited in the Treasury and applied correctly are spelled-out in this part of the manual.

In its broadest application, accountability for cash collections involves three agencies; the agency that receives the money, the Department of Revenue and the Department of Administration. By law each agency is required to account and pay over all money it collects to the Department of Revenue for deposit in the State Treasury. The Department of Revenue is required to submit an accounting of all cash it receives to the Department of Administration. The Department of Administration is required to maintain accounts showing at all times, by funds and other classifications, actual balances of cash, revenues and collections and to adopt a system that prescribes the use and accounting of current receipt documents.

7884 - CONTROL (7-80

A system of control must be designed around each individual office where cash is collected. In designing this system, the following rules will be observed in order to detect errors and to discourage fraud.

1. Separate the duties of receiving cash, disbursing cash, and reconciling bank statements - Section 7900.

2. Safeguard undeposited collections in a safe, vault, locked filing cabinet or other secure device - Section 7896.

3. Prepare and issue numbered receipts for collections of coin and currency - Section 7886.

4. Endorse checks restrictively on receipt - Section 7888.

5. Maintain a daily record of collections - Section 7892.

6. Deposit collections daily and intact - Section 7904.

7. Remit collections to the Treasury not less often than once a week - Section 7922.

The above minimum requirements will be followed by all State agencies unless written permission to deviate therefrom is obtained from the Department of Administration. However, agencies will not add staff, facilities or services solely to satisfy these requirements without written permission from the Department of Administration. Additional controls will be followed by all State agencies insofar as it is practicable to do so. The question of practicability, considering the materiality of the risk involved, is to be asked and answered by the agency involved.

7886 - ISSUANCE OF RECEIPTS (7-80)

A prenumbered receipt is prepared at least in triplicate and the original is given to a person making a remittance in the form of coin or currency. However, a receipt is not required if the person making a remittance is given a prenumbered document of fixed value such as a license or a permit.

Cash receipts may be prepared and issued for remittances made by checks, money orders and other negotiable instruments if a receipt is requested by the person making the remittance or if a receipt is needed as a posting media in the accounting system or to enhance other controls over the receiving function.

Typically, collections of coin and currency are received over-the-counter. In such cases a receipt is prepared and issued to the remitter on the spot. Whenever coin and currency are received in the mail a receipt is prepared immediately and mailed that day to the person making the remittance.

To enhance the effectiveness of this internal control feature the finance officer of each department will see to it that a record is maintained of the receipts that are available for use in each office of his agency. The finance officer may require that duplicate copies of issued receipts be sent to the central office periodically and he may require the inventory of unused receipts, following somewhat the same guidelines that are currently used for the control of field warrants. In many situations the agency finance officer may find it advantageous to buy all cash receipt forms and to issue them on an as-needed basis to field offices.

7888 - RESTRICTIVE ENDORSEMENTS (7-80)

Checks, money orders and other negotiable instruments are restrictively endorsed at the time of initial receipt. Restrictive endorsements should be placed on checks as they are received over-the-counter or as soon as mail is opened if they are received in the mail. In no event however, may checks be held without restrictive endorsements later than the end of the working day during which they are received.

The form of the restrictive endorsement depends on the nature of the deposit. The following type of restrictive endorsement is placed on all negotiable instruments deposited in the State Treasury system regardless of whether a deposit is made to a bank or directly with the State Treasurer in Juneau. If an agency has any question with regard to the form of a specific restrictive endorsement it should consult with the Treasury Division of the Department of Revenue. The State Treasurer is the only state officer authorized to prescribe a form of endorsement on negotiable instruments received by state agencies.

RESTRICTIVE ENDORSEMENT STAMP

Pay To The Order Of
Alaska National Bank of the North
For Deposit Only
DEPARTMENT OF REVENUE
Treasury Division
State of Alaska
Acct #19005946

Each agency is responsible for ordering necessary rubber stamps to restrictively endorse negotiable instruments on receipt.

7890 - MAIL COLLECTIONS (7-80)

In most agencies cash collections are received in the mail. The person who opens mail is responsible for restrictively endorsing any checks received and preparing receipts for any coin or currency. When this is done appropriate notations are made on letters, applications, tax returns and other correspondence included with the collections; the collections - negotiable instruments as well as any coin and currency - are given to the person who is responsible for preparing the daily record of collections together with copies of cash receipts prepared by the mail opener.

In those operations where a large volume of coin and currency is received in the mail, it is advisable to assign more than one person to the mail opening and receipt preparation process. The people should work together with one acting as an observer of the other.

7892 - DAILY RECORD OF COLLECTIONS (7-80)

Collections received by an agency are entered in a daily record of collections. The daily record of collections is a listing of amounts received with sufficient detail to enable an agency to identify each item. As a general rule the daily record of collections should include the following information:

1. Date of collection.

2. Name of the payer.

3. Amount received.

4. Type of collection - cash, check, money order, etc.

5. Account to which collection is to be credited or purpose of receipt.

6. Receipt number, if any.

In addition there should be room for information on the amount deposited in the bank and possibly both the departmental transmittal and Treasurer's TR numbers.

A suggested format for the daily record of collections is shown in Exhibit 7892. Other formats or information systems may be utilized in lieu of the suggested format, provided that the substitute format or system permits the recording of all necessary data.

Agencies may summarize on the daily record of collections amounts received from remitters for whom receipts are written. Summary information should include the beginning and ending receipt numbers, the amount represented by the receipts and the account to which the collections should be credited or the purpose of the amount received. The total amount shown on the daily record of collections should agree, both in total and in composition, with the amount deposited in the bank as shown on the retained copy of the bank deposit slip. In some situations, departmental finance officers may require that the original or a copy of the daily record of collections be submitted to them for review and for reconciliation with amounts transmitted to the State Treasurer.

7894 - LOCK BOX AND LETTER OF CREDIT (7-80)

Under the lock box system a bank regularly picks up remittances from a designated post office box and immediately deposits them to the credit of the State. The bank then advises Treasury of the amount and the source of the deposit and Treasury prepares a TR. The primary advantage of the lock box system is that it eliminates time in the mail and thus makes cash available from two to five days earlier than it normally would be.

At the present time the State maintains one lock box in Washington. It is used to receive funds disbursed by federal warrants written in the District of Columbia. Perhaps the largest of these sums is PL 874 money for the Department of Education.

DAILY RECORD OF COLLECTIONS

DATE

Collected _____

Deposited _____

Transmitted _____

Prepared By _____

Transmittal Numbers

Agency TR # _____

Treasury TR # _____

Received From	Purpose/Remarks	Coding	Amount	Type Of Collection	Receipt Number

DAILY RECORD OF COLLECTIONS

Exhibit 7892
July 1980

A letter of credit is an authorization to draw funds from the federal treasury within a stated amount and time in payment of specified contract or grant costs incurred by the State. Under the letter of credit system the agency requesting a draw prepares a TR in the usual way accompanied by a federal payment voucher on letter of credit. Treasury submits the payment voucher to the federal reserve through a local bank and in this way federal funds are made available within twenty-four hours. Under the letter of credit system whatever additional accounting the federal granting agency may require is provided after the funds have been drawn.

Of the two systems, letter of credit is much faster and should be utilized wherever possible. Even under letter of credit, however, a TR and a payment voucher must be prepared before cash can be received. It does little good to have a rapid collection system unless it is utilized to the maximum extent practicable under the circumstances.

7896 - SAFEKEEPING FACILITIES (7-80)

Undeposited collections are stored in a locked box appropriately secured. Appropriately secured is taken to mean in a locked file cabinet or similar device. In addition to appropriately securing undeposited collections during non-working hours, care must be taken to provide security over coin and currency during working hours. For example, cash boxes or drawers should be locked when the assigned custodian is away from these facilities. Keys to safekeeping facilities are to be secured at all times.

7898 - ACCESS TO SAFEKEEPING FACILITIES (7-80)

Each agency maintains a record of the names of persons having knowledge of the combination of the safe or vault or possession of keys or devices in which cash is stored.

Generally speaking, it is necessary for at least two persons within an agency to be able to access devices in which cash is stored. As the number of persons having knowledge of combinations or access to keys increases, the effectiveness of internal control decreases. Locks and combinations should be changed when an excessive number of employees have knowledge of them or when an employee having such knowledge leaves state service or transfers to another agency.

7900 - SEPARATION OF DUTIES (7-80)

In handling cash no one person may perform more than one of the following types of duties;

1. Receiving and depositing collections.
2. Authorizing disbursements or preparing checks.
3. Reconciling bank accounts.

ASSIGNMENT PLANS

Function	Five Employee Plan					Four Employee Plan				Section
	A	B	C	D	E	A	B	C	D	
1. Opening mail	X					X				7890
2. Restrictively endorsing checks and other negotiable instruments	X					X				7890
3. Preparing and issuing cash receipts	X					X				7886
4. Preparing collection reports		X					X			7892
5. Preparing bank deposit slips		X					X			7904
6. Depositing collections in the bank	X					X				7904
7. Preparing transmittals of receipts		X					X			7924
8. Certifying TR's					X				X	7924
9. Preparing checks			X				X			7926
10. Signing or authorizing the issuance of checks					X				X	7926
11. Reconciling bank statements				X				X		7900
12. Preparing bills for collection			X				X			7976
13. Maintaining open accounts receivable file				X				X		7980
14. Initiating AR adjustments				X				X		7982
15. Approving AR adjustments					X				X	7982
16. Preparing monthly statements for open accounts receivable				X				X		7986
17. Writing collection letters				X				X		7980

Exhibit 7900
July 1980

Generally agencies are not involved in the actual disbursement process in field offices. Also, as a general rule bank accounts need not be reconciled in field offices; they may be sent direct to the agency finance officer for reconciliation by his staff. As a consequence, therefore, it should be possible for most agencies to achieve a stronger measure of control than the minimum requirements set forth above.

Whenever sufficient staff is available to achieve a separation of duties in the processing of cash collections, one of the assignment plans illustrated in Exhibit 7900 should be utilized. Duties assigned to one individual in any one of the plans may be assigned other individuals not otherwise involved in processing cash collections.

Whenever it is an agency's responsibility to reconcile bank statements, regardless of whether the bank statements are reconciled at headquarters or at a field office, the bank statements and paid checks will be delivered unopened to the person charged with this responsibility and will be safeguarded by him until the reconciliation is completed. An adequate record of the bank reconciliation will be prepared and after review and approval by the employee's supervisor will be kept on file or sent to the agency finance officer if this is one of his requirements.

7902 - TRANSFER RECEIPTS (7-80)

Whenever collections are transferred from one employee to another a transfer receipt is prepared. Transfer receipts need not be pre-numbered and they may be in whatever form is considered appropriate under the circumstances. When prepared, however, at least three copies shall be used. Three copies permit the following distribution:

1. File.
2. Transferee.
3. Transferor.

Whenever amounts collected are handled by more than one employee, effective control requires that accountability be established as the custody of money changes. If the monies transferred are secured in a locked facility, such as a locked box, and the person to whom the device is given does not have access thereto (an example of this would be deposits in a locked bank pouch being taken to the bank), it is not necessary to prepare a transfer receipt.

7904 - FREQUENCY OF DEPOSIT (7-80)

Collections are banked daily in a depository account prescribed by the State Treasurer. Moreover, if possible, collections should be banked on the day they are received. Only in unusual cases may collections be held over for deposit on the following day. If practicable, agencies should use night depository facilities provided by most banks. Night depository facilities permit an agency to deposit collections after normal banking hours.

Deposit slips are normally prepared in three copies to permit the following distribution:

1. Bank.

2. Agency office.

3. Agency finance office or State Treasurer.

It should also be noted that collections may be deposited more than once a day if conditions warrant.

7906 - DEPOSITING INTACT (7-80)

All collections are deposited intact.

Depositing intact means that the total amount collected is the amount that is deposited. Moreover, the composition of amounts collected may not be altered. Disbursements from collections prior to deposit are not permitted. Standard operating procedures in an agency are used to determine that collections are deposited intact. For example, persons preparing collection reports or deposit slips are required to determine that receipts are being used sequentially and that all are accounted for.

Transmittals

7922 - FREQUENCY (7-80)

Cash collections are sent to the Treasury when they exceed $1,000. However, an office may never keep collections more than a week even if the amount involved is only a few dollars.

As a consequence, some offices transmit collections daily, some several times a week and others weekly. Moreover, within a department some offices may be required to transmit more often than others. The frequency requirement pertains to each office where cash is collected rather than to a department as a whole.

7926 - TRANSMITTAL PROCEDURES (7-80)

Both the transmittal of receipts (TR) and transfer of bank deposits (TD) are used to accomplish the actual remittance of cash to the Treasury. Procedures pertaining to the use of TD's are discussed in Section 7928. Procedures to remit cash with TR's are outlined in this section. TR's are used by all agencies in Juneau and by agencies outside Juneau that bank their collections in local bank accounts.

Agencies in the Juneau area prepare a transmittal of receipts form and hand carry receipts in the form of coin, currency, checks and other negotiable instruments with the TR to the Treasury Division. If an agency transmittal includes coin or currency, staff of the Treasury Division count the coin and currency and initial the agency goldenrod copy of the TR as a transfer receipt. Thereafter, the control and routing of the transmittal of receipts follows the procedure outlined in Exhibit 7926.

Agencies outside the Juneau area deposit their collections in a bank account selected by the Treasury Division of the Department of Revenue. It is important to note that only the Treasury Division may authorize the maintainence of a bank account. As collections are received agencies deposit them in the designated account. When $1,000 has been deposited, but not less often than once a week, the agency prepares a TR and sends it to the Treasury. Accompanying each TR is a copy of each deposit slip validated by the bank when each deposit was made or a check prepared by the agency payable to the Department of Revenue for the amount being transmitted. Treasury advises each agency of the specific procedures to be followed. In some uses the signature field on the check may be left blank. When received in Treasury the amount of the TR is compared with the total of attached deposit tags or the check. If the totals agree an officer of the Treasury signs the check, if the check was not signed by agency personnel. The distribution of the TR then follows the procedures outlined in Exhibit 7926.

ROUTING OF A TR

	Operation	Yellow Original	Blue Copy 1	White Copy 2	Pink Copy 3	Goldenrod Copy 4
Agency						
Prepares TR showing the total amount of collections being transmitted and appropriate revenue (1) transaction, (2) collocation and (3) receipt code.	1.	XX	XX	XX	XX	XX
Forwards original and first two copies to Treasury together with the money that is being transmitted.	2.	XX	XX	XX		
Sends third copy to Finance for the Finance suspense file.	3.				XX	
Treasury						
Receives original and first two copies from agency with cash remitted.	4.	XX	XX	XX		
Verifies that total money agrees with TR total, banks the cash and assigns official TR number.	5.	XX	XX	XX		
Sends the original and first copy to Finance.	6.	XX	XX			
Finance						
Receives original and first copy from Treasury.	7.	XX	XX			
Records original and removes third copy from its suspense file.	8.	XX			XX	
Sends first copy to agency with Daily Revenue Journal.	9.		XX			
Agency						
Receives first copy from Finance.	10.		XX			
Compares with fourth copy and entry in Revenue Journal.	11.		XX			XX
Files numerically by Treasury assigned TR number.	12.		XX			

ROUTING OF A TR

Exhibit 7926
July 1980

DIVISION OF FINANCE

TRANSMITTAL OF RECEIPTS

LIMIT DESCRIPTION TO 24 CHARACTERS
ADDITIONAL EXPLANATION SHOULD BE
ENTERED BELOW TRANSACTION AS NEEDED

DEPARTMENT NUMBER: DT 066339

DATE PREPARED: (1)

DESCRIPTION	REFERENCE	STATUS CODE	DEBIT	CREDIT	ACCT	RECPT	ACTY	PROJECT	*	AMOUNT
(2)					(3)				(4)	(5)
(6)										

DOCUMENT TOTAL → (7)

(8)

(9)

TR (10)

TR ENTRY DEFINITIONS

Entry Definitions

1. This is the date prepared by the agency.

2. This is a 24-character description for each line of coding. This information is keypunched and is part of the transaction as recorded in the journal.

3. Complete account coding is shown for each amount. Agency must be sure that collocation code is authorized for revenues and that three digit receipt code is used instead of three-digit object code.

4. An asterisk designates a prior year receipt.

5. An amount is entered for each line of coding.

6. This is an explanation entered on the lower part of the form below account coding. This explains what the transaction is for. This information is not keypunched and is not entered into the journals.

7. This is the total of all amounts shown for each line of coding.

8. Each TR must be signed by an officer authorized to sign receipt documents. In addition, when collections were received should be entered.

9. The date entered is placed on the form after processing by the Division of Finance.

10. The TR number is assigned sequentially by the Treasury Division in the Department of Revenue.

DIVISION OF FINANCE

TRANSMITTAL OF RECEIPTS

LIMIT DESCRIPTION TO 24 CHARACTERS
ADDITIONAL EXPLANATION SHOULD BE ENTERED BELOW TRANSACTION AS NEEDED

DEPARTMENT NUMBER: DT 066311

DATE PREPARED: 7-5-78

DESCRIPTION	REFERENCE	TRANS CODE	FUND	PROG	ACCT	RECPT	ACTY	PROJECT	*	AMOUNT
UNIF. TRAFFIC City/Kanab	AR61122	473	12	62	301	877			*	142.31
" /JNO	AR61122	"	"	"	"	"			"	313.30
" /JUDGMENT	AR61127	"	"	"	"	"			"	26.05
CONTRACT/U.S. DEPT. Comm	AR61016	"		62	181	875			"	8,167.00

RECORDING A REALIZATION OF PRIOR YEAR BILLINGS IN ACCOUNTS RECEIVABLE

db

DOCUMENT TOTAL → * 8,648.66

DATE ENTERED: July 12, 1978

TREASURY NUMBER: TR 13

Barbara H. Perventer

Exhibit 7926.3 is a properly completed Transmittal of Receipts. If this form had been prepared by an agency in Juneau it would be accompanied by the actual cash making up the remittance. If submitted by an agency outside Juneau it would be accompanied by deposit slips or a check for the total amount shown on the TR.

7928 - DIRECT WIRE TRANSFER (7-80)

Another common method of remitting money to Treasury is by direct wire transfer of bank deposits. Under this system agencies deposit money in bank accounts selected by the Treasury Division of the Department of Revenue. Each day, the bank advises Treasury of the total amount deposited and transfers it to a concentration account within the treasury system. As soon as Treasury is advised of the transfer it prepares a transfer of bank deposits - the equivalent of a TR - for the amount of the transfer and sends the AV portion of the TD to the agency. All such transfers are recorded in department 73. Department 73 posts to a suspense account in the general fund.

As soon as an agency receives its copies of the transfer of bank deposits forms it completes the adjustment voucher portion of the set - yellow and blue copies - and sends the yellow copy to the Division of Finance for recording. This adjustment voucher debits the suspense account and credits designated agency revenue accounts.

A project account is established for each TD number as it enters the system. Exhibit 7928 is a page from the project ledger. If a balance is shown on the inception-to-date total line it means that the amount has not been cleared from the suspense account. If the balance on the inception-to-date total line is zero it means that the TD has been cleared from the suspense ledger. In the example shown there are balances in project codes 001576, 001586 and 001590.

See Section 6186 for additional information on revenue collections transmitted by direct wire transfer.

7930 - CASH IN TRANSIT (7-80)

As of June 30 the Division of Finance asks each agency to submit a report of cash in transit. Cash in transit consists of the following:

1. Cash on hand or in agency bank accounts for which a transmittal of receipts document has not yet been prepared.

2. Cash collections covered by a transmittal of receipts document prepared as of June 30 but not deposited by the State Treasurer until after June 30.

R73-02B-R070
090378172036

STATE OF ALASKA
PROJECT LEDGER
MONTH ENDING 08/31/78

ADMINISTRATION 07 73 CASH DEPOSIT TRANSFER

COLLOCATION 73120005
PROJECT 001549

REVENUE	ESTIMATE	RECEIPTS	TRANSFERS	REFUNDS	RECEIVABLES	BALANCE
PROJECT 001549 ****** ******						
CURRENT ACTIVITY	.00	.00	.00	.00	.00	.00
PRIOR YEAR ACTIVITY	.00	45,342.00-	.00	.00	.00	45,342.00
YEAR TO DATE TOTALS	.00	.00	.00	.00	.00	.00
PRIOR YEAR TOTALS	.00	.00	.00	.00	.00	.00
INCEPTION TO DATE TOTALS	.00	.00	.00	.00	.00	.00
PROJECT 001533 ****** ******						
CURRENT ACTIVITY	.00	.00	.00	.00	.00	.00
PRIOR YEAR ACTIVITY	.00	6,084.00-	.00	.00	.00	6,084.00
YEAR TO DATE TOTALS	.00	.00	.00	.00	.00	.00
PRIOR YEAR TOTALS	.00	.00	.00	.00	.00	.00
INCEPTION TO DATE TOTALS	.00	.00	.00	.00	.00	.00
PROJECT 001557 ****** ******						
CURRENT ACTIVITY	.00	.00	.00	.00	.00	.00
PRIOR YEAR ACTIVITY	.00	251,487.00-	.00	.00	.00	251,487.00
YEAR TO DATE TOTALS	.00	.00	.00	.00	.00	.00
PRIOR YEAR TOTALS	.00	.00	.00	.00	.00	.00
INCEPTION TO DATE TOTALS	.00	.00	.00	.00	.00	.00
PROJECT 001561 ****** ******						
CURRENT ACTIVITY	.00	.00	.00	.00	.00	.00
PRIOR YEAR ACTIVITY	.00	181,039.00-	.00	.00	.00	181,039.00
YEAR TO DATE TOTALS	.00	181,039.00	.00	.00	.00	181,039.00-
PRIOR YEAR TOTALS	.00	181,039.00-	.00	.00	.00	181,039.00
INCEPTION TO DATE TOTALS	.00	.00	.00	.00	.00	.00
PROJECT 001576 ****** ******						
CURRENT ACTIVITY	.00	.00	.00	.00	.00	.00
PRIOR YEAR ACTIVITY	.00	.00	.00	.00	.00	.00
YEAR TO DATE TOTALS	.00	112,677.25	.00	.00	.00	112,677.25-
PRIOR YEAR TOTALS	.00	.00	.00	.00	.00	.00
INCEPTION TO DATE	.00	112,677.25	.00	.00	.00	112,677.25-
PROJECT 001586 ****** ******						
CURRENT ACTIVITY	.00	.00	.00	.00	.00	.00
PRIOR YEAR ACTIVITY	.00	.00	.00	.00	.00	.00
YEAR TO DATE TOTALS	.00	83,004.25	.00	.00	.00	83,004.25-
PRIOR YEAR TOTALS	.00	.00	.00	.00	.00	.00
INCEPTION TO DATE TOTALS	.00	83,004.25	.00	.00	.00	83,004.25-
PROJECT 001590 ****** ******						
CURRENT ACTIVITY	.00	.00	.00	.00	.00	.00
PRIOR YEAR ACTIVITY	.00	.00	.00	.00	.00	.00
YEAR TO DATE TOTALS	.00	7,202.00	.00	.00	.00	7,202.00-
PRIOR YEAR TOTALS	.00	.00	.00	.00	.00	.00
INCEPTION TO DATE TOTALS	.00	7,202.00	.00	.00	.00	7,202.00-

A PROJECT LEDGER

Exhibit 7928
July 1980

STATE OF ALASKA

TRANSFER OF BANK DEPOSITS

DIVISION OF FINANCE

AGENCY (1) LOCATION (2)

BANK (3) ACCOUNT NUMBER (4)

DEPOSIT AMOUNT (5) | RETURN ITEMS AMOUNT (6) | OTHER ADJUSTMENTS AMOUNT (7)

DATE TRANSFERRED (8)

TREASURY NUMBER

COMMENTS: (9)

TD 002000

(24 CHAR) DESCRIPTION (10)	REFERENCE (11)	TRANS CODE	DEPT	PROG (12)	DIV	ACCT.	RECPT	ACTY	PROJECT	NET TRANSFER AMOUNT (13)
		403	73				625			

CERTIFICATION: I CERTIFY THAT THE AMOUNT LISTED IS A TRUE AND CORRECT TRANSMITTAL OF CASH COLLECTIONS.

CERTIFYING OFFICER: (14)

DATE ENTERED (15)

THE TR PORTION OF A TD

Exhibit 7928.1
July 1980

Entry Definitions

The TD (fields 1-15) is prepared by staff of the Treasury Division of the Department of Revenue based on information received by Telex from a designated bank.

1. Name or abbreviation of the department that deposited collections in a designated deposit account.
2. Name of city or abbreviation of location where collections were deposited.
3. Name or abbreviation of the bank.
4. Bank account number, if necessary.
5. Amount deposited.
6. NSF's or other return items.
7. Other adjustments.
8. Date document prepared. This is the same date that funds were transferred.
9. Any necessary comments (explanation) such as identification of NSF's.
10. Description considered necessary such as bank abbreviation and date of wire transfer.
11. The reference number field is typically not used on this part of the form.
12. The remainder of the collocation code. Agency department number in the program number field, a zero in the division field and three digits identifying specific agency location in the account field.
13. The net amount of the transaction. The amount in field 5 less any amounts in fields 6 and 7.
14. Signature of Treasury certifying officer.
15. Date document processed through general accounting is entered in Finance.

STATE OF ALASKA

DISTRIBUTION OF BANK DEPOSITS

1. DEPARTMENT
2. DIVISION OF FINANCE

AGENCY | LOCATION

BANK | ACCOUNT NUMBER

DEPOSIT AMOUNT | RETURN ITEMS AMOUNT | OTHER ADJUSTMENTS AMOUNT

COMMENTS:

DATE PREPARED (16)

DATE TRANSFERRED

TREASURY NUMBER

TD 002149

(24 CHAR) DESCRIPTION	REFERENCE	TRANS CODE	DEPT.	PROG	DIV	ACCT.	RECPT	ACTY	PROJECT	AMOUNT
		(405)	73				625			( )
(17)	(18)	(19)		(20)			(21)		(22)	(23)

CERTIFICATION: I CERTIFY THAT THE AMOUNTS LISTED ARE A TRUE AND CORRECT DISTRIBUTION OF CASH COLLECTIONS BY THIS OFFICE DURING PERIOD FROM (24) ..... 19 ..... TO ..... 19 .....

CERTIFYING OFFICER (25)

AV ADJUSTMENT VOUCHER

DOCUMENT TOTAL → (26)

DATE ENTERED	VOUCHER NUMBER
(27)	AV (28)

02-060 (5 76) (R)

Entry Definitions

The AV (distribution of bank deposits, fields 16-26) is prepared by the agency. Information in fields 1-13 on the TD appears as carbon entries on the AV.

16. Date agency prepares the AV.

17. A 24 character description for each line of coding. This information is keypunched and is part of the transaction as recorded in the journal.

18. If the transaction code is 475, the reference is the AR number. If the transaction code is 405, this field is left blank.

19. The transaction code is typically a 405. If the transaction is in realization of a receivable, the code used is 475. If the transaction is an abatement, the code used is (362).

20. Complete collocation code for each line of coding. Collocation code must be authorized for revenues.

21. A three digit receipt code. Do not use object code -- unless the transaction code is a (362).

22. Project coding if used.

23. An amount for each line of coding. If for prior year put flag in front of money amount to record restricted receipts or abatements.

24. Dates when collections were received.

25. Must be signed by an officer of the agency authorized to sign receipt documents.

26. The document total of plus and minus amounts should be zero.

27. Date processed through general accounting is entered by Finance.

28. AV numbers are assigned and entered by Finance.

Using reports of cash in transit submitted by the agencies, the Division of Finance debits an asset account called "Cash in Transit" and credits designated agency revenue accounts. The Division of Finance records its entry by a worksheet technique as of the end of each fiscal year and reverses the amount recorded for the prior fiscal year.

7932 - DISHONERED CHECKS (7-80)

There are times when checks are returned by the bank because of insufficient funds. If an NSF check is returned to the State Treasury a transaction to record the NSF check is prepared by Treasury.

If an NSF check is returned to an agency, it decreases the amount of the next TR that is prepared to remit cash to the Treasury. If the agency has been instructed to send copies of deposit slips with the TR, it should also send a copy of the bank debit memo to permit Treasury to reconcile amounts collected with amounts shown on the TR.

7934 - FOLLOW-UP RESPONSIBILITY (7-80)

Regardless of whether an NSF check is returned to the Treasury or returned to an agency, it is the responsibility of the agency to establish the amount of the check as a receivable and to take action to collect it from the maker. In addition, it is the responsibility of the agency to trace the NSF check to its original TR in order to determine that a proper adjustment is made. Agencies are responsible for making a concerted effort to collect amounts represented by dishonored checks. Accounts receivable resulting from dishonored checks may not be cancelled without approval of the Department of Administration. An NSF check may not be returned to its maker until it is made good.

Petty Cash and Change Funds

7942 - PETTY CASH FUNDS (7-80)

Except in unusual circumstances each petty cash fund is in the sole custody of a single employee. The number of such funds is kept to a minimum, if possible not more than one fund in each city where an agency has an office. In addition, the size of each fund is kept small, if possible not more than a few dollars to pay postage due and to meet similar modest needs. Typically, obligations other than these can be satisfied by the use of field warrants.

Once established, each petty cash fund is maintained on an imprest basis. See Section 6280. This means that the amount of the fund remains constant and that the custodian is reimbursed by a general warrant for amounts paid out. Reimbursement is obtained by preparing a voucher supported by satisfactory evidence of such disbursements and submitting it through normal channels to the Division of Finance. See Section 6295.

Reimbursement need be made only as frequently as a fund requires replenishing. With the advent of field warrants, many petty cash funds are nothing more than small cash purchase funds of less than $50. For a fund this small, monthly reimbursement may be adequate. For a larger fund it may be necessary to reimburse twice a month or even weekly.

Each petty cash fund is counted and balanced periodically by the custodian. This should be done whenever the fund is reimbursed but it must be done not less often than once a month. Also at irregular intervals someone other than the custodian makes a surprise count of the fund to determine that it is intact and that evidences of disbursement made but not yet reimbursed are proper. In addition, a scheduled count and reconciliation of resources is required as of the end of each fiscal year and whenever there is a change in custodians.

A petty cash fund may not be used to cash checks for the convenience of employees or other persons.

7944 - CHANGE FUNDS (7-80)

Change funds are established and controlled in the same manner as are petty cash funds, but are strictly revolving funds and require no replenishment.

The number of change funds needed by an agency depends on the number of locations where collections in the form of coin and currency are regularly received over-the-counter. If an agency collects coin and currency over-the-counter on an infrequent basis - once or twice a day - a change fund should not be needed.

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NOTICE OF ADOPTION OF EMERGENCY REGULATION

As required by AS 44.62.250, notice is given that, under authority of AS 16.05.251 and AS 16.05.270, the Alaska Department of Fish and Game adopted, amended, or repealed on this date, as emergency regulations, regulations contained in 5 AAC 01 dealing with subsistence fishing in the Bristol Bay, Cook Inlet, Prince William Sound, and Southeastern Alaska Areas, and in 5 AAC 77, dealing with personal use fishing in the Cook Inlet and Prince William Sound Areas.

This action is not expected to result in an increase in funding.

Copies of this regulation may be obtained by writing to the Department of Fish and Game, P.O. Box 3-2000, Juneau, AK, 99802, or by contacting the department's offices in Anchorage, Soldotna, Homer, King Salmon, Glennallen, Cordova, and Fairbanks.

Date: 5·16·85
Juneau, Alaska

Don W. Collinsworth
Don W. Collinsworth, Commissioner
Department of Fish and Game

ADFG · Division of Boards
Box 3-2000
Juneau, Alaska 99802

OFFICIAL BUSINESS
STATE OF ALASKA

STATE PENALTY FOR
PRIVATE USE

MAIL TO

REP MITCH ABOOD
3102 NORTHWOOD DR
ANCHORAGE AK 99503

C17006

FIRST CLASS MAIL

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NOTICE OF ADOPTION OF EMERGENCY REGULATION

As required by AS 44.62.250, notice is given that, under authority of AS 16.05.251 and AS 16.05.270, the Alaska Department of Fish and Game amended on this date, as an emergency regulation, 5 AAC 01.580(a)(1) to allow all residents of Alaska to subsistence fish in the Tyonek Subdistrict of Cook Inlet.

This action is not expected to result in an increase in funding.

Copies of this regulation may be obtained by writing to the Department of Fish and Game, P.O. Box 3-2000, Juneau, AK, 99802, or by contacting the department's offices in Anchorage and Soldotna.

Date: 5-15-85
Juneau, Alaska

Don W. Collinsworth
Don W. Collinsworth, Commissioner
Department of Fish and Game

Don W. Collinsworth, Commissioner

Public Communications
Box 3 - 2000
Juneau, Alaska 99802
(907) 465-4113

Alaska Department of Fish & Game NEWS

FOR IMMEDIATE RELEASE May 16, 1985

231

Hunting Regulations Delay Announced

JUNEAU--The Alaska Department of Fish and Game has announced that the hunting and trapping regulations books normally issued by July 1 each year will not be available until late in the summer.

The recent Madison and Eluska court decisions have forced an unanticipated session of the Alaska Board of Game to consider emergency regulations designed to bring the state into compliance. The board will begin its emergency session on June 10 in the Conference Room of the Fish and Game Building, 1255 W. 8th St., in Juneau.

Although the meeting is open to the public, no public testimony or comments will be taken. Once the board has drafted emergency regulations, they will be circulated for public review and written comment.

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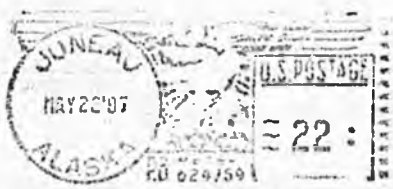
STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
PUBLIC COMMUNICATIONS SECTION
P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000

OFFICIAL BUSINESS
STATE OF ALASKA

STATE PENALTY FOR
PRIVATE USE



SEN MITCH ABOOD
3102 NORTHWOOD DR
ANCHORAGE AK 99503

B65505

Rural Alaska
Community Action Program, Inc.

May 9, 1985

RECEIVED
MAY 28 1985

231
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Senator Mitch Abood
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Abood.

On March 20, 1985 at our regular Board meeting the Rural Alaska Community Action Program (RurAL CAP) passed Resolution 85-06, "In Support of Legislation to Maintain Orderly Harvest of Fish and Game Resources" (copy attached). RurAL CAP urges immediate action to respond to the Madison Supreme Court decision.

HB 288 has been carefully considered in the House: the teleconference hearings, the floor debates, the intensive media coverage, and the bill's ultimate approval May 4 have provided extensive opportunity for public involvement. The time has come for action on HB 288 in the Senate, before adjournment of this session.

The Madison Supreme Court ruling struck down the Board of Fisheries' definition of subsistence, specifically the part that said in order for a person to qualify as a subsistence user, he/she would have to live in a rural area. The court said that this definition did not give the kind of protection to subsistence users that was meant to be given by the State of Alaska's 1978 subsistence priority law.

The Eluska decision basically says that, since no regulations currently exist for subsistence use of game, a subsistence hunter cannot be prosecuted for taking moose or caribou, etc., if the meat is used for subsistence.

The combination of these two decisions makes it impossible for the Department of Fish and Game, and the Boards of Fish and Game to manage the allocation of fish and game resources. The Madison ruling has taken away their authority to regulate the taking of fish and game. Presently, the only thing they can do is to apply emergency regulations, but ONLY if the "sustained yield" of any resource is threatened. The likelihood of the "sustained yield"

Administration • P.O. Box 3-3908, Anchorage, AK 99501-0908 • (907) 279-2511

of, for example, salmon fisheries that used to be taken mostly by commercial fishermen being threatened is very remote. Therefore, the Madison ruling that says the Board of Fish cannot differentiate between rural and urban to decide who is a subsistence user and who is not, means that just about anyone in Alaska qualifies for subsistence uses of fish and game. This creates a critical situation: the commercial fishermen who rely on fishing for their livelihood will have to wait until the Department of Fish and Game or the Board of Fish says all subsistence users have been satisfied before they will be allowed to take commercial fish. The sports fishermen will have to wait, too. Meanwhile, who is to say WHEN the Board or Department can say, truthfully and with documentation to back themselves up, that ALL subsistence uses have been satisfied?

The Eluska decision further muddies the water: it says, since the Madison ruling makes almost everybody subsistence users, and since there are no regulations for subsistence hunting (because of Madison there cannot be any) then almost anyone can take almost anything in the name of subsistence.

We believe that individual senators are, in fact, concerned about acting on the subsistence issue this session, and for good reason: lack of action this session aimed at correcting the imbalance created by the Madison court decision will result in serious harm to commercial and sports users of especially fisheries resources this spring and summer. Those who have subsisted in rural Alaska will continue to do so and suffer little or no impact as a result of inaction or delay by the Senate in 1985. This inequity is not in the interest of the people of Alaska. No public official could countenance a return to the divisiveness of 1982 when the subsistence repeal effort split the people of this State. By timely, responsible action this session you have the opportunity to defuse a potentially explosive situation.

Our constituency consists of both rural and urban residents; subsistence, commercial and sports users of fish resources; Democrats and Republicans. Their concern over this latest evidence of conflict over resource uses has been expressed to the Directors, and the result was unanimous adoption by the Board of Resolution 85-06. We recognize that the Senate's constituency is likewise diverse, and hope that you as a concerned Senator will

respond to the statewide expression we heard during the House teleconferences of the desire on the part of Alaskan residents that something be done about this issue this year.

Thank you for your attention and consideration.

Sincerely,

Robert A. Lohr
Executive Director

Enclosure

RAL:ct

Rural Alaska Community Action Program, Inc.

Resolution #85 - 06

ENTITLED: In Support of Legislation to Maintain Orderly Harvest of Fish and Game Resources.

WHEREAS, the orderly harvest of fish and game resources is essential to the general welfare of rural Alaskans who depend on these resources for a large part of their livelihood; and

WHEREAS, the Alaska Supreme Court, in Madison, et al. vs. the Alaska Department of Fish and Game, struck down state regulations designed to determine eligibility for subsistence as being inconsistent with state law and legislative intent; and

WHEREAS, the decision would have the effect of allowing massive increases in the number of subsistence permits which may be issued; and

WHEREAS, this ruling also has the effect of preventing orderly harvest of subsistence fish and game resources because it diminishes the authority delegated to the Alaska State Board of Fisheries to establish criteria for the eligibility of users; and

WHEREAS, the ruling broadens the eligibility for subsistence permits to include all residents of the state, because it focuses on the place where customary and traditional uses have occurred, rather than the people who conduct them; and

WHEREAS, relaxing the eligibility requirements may necessitate emergency closure of commercial and sport harvests due to the influx of "court-created" subsistence users; and

WHEREAS, the court recognized that the legislature intended to protect subsistence rights in the 1978 statute; and

WHEREAS, the court, by broadening subsistence access so dramatically, jeopardizes the preference for those who depend most directly on the resource: rural residents of Alaska; and

WHEREAS, Governor Sheffield has introduced legislation that would restore order to the harvest of fish and game by more strictly defining the personal use and subsistence use of fish and game; and

WHEREAS, the subsistence use definitions must include the use of the words "rural" and "residents" in order to protect limited resources from virtually unlimited access by urban residents who have never depended upon fish and game resources for maintaining their way of life;

now, therefore, be it

RESOLVED: that the Board of Directors of the Rural Alaska Community Action Program, Inc., endorses Senate Bill No. 231, "An Act Relating to the Taking of Fish and Game for Subsistence and Personal Use," and

be it further

RESOLVED: that the Alaska State Legislature is urged to act immediately on this legislation, in order to maintain harmonious relations among Alaska fish and game user groups.

ADOPTED at a regular meeting of the Board of Directors meeting in Juneau, Alaska, March 20, 1985.

Gordon Jackson

Gordon Jackson, President
Board of Directors

Robert A. Lohr

Robert A. Lohr
Executive Director

CSHB 288 (jud) am - a new section:

Sec. — 16.05.255(b) is amended to read:

Subsistence

(b) The Board of Game shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) permitting

a reasonable opportunity for

the taking of game for subsistence uses unless the board determines, in accordance with the Administrative Procedure Act that adoption of the regulations will jeopardize or interfere with the maintenance of game resources on a sustained-yield basis. Whenever it is necessary to restrict the taking of game to assure the maintenance of game resources on a sustained-yield basis, or to assure the continuation of subsistence uses of such resources, subsistence use shall be the priority use. If further restriction is necessary, the board shall establish restrictions and limitations on and priorities for these consumptive uses on the basis of the following criteria:

(1) customary and direct dependence upon the resource as the mainstay of one's livelihood;
(2) local residency; and
(3) availability of alternative resources.

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^Pressure Builds On Subsistence as Sturgulewski Breaks With Leadership
^By DEAN FOSDICK=
^Associated Press Writer=
JUNEAU (AP) _ Sen. Arliss Sturgulewski has broken with the GOP-dominated Senate leadership by pushing for passage this session of legislation giving all Alaskans subsistence rights to fish and wildlife if they limit their actions to rural areas.

The Anchorage Republican, who announced for governor April 25, wants the subsistence issue taken from the Senate State Affairs Committee, where it has been bottled up for the past two months, and given to Resources, which she chairs.

Sturgulewski has written a draft bill which she said Monday ''has the best shot'' at resolving problems stemming from conflicting user groups.

She outlined her concerns and her proposed legislation in a letter Sunday to Senate President Don Bennett, R-Fairbanks. That, however, stirred up a tempest among some caucus members _ particularly Mitch Abood, who chairs the Senate State Affairs Committee.

''If everyone conducted themselves in a fashion which would break bills out of committee, then we'd have chaos,'' said Abood, R-Anchorage. ''I don't mess with other people's bills and I don't want them messing with mine.''

Abood told a reporter he will give the subsistence issue its first Senate hearing Thursday and he may move a bill out of his committee sometime this weekend.

That, however, still would require action by at least two other Senate committees, floor debate and compromise with the House before shipping the issue to the governor.

With lawmakers required to adjourn by midnight Monday, that scenario appears doubtful. Adding some political weight to that conclusion is Bennett's unwavering resolve to delay action on subsistence until next year.

''The pressure is building, but I still don't think it will move,'' Bennett said Monday afternoon.

The issue wound up with the legislature after the Alaska Supreme Court on Feb. 22 struck down earlier regulations crafted by the state Board of Fisheries. That decision means virtually all Alaskans can qualify for subsistence rights.

Gov. Bill Sheffield introduced a bill about mid-session that would allocate the same subsistence rules by statute that had been mandated by the fish and game boards.

But Bennett has argued that lawmakers don't have enough time to deal with the controversial and complicated issue in just two months, and that it needs extensive public hearings before becoming law.

He wants the issue studied over the interim, with action taken next session.

The House, meanwhile, shipped a bill to the Senate on Saturday slightly changed from Sheffield's original measure.

A House amendment would require the Department of Fish and Game by Jan. 1, 1986, to identify trouble spots in personal use, sport or commercial fisheries around the state that may have been caused by the bill's passage. It also would commit lawmakers to deal with those problems next session.

But Sturgulewski indicated she's looking for a permanent solution — not a measure requiring a legislative band-aid in 1986.

In a letter Sunday to Bennett, Sturgulewski expressed ''grave concerns about the consequences of inaction.''

''We are all aware of the ramifications of no legislation,'' she wrote. ''Among these may be: the closing of some of our major sport and commercial fisheries, federal intrusion into the management of our fish and wildlife resources, unprosecuted violations of fish and game laws and potential damage to our resources,'' Sturgulewski said.

''I realize there are many in our state who discount these dangers, but the combined risks are grave enough to be of serious concern,'' she said.

Unlike Sheffield's bill, which would return to rural Alaskans the first right to use fish and wildlife for subsistence, Sturgulewski would open subsistence to all Alaska residents.

But there would be some major strings attached. Subsistence hunting or fishing would be confined to rural areas, the game or fish would have to be consumed in the same rural area where it was taken and it would have to be harvested in traditional ways.

That, Sturgulewski said, would avoid problems with the equal protection clause of the U.S. Constitution.

But Bennett accused Sturgulewski is using the issue for political gain.

''She's obviously a gubernatorial candidate and has statewide interests,'' he said. ''She doesn't want to lose any votes about anything. The bill will get just consideration in his (Abood's) committee.''

Bennett said he was expecting Sturgulewski to go it alone on still more issues before the session is wrapped up, and he hinted she may face sanctions from her peers in the 16-member Senate majority caucus.

''This is just the first,'' he said. ''Eventually, my colleagues will have to make a decision.''

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231

Honorable Senator Abood,

The madison decision could be a diaster for Commercial fishing in the State of Alaska, especially Cordova. Please support SB #231 OR any other legislation that would allow the Fish and Game Board to do their job.

I am a young family man who makes a living as a fisherman, on the Copper River Delta. The Copper River management plan was put in effect after massive public testimony and years of work. Please allow it to resolve our local issue as intended.

Thank you.

Sincerely

John K Renner

RECEIVED
MAY 28 1985

T.L. Seaward Co.

REAL ESTATE DEVELOPMENT and FINANCIAL CONSULTANTS

4201 Tudor Centre Drive
Suite 218
Anchorage, Alaska 99508
Telephone (907) 563-4550

April 26, 1985

Honorable Mitchell E. Abood, Jr.
Pouch V
Juneau, Alaska 99811

RECEIVED
APR 30 1985

Dear Senator Abood:

Scott is eight years old and dearly loves to fish. The picture below is at the end of a day in which Scott caught and released twenty salmon.

Please let him fish this summer. He does not know of court decisions or politics, he just knows that he loves to fish and that he loves Alaska. I fear that I could not find the words to explain the reasons if he is not allowed to fish his favorite waterways this year.

On Scott's behalf I urge you to at least pass an interim measure to get us all through this year and allow time for fair and comprehensive legislation to be developed for 1986.

Thank you for your time and consideration.

Sincerely,

Tom Seaward

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF

POUCH V
JUNEAU, ALASKA. 99811
(907) 465-4907

Subsistence

MAY 06 1985

Senate
Committee on Resources

M E M O R A N D U M

May 5, 1985

TO: Senator Don Bennett,
President of the Senate

FROM: Senator Arliss Sturgulewski,
Chairman, Resources Committee

As you are aware, on Saturday the House, by a one vote margin, passed an amended version of CS for HB 288 (Judiciary), the governor's subsistence bill. Unfortunately, the governor has chosen to present a bill that he must realize has no chance of passage by the full legislature. While warning of the dire consequences if a subsistence bill is not passed, he has steadfastly opposed any amendments which might increase the possibility of developing an acceptable bill.

We are all aware of the possible ramifications of no legislation. Among these may be: the closing of some our major sport and commercial fisheries, federal intrusion into the management of our fish and wildlife resources, unprosecuted violations of fish and game laws, and potential damage to our resources. I realize that there are many in our state who discount these dangers, but the combined risks are grave enough to be of serious concern.

SB 231, the Senate version of the governor's subsistence bill, is still in State Affairs, its committee of first referral. Because of this, the Resources Committee has not held any public hearings on this issue. However, as chairman of the Senate Resources Committee, I have been actively working on the subsistence problem since the Supreme Court decided the Madison case.

I realize the available time for public hearings will be limited if a bill reaches my committee, and that it is vital the interests of groups on all sides of this issue be considered in trying to find a solution. Because of this, I have attempted to include representatives of as many of those interests as possible in discussions of this problem.

This office has worked with other Senators and Representatives; with officials from the departments of Fish and Game and Law; with representatives of the Outdoor Council and other outdoor groups; with representatives of the Alaska Federation of Natives and other Native organizations; with the United Fishermen of Alaska and other commercial fishing interests with professional big game guides; and with any one

else who has called or come into my office with concern about this issue.

The result of this work has been an evolutionary series of draft bills and letters of intent. The latest of these drafts and its letter of intent are attached to this memo. By no means do I intend to imply that everyone with whom we have worked is in agreement with this draft or that this effort is a perfect solution. If that were so, we would not be faced with a problem. The draft, however, is an honest attempt to craft a subsistence bill that will pass the legislature, will comply with ANILCA, and will balance the competing interests for our resources.

I wanted to be sure that you had this information before making referrals on HB 288. If the house subsistence bill comes to the Resources committee this session, I anticipate acting swiftly to pass out a committee substitute similar to the attached draft. I stand ready to meet with you and explain the draft bill and my grave concerns about the consequences of inaction.

cc: members,
Senate Resources Committee
Senator Mitch Abood,
Chairman State Affairs Committee

DRAFT LETTER OF INTENT 5/4/85

SENATE CS for HB 288

It is the intent of the legislature in enacting this legislation, to comply with the spirit and intent of The Alaska National Interest Lands Conservation Act, P.L. 96-487 while avoiding possible violations of the equal protection guarantees of Article 1, Section 1 and Article VIII, Section 15 of the Alaska Constitution.

This legislation maintains subsistence use as a priority use of Alaska's wild, renewable resources in accordance with ANILCA, and establishes a system of preferences of beneficial uses of these resources. All uses are subject at all times to limitations based on the sustained yield principle and to reasonable regulations as to seasons, catch or bag limits, and methods and means without requiring that uses of lower priority be eliminated first.

If the harvestable surplus of a fish stock or game population is not large enough to provide a reasonable opportunity for all subsistence uses, individual local residents who have a direct and customary dependence upon fish or game populations as a mainstay of their livelihood and who lack available alternative resources have the highest priority of use.

Subsistence uses in rural Alaska by Alaska residents who, in a cost effective manner, use, including consume, their take in the same rural area it was taken, have the next highest priority of use. It is intended that the boards shall have the authority to determine cost effectiveness, considering methods and means of harvest characterized by efficiency and economy of effort and cost, and conditioned by local circumstances.

The boards must establish a mandatory allocation that ensures all Alaskans a reasonable opportunity for sport or personal use fishing or hunting, unless such regulations would jeopardize or interfere with the maintenance of a fish stock or game population or with the continuance of subsistence. In making allocation decisions, the Boards of Fish and Game shall continue to strive to ensure the health and prosperity of commercial, sport, personal use and subsistence uses, while guaranteeing Alaskans a reasonable opportunity to take and use fish stocks and game populations for the full range of beneficial uses.

Original sponsor: Rules/Governor

IN THE HOUSE

SENATE CS FOR CS FOR HOUSE BILL NO. 288

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the taking of fish and game for subsistence and personal use; and providing for an effective date."

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

* Section 1. FINDINGS. The legislature finds that

(1) nonresidents visiting Alaska take fish stocks and game populations primarily for commercial, trophy, and recreational purposes; Alaska residents, who take fish stocks and game populations for noncommercial purposes, use the stocks and populations primarily for food for personal or family consumption;

(2) the taking of fish stocks and game populations by residents for personal or family consumption is important to the health, safety, and general well-being of all Alaska residents;

(3) the customary and traditional use of local fish stocks and game populations in rural areas of the state is a significant characteristic of the economy of many Alaskan communities and areas because it is cost effective and important to the health, safety, and general well-being of Alaskans;

(4) the taking of fish stocks and game populations for commercial, recreational, and other uses by both residents and nonresidents is important to the economy of the state and particularly to the economies of communities dependent upon commercial fishing; and

(5) commercial fishermen often use a portion of their catch for personal use.

* Sec. 2. AS 16.05.251(a) is amended to read:

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.-62) for

(1) setting apart fish reserve areas, refuges and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture and transport of fish;

(6) classifying as commercial fish, sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating selected stocks in nonrural areas for catch-and-release sport fishing and regulating selected stocks in rural areas for catch-and-release sport fishing and subsistence;

(13) regulating commercial, sport, personal use, and subsistence fishing.

* Sec. 3. AS 16.05.251(b) is repealed and reenacted to read:

(b) The Board of Fisheries shall establish a mandatory allocation that ensures all residents a reasonable opportunity for sport or personal use fishing, and shall adopt regulations authorizing these types of takings in accordance with the Administrative Procedure Act (AS 44.62), unless the regulations will jeopardize or interfere with the maintenance of a fish stock on a sustained-yield basis or with the continuance of subsistence. Takings authorized under this subsection are subject to reasonable regulation of seasons, catch limits, and methods and means.

* Sec. 4. AS 16.05.251 is amended by adding new subsections to read:

(d) The Board of Fisheries shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) permitting the taking of fish stocks for subsistence uses unless the board determines that adoption of the regulations will jeopardize or interfere with the maintenance of a fish stock on a sustained-yield basis. Whenever it is necessary to restrict the taking of a fish stock to assure the maintenance of the stock on a sustained-yield basis, or to assure the continuation of subsistence uses of the stock, subsistence shall be

the priority use. Takings authorized under this subsection are subject to reasonable regulation of seasons, bag limits, and methods and means.

(e) If the harvestable surplus of a fish stock is not large enough to provide a reasonable opportunity for the taking of fish from the stock for subsistence uses, the board shall adopt regulations that establish restrictions and limitations on the taking of fish from the stock for subsistence uses on the basis of the following criteria: (1) customary and direct dependence upon the fish stock as the mainstay of one's livelihood; (2) local residency; and (3) availability of alternative resources. Subsistence fishing authorized under this subsection is subject to reasonable regulation of seasons, bag limits, and methods and means.

* Sec. 5. AS 16.05.255(a) is amended to read:

(a) The Board of Game may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.62) for

(1) setting apart game reserve areas, refuges and sanctuaries in the water or on the land of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of game;

(3) establishing the means and methods employed in the pursuit, capture and transport of game;

(4) setting quotas, bag limits, harvest levels, and sex, age, and size limitations on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators or other categories;

(6) methods, means, and harvest levels necessary to control

predation and competition among game in the state;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation and stocking of game;

(8) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) establishing the times and dates during which the issuance of game licenses, permits and registrations and the transfer of permits and registrations between registration areas and game management units or subunits is allowed;

(10) regulating sport and subsistence hunts.

* Sec. 6. AS 16.05.255(b) is repealed and reenacted to read:

(b) The Board of Game shall establish a mandatory allocation that ensures all residents a reasonable opportunity for the taking of game for personal or family consumption, and shall adopt regulations authorizing the taking in accordance with the Administrative Procedure Act (AS 44.62), unless the regulations will jeopardize or interfere with the maintenance of a game population on a sustained-yield basis or with the continuance of subsistence. Takings authorized under this subsection are subject to reasonable regulation of seasons, bag limits, and methods and means.

* Sec. 7. AS 16.05.255 is amended by adding new subsections to read:

(d) The Board of Game shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) permitting the taking of game populations for subsistence uses unless the board determines that adoption of the regulations will jeopardize or interfere with the maintenance of a game population on a sustained-yield basis. Whenever it is necessary to restrict the taking of a game population to assure the maintenance of the population on a sustained-yield basis, or to

assure the continuation of subsistence uses of the population, subsistence shall be the priority use. Takings authorized under this subsection are subject to reasonable regulation of seasons, bag limits, and methods and means.

(e) If the harvestable surplus of a game population is not large enough to provide a reasonable opportunity for the taking of game from the population for subsistence uses, the board shall adopt regulations that establish restrictions and limitations on the taking of game from the population for subsistence uses on the basis of the following criteria: (1) customary and direct dependence upon the population as the mainstay of one's livelihood; (2) local residency; and (3) availability of alternative resources. Subsistence hunting authorized under this subsection is subject to reasonable regulation of seasons, bag limits, and methods and means.

* Sec. 8. AS 16.05.940(21) is amended to read:

(21) "sport fishing" means the taking of or attempting to take for personal use or for personal or family consumption, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod that [WHICH] is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

* Sec. 9. AS 16.05.940(23) is repealed and reenacted to read:

(23) "subsistence uses" means the customary, traditional and cost-effective taking and use by Alaska residents in rural areas of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the noncommercial customary trade, barter, or sharing

for personal or family consumption. Wild and renewable resources taken for subsistence uses must be used in the same area in which they are taken. In this paragraph,

(A) "family" means persons related by blood, marriage, or adoption, and persons living in the household on a permanent basis;

(B) "rural area" means a historic hunting or fishing area associated with a community or area in which the taking of fish stocks and game populations for personal and family consumption is a significant characteristic of the economy of the community or area;

* Sec. 10. AS 16.05.940 is amended by adding a new paragraph to read:

(28) "personal use fishing" means the taking, or attempting to take by Alaska residents for personal or family consumption and not for sale or barter, finfish, shellfish, or other fishery resources with gill net, dip net, seine, pot, fish wheel, long line, or other similar means defined by the Board of Fisheries.

* Sec. 11. This Act takes effect immediately in accordance with AS 01.-10.070(c).

SB

231

FILE 4

288

RECEIVED MAY 6 1985

EMMONAK CORPORATION AND CITY OF EMMONAK
JOINT RESOLUTION IN SUPPORT OF HOUSE BILL 288

TO ALL MEMBERS OF THE ALASKA LEGISLATURE:

THIS RESOLUTION expresses the most urgent request by the people of Emmonak that House Bill 288 be passed immediately.

Six hundred forty-one people live in Emmonak. Many, but not all, are shareholders of Emmonak Corporation. The primary resource from which our people derive income and subsistence is the lower Yukon fishery. This fishery provides ninety percent (90%) of the cash income for the people of Emmonak. Nearly all other non-governmental enterprises are also dependent upon cash income from this fishery.

The lower Yukon fishery has historically been managed so as to provide adequate fish for subsistence users without conflict with commercial fishermen. This sustained yield management can continue to provide for this balance and for a viable community economy in Emmonak.

Recent developments in the law, particularly as expressed in Madison v. Alaska Department of Fish and Game, Opinion No. 2911 of the Alaska Supreme Court, threaten the destruction of the only viable cash economy in the lower Yukon area. At the present time these developments, unless altered by passage of House Bill 288, may end commercial fishing on the lower Yukon for the 1985 season and possibly thereafter. The impact of this development on our people, both commercial fishermen, subsistence users, and other non-governmental enterprises, will be catastrophic. A substantial portion, if not all of our

population, will find it necessary to seek governmental assistance for the barest of essentials absent the cash incomes derived by the community from commercial fishing operations.

Even those of us who depend on subsistence fishing will be injured due to the destruction of the cash economy of the lower Yukon.

We unanimously have resolved to urge you to pass House Bill 288 as soon as possible. Preparations for the 1985 season have already begun. These preparations require start-up financing which may become unavailable if the current uncertainties following Madison are not resolved immediately.

RESPECTFULLY SUBMITTED to the Legislature of the State of Alaska this ____ day of May, 1985.

EMMONAK CORPORATION
By its Board of Directors

Martin B. Moore, Chairman

Mr. Billy Charles

Ms. Elizabeth Carden

Mr. Raymond F. Waska, Sr.

Mr. Phillip G. Immamak

Mr. Donald B. Redfox

CITY OF EMMONAK

Andrew Kelly, Sr., Mayor

Mary Ann Immamak, Vice Mayor

attest:

Secre[illegible]

Mr. James M. Kameroff

Mr. Jacob A. Johnson, Sr.

Mr. Andrew C. Kelly, Sr.

M E M O R A N D U M

288

TO: ALL LEGISLATORS:
For Your Information

FROM: AXEL JOHNSON, EMMONAK
FORMER STATE REPRESENTATIVE

DATE: MAY 5, 1985

SUBJECT: HB 288, SUBSISTENCE
(Taken over telephone by Sen. Sackett
Mr. Johnson's # is 949-1127)

"I do not want the identity of the Eskimo, Indians, and Aleuts to be lost, and I feel this will happen if we do not pass the subsistence legislation.

As a former older legislator I beg the Senate to pass the bill.

I am dying (cancer) but I want this for my children and my grandchildren. Our life is subsistence and today there is no other alternative to being able to hunt & fish in order to eat. In 10 - 40 years maybe we will be modernized but right now there is no economy, few jobs, its tough to make ends meet, so we need to hunt & fish.

When we met together in Juneau in 1959 to organize the State we were not Republicans or Democrats - we were just a group of people who were there to set up rules. Things were tough then, but we tried for the whole state.

Again, I plead and pray that the Senate will pass the bill on subsistence.

I thank each one of you very much."

RECEIVED
MAY

Evelyn Hash Pete
General Delivery
Copper Center, Alaska 99573

May 6, 1985

TO: All Alaska State Senators

The original people of Alaska suffer the most devious and treacherous of warfare and are not a violent people, we are alert for attacks of violence because we are sovereign; we have hunting and fishing rights; as duly documented into our language and history; and as mandated in United States laws. We are telling you through deed and word we are not selfish people; we share; we can live here together; we must keep the land of Alaska pure to keep our common spirituality; to honor our laws which govern this land intact; it has kept it so for more years than you care to hear; you have ignored our testimony everywhere; we are telling the truth.

You have no jurisdiction here because in 1867, the United States assumed suzrin and fiduciary responsibility over us when it bought the right to trade with us in the treaty of cession. In scrupulous good faith and candor, the United States by their undertaking has the duty to act primarily for another's benefit; our benefit; the original inhabitants of Alaska.

We don't want the repercussions that violence, alcohol, stealing, lying, and killing bring. We are here because we are in practice of the only way to live in Alaska. Our culture is to eat the animals we catch; the fish; to have the most efficient use of our resources; to have the right of quiet enjoyment of our beautiful, peaceful Alaska. Not fearing that any day another one of us is dead, another child is lost, another one of us hasn't the facility to think because of real fear, or loss of capacity to think. We too, have all the rights outlined in the U.S. Bill of Rights. We urge the "State of Alaska" to change its direction to promote the well being of the world.

Alaska is the "old frontier", and the law of the land shall prevail. Blatent, violent, abusive acts are not condoned by Alaska Real people. We urge that House Bill 288 pass by a much higher margin in the Senate; thus showing your adherance to U.S. Laws and to the Law of the Land in Alaska Villages.

Sincerely,

Evelyn Hash Pete

Evelyn Hash Pete
Tribal Council Member
Native Village of Chitina

April 30, 1985

2588

810 Ballaine Road
Fairbanks, Alaska 99701

Dear Legislator:

As professional fisheries and wildlife biologists, we are deeply concerned about the wise management and conservation of Alaska's fish and wildlife resources. Sections of the current Alaska statutes governing those resources seem to deny the use of a management approach that we believe is essential in order to manage those resources safely. In this letter, we identify the statutory sections in question and request legislative action to correct them.

The sections of the statutes of primary concern are those (Sec. 16.05.251 and 16.05.255) which require that a particular consumptive use, subsistence, must remain unrestricted unless the Board of Fisheries or the Board of Game determines that such use, continued without restriction, would jeopardize the sustaining of such use (i.e. would not allow sustained yield). That approach -- unrestricted use unless damage is proven -- is opposite to the accepted and established resource management strategy of the fisheries and wildlife professions.

The consistently reliable approach in connection with consumptive uses of fish and wildlife is a conservative one. In effect, one should manage from an initial position of complete closure, removing restrictions in a safe manner as understanding of the resources increases so that we can be assured that the desired consumptive uses can be accommodated. Current understanding of most wild populations, and of their consumptive harvests, allows us safely to set limited seasons and bag limits. However, even though Alaska has one of the best fisheries and wildlife staffs in the country, the existing specific population data usually are not sufficient to prove, before we can impose restrictions, that unrestricted use is jeopardizing sustained yield. Given the budget constraints presently inhibiting gathering additional information, that situation likely will persist. Hence we should take a conservative approach to managing consumptive uses if we are to guarantee that users, subsistence and others, will have long-term access to fish and wildlife resources.

Another undesirable consequence of the unrestricted approach is that harvests often will occur at times of the year when they have greater detrimental impacts on the fish and wildlife populations than do controlled harvests occurring at specific times. Obvious examples of the need for control over timing of harvests in order to protect resource productive potential exist in the instances of king salmon smolt leaving fresh water, of ptarmigan on the nesting grounds, of cow moose when they have calves, and of sow bears when they have cubs. Many other examples also could be cited. The point is, greater total yields often could be provided if restrictions on seasons, methods and means, etc., could be

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MAY 6 1985

put in place based on our understanding of population dynamics. The current statutory language regarding controls on subsistence use does not permit such restrictions, even those that conceivably could increase total allowable harvest. We believe such management latitude is necessary, particularly in this day and age when subsistence use does not have the same dire dependence associated with it that was true several decades ago. In addition, subsistence harvesting with steadily increasing use of modern equipment often places the resource in essentially the same risk situation that non-subsistence uses do.

We hope that you will see the need for regaining a conservative, flexible management approach in order to provide long-term protection to resources whose continuation is critical to subsistence lifestyles as well as to all other uses. Wise and responsible management of our fish and wildlife populations requires that we change the current statutory language regarding management of subsistence uses. We request your help in that regard.

Thank you for your concern for Alaska's fish and wildlife.

Sincerely,

Frederick C. Dean
Dr. Frederick C. Dean
Ph.D., Forest Zoology

Robert B Weeden
Dr. Robert B. Weeden
Ph.D., Zoology

Willard E Barber
Dr. Willard E. Barber
Ph.D., Fisheries

James B. Reynolds
Dr. James B. Reynolds
Ph.D., Fisheries

David R. Klein
Dr. David R. Klein
Ph.D., Wildlife Management

R G White
Dr. Robert G. White
Ph.D., Zoophysiology and Nutrition

SB 231

NOTICE: This opinion is subject to formal correction before publication in the Pacific Reporter. Readers are requested to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501, in order that corrections may be made prior to permanent publication.

THE SUPREME COURT OF THE STATE OF ALASKA

GENE MADISON, LUCY CASEY, KEN McGAHAN, SR., ANDY JOHNSON, MARGIE KIVI, J. W. WARE, DICK FRANCIS, DON GROLESKE, KEN JORDON and SHIRLEY DEVAULT, Appellants, v. ALASKA DEPARTMENT OF FISH AND GAME, and ALASKA BOARD OF FISHERIES, Appellees, and THE ALASKA FEDERATION OF NATIVES, Intervenor.	File Nos. 6824/ 7181 O P I N I O N
ALASKA DEPARTMENT OF FISH AND GAME, RONALD SKOOG, ALASKA BOARD OF FISHERIES, Appellants, v. LOUIS GJOSUND, DORA MULCH, and KACHEMAK BAY SUBSISTENCY GROUP, INC., Cross-Appellees.	File No. 7410 [No. 2911 - February 22, 19

Re: Pages 4, 8, 12, 16, 19, 20, (22), (23), [24] 25, (27)

Attachment #1

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Victor D. Carlson, Judge, and Third Judicial District, Homer, Paul B. Jones, Judge.

Appearances: Martin Friedman, Homer, Arthur Robinson, Soldotna, for Appellants/Cross-Appellees. Larri Irene Spengler, Assistant Attorney General, Norman C. Gorsuch, Attorney General, Juneau, for Appellees/Appellants. Donald C. Mitchell, Anchorage, for Intervenor/Amicus Curiae.

Before: Rabinowitz, Chief Justice, Burke, Matthews, Compton and Moore, Justices.

MOORE, Justice.

This case arises as a consolidated appeal of two cases. It concerns the validity of a Board of Fisheries' (hereafter board) regulation designed to identify eligibility for subsistence fishing in the Cook Inlet region.

Appellants (hereafter Madison and Gjosund) are two groups of Alaskan residents who live along the Kenai coastline and near Homer. For many years, they have fished with set nets for salmon for their personal and family use. Nonetheless, the board denied subsistence permits to Madison and Gjosund because their use of salmon did not meet the board's regulatory definition of subsistence. Both Madison and Gjosund challenged the regulation as exceeding the scope of the state's subsistence law. In both cases, the trial courts upheld the regulation as consistent with the

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SB 231

NOTICE: This opinion is subject to formal correction before publication in the Pacific Reporter. Readers are requested to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501, in order that corrections may be made prior to permanent publication.

THE SUPREME COURT OF THE STATE OF ALASKA

GENE MADISON, LUCY CASEY, KEN McGAHAN, SR., ANDY JOHNSON, MARGIE KIVI, J. W. WARE, DICK FRANCIS, DON GROLESKE, KEN JORDON and SHIRLEY DEVAULT, Appellants, v. ALASKA DEPARTMENT OF FISH AND GAME, and ALASKA BOARD OF FISHERIES, Appellees, and THE ALASKA FEDERATION OF NATIVES, Intervenor.	File Nos. 6824/ 7181 O P I N I O N
ALASKA DEPARTMENT OF FISH AND GAME, RONALD SKOOG, ALASKA BOARD OF FISHERIES, Appellants, v. LOUIS GJOSUND, DORA MULCH, and KACHEMAK BAY SUBSISTENCY GROUP, INC., Cross-Appellees.	File No. 7410 [No. 2911 - February 22, 19

Re: Pages 4, 8, 12, 16, 19, 20, (22), (23), [24] 25, (27)

Attachment #1

ALASKA COURT SYSTEM NEWS RELEASE

For release Friday, February 22, 1985, 12:30 p.m.

Court Strikes Down Fisheries Regulation

Madison v. Alaska Department of Fish and Game

Supreme Court Opinion No. 2911, File Nos. 6824/7181/7410

Contact: David A. Lampen
Clerk of the Appellate Courts
Anchorage (907) 264-0607

[The following was prepared by the office of the Clerk of the Appellate Courts and is not an official statement of the Alaska Supreme Court.]

The Alaska Supreme Court Friday struck down a Board of Fisheries regulation designed to identify eligibility for subsistence fishing in the Cook Inlet region.

Under the regulation, certain residents of the Kenai coastline and an area near Homer were forbidden to fish for subsistence purposes. The regulation had been declared valid by Superior Court Judges Victor D. Carlson and Paul B. Jones.

The supreme court, in an opinion by Justice Daniel A. Moore, Jr., held that the board erred in denying subsistence permits to certain residents who had fished with set nets for personal and family use for many years.

The supreme court found that the board's regulation on subsistence uses was inconsistent with Alaska law because the regulation was too restrictive.

The opinion stated: "Under a statute designed to protect subsistence uses, the board has devised a regulation to disenfranchise many subsistence users whose interests the statute was designed to protect."

END

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Victor D. Carlson, Judge, and Third Judicial District, Homer, Paul B. Jones, Judge.

Appearances: Martin Friedman, Homer, Arthur Robinson, Soldotna, for Appellants/Cross-Appellees. Larri Irene Spengler, Assistant Attorney General, Norman C. Gorsuch, Attorney General, Juneau, for Appellees/Appellants. Donald C. Mitchell, Anchorage, for Intervenor/Amicus Curiae.

Before: Rabinowitz, Chief Justice, Burke, Matthews, Compton and Moore, Justices.

MOORE, Justice.

This case arises as a consolidated appeal of two cases. It concerns the validity of a Board of Fisheries' (hereafter board) regulation designed to identify eligibility for subsistence fishing in the Cook Inlet region.

Appellants (hereafter Madison and Gjosund) are two groups of Alaskan residents who live along the Kenai coastline and near Homer. For many years, they have fished with set nets for salmon for their personal and family use. Nonetheless, the board denied subsistence permits to Madison and Gjosund because their use of salmon did not meet the board's regulatory definition of subsistence. Both Madison and Gjosund challenged the regulation as exceeding the scope of the state's subsistence law. In both cases, the trial courts upheld the regulation as consistent with the

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statutory grant of authority. We hold the regulation invalid since it is inconsistent with AS 16.05.251(b), AS 16.05.940(22) and AS 16.05.940(23) and contrary to the legislature's intent in enacting the 1978 subsistence law.

I. SUMMARY OF FACTS

Records indicate that subsistence fishing in Cook Inlet was minimal through the mid-1970s.[1] However, a core group of residents of each Cook Inlet community has traditionally fished for Cook Inlet salmon for subsistence. Participation in the subsistence salmon fishery is most visible in the smaller, more isolated villages, where the subsistence group represents a larger percentage of the population.

In 1977 the board established a comprehensive management policy for Cook Inlet, 5 AAC 21.363, which essentially allocated specific salmon stocks to sports fishermen and commercial fishermen on the basis of seasonal fish movements. See Kenai Peninsula Fisherman's Cooperative

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1. From 1971 to 1977, the average number of subsistence permits issued annually for the Upper Cook Inlet was 87 and the average catch was 405 salmon. Commercial harvest averaged about two million fish per year. However, this statistical data does not necessarily reveal the total subsistence use since many people did not obtain permits and some commercially caught salmon were used for subsistence.

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Ass'n v. State, 628 P.2d 897 (Alaska 1981). Although the policy did not specifically refer to subsistence uses of salmon in Cook Inlet, it had a substantial impact on subsistence fishing. Commercial fishermen, accustomed to taking subsistence salmon from their commercial catch, instead obtained subsistence salmon fishing permits in order to fish for their personal and family use after the commercial season was over.

Before 1978, subsistence fishing was defined in AS 16.05.940(17) as fishing for "personal use and not for sale or barter."[2] In 1978, the Alaska State Legislature enacted ch. 151 SLA 1978 (hereafter the 1978 subsistence law). Subsistence fishing was redefined as fishing for "subsistence uses."[3] Subsistence uses were defined as "customary and

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2. Section 4, ch. 131 SLA 1960:

> "subsistence fishing": the taking, fishing for or possession of fish, shellfish, or other fishery resources for personal use and not for sale or barter, with gill net, seine, fish wheel, long line, or other means as defined by the Board. * Hand rod hook & line

3. AS 16.05.940(22), (formerly AS 16.05.940(17)), states:

> "subsistence fishing" means the taking, fishing for, or possession of fish, shellfish, or other fisheries resources for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by

(Footnote Continued)

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traditional uses . . . for direct personal or family consumption, and for the customary trade, barter or sharing. . . ." AS 16.05.940(23).[4] Furthermore, the legislation required the board to adopt regulations permitting "subsistence uses" of fish stocks, absent a showing that this use would jeopardize the sustained yield principle. AS 16.05.251(b).[5] Under AS 16.05.251(b), subsistence uses have

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(Footnote Continued)

the Board of Fisheries.

4. AS 16.05.940(23), (formerly AS 16.05.940(26)), states:

> "subsistence uses" means the customary and traditional uses in Alaska of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter or sharing for personal or family consumption; for the purposes of this paragraph, "family" means all persons related by blood, marriage, or adoption, and any person living within the household on a permanent basis.

5. AS 16.05.251(b) states:

> The Board of Fisheries shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) permitting the taking of fish for subsistence uses unless the board

(Footnote Continued)

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priority over sport and commercial uses if the board finds it necessary to restrict the taking of fish to assure the maintenance of fish stocks or to assure the continuation of subsistence uses. If further restrictions are necessary after giving priority to all subsistence uses, the legislature established specific criteria to restrict subsistence uses based on the subsistence user's customary and direct dependence on the resource, local residency and availability of alternative resources. Id. As a result,

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(Footnote Continued)

> determines, in accordance with the Administrative Procedure Act, that adoption of the regulations will jeopardize or interfere with the maintenance of fish stocks on a sustained-yield basis. Whenever it is necessary to restrict the taking of fish to assure the maintenance of fish stocks on a sustained-yield basis, or to assure the continuation of subsistence uses of such resources, subsistence use shall be the priority use. If further restriction is necessary, the board shall establish restrictions and limitations on and priorities for these consumptive uses on the basis of the following criteria:
>
> (1) customary and direct dependence upon the resource as the mainstay of one's livelihood;
>
> (2) local residency; and
>
> (3) availability of alternative resources.

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the board could no longer allocate for subsistence uses at its discretion pursuant to AS 16.05.251(a).[6] The

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6. AS 16.05.251(a) states:

> The Board of Fisheries may adopt regulations it considers advisable in accordance with the Administrative Procedures Act (AS 44.62) for
>
> (1) setting apart fish reserve areas, refuges and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;
>
> (2) establishing open and closed seasons and areas for the taking of fish;
>
> (3) setting quotas and bag limits on the taking of fish;
>
> (4) establishing the means and methods employed in the pursuit, capture and transport of fish;
>
> (5) establishing marking and identification requirements for means used in pursuit, capture and transport of fish;
>
> (6) classifying as commercial fish, sport fish or predators or other categories essential for regulatory purposes;
>
> (7) engaging in biological research, watershed and habitat improvement, fish management, protection, propagation and stocking;
>
> (8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(Footnote Continued)

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* legislature mandated in AS 16.05.251(b) that the board regulate for the protection of subsistence uses as the priority use of fish and game.

The passage of the 1978 subsistence law, combined with adoption of the board's 1977 management policy, heightened public awareness of the state's subsistence fishing provisions. This public interest resulted in a

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(Footnote Continued)

> (9) entering into cooperative agreements with educational institutions and state, federal, or other agencies to promote fish research, management, education and information and to train persons for fish management;
>
> (10) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;
>
> (11) establishing seasons, areas, quotas and methods of harvest for aquatic plants;
>
> (12) establishing the times and dates during which the issuance of fishing licenses, permits and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43.

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substantial increase in the demand for subsistence permits and a corresponding increase in total catch.[7] The board responded to the permit increase by restricting subsistence fishing; it limited areas open to subsistence fishing, length of fishing periods and maximum length of gill nets. Several lawsuits were filed, all of which resulted in decisions unfavorable to the board.

In December 1980, the board held hearings to respond to the 1978 subsistence law and received a considerable amount of testimony on subsistence uses in Cook Inlet. The meeting resulted in the establishment of characteristics for identification of "customary and traditional uses" of Cook Inlet salmon.[8] In addition, the

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7. This chart reflects the trend in Upper Cook Inlet:

	Subsistence Use		Commercial Harvest
	Permits Issued	Salmon Caught	
1978	323	3,735	5,118,041
1979	1,161	9,923	1,923,229
1980	1,331	14,775	4,138,648

In 1980, household permits were issued instead of individual permits.

8. With some modification, these characteristics became the basis of 5 AAC 01.597, which states:

> CHARACTERISTICS OF SUBSISTENCE FISHERIES.
> (a) The Board of Fisheries finds that certain customary and traditional practices

(Footnote Continued)

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board decided to "adopt a set of criteria drawn from the

(Footnote Continued)

> and procedures associated with the utilization of fish in the Cook Inlet Area can be used to identify subsistence uses. Based on testimony to the board, the following characteristics are those that should be evaluated in the identification of subsistence fisheries:
>
> (1) a long-term, stable, reliable pattern of use and dependency, excluding interruption generated by outside circumstances, e. g., regulatory action or fluctuations in resource abundance;
>
> (2) a use pattern established by an identified community, subcommunity or group having preponderant concentrations of persons showing past use;
>
> (3) a use pattern associated with specific stocks and seasons;
>
> (4) a use pattern based on the most efficient and productive gear and economical use of time, energy and money;
>
> (5) a use pattern occurring in reasonable geographic proximity to the primary residence of the community, group or individual;
>
> (6) a use pattern occurring in locations with easiest and most direct access to the resources;
>
> (7) a use pattern which includes a history of traditional modes of handling, preparing and storing the product without precluding recent technological advances;
>
> (8) a use pattern which includes the intergenerational transmission of activities and skills;

(Footnote Continued)

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characteristics . . . and apply [them] to communities, subcommunities, groups and individuals who wish to continue to participate in an established customary and traditional fishing effort in Cook Inlet."

At its March 1981 meeting, the board received written testimony from the public about subsistence uses of Cook Inlet salmon stock. Subsequently, it decided to apply all of the ten criteria to determine "customary and

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(Footnote Continued)

> (9) a use pattern in which the effort and products are distributed on a community and family basis including trade, bartering, sharing and gift-giving; and
>
> (10) a use pattern which includes reliance on subsistence taking of a range of wild resources in proximity to the community or primary residency.
>
> (b) The board will identify established geographic communities which may be participating in a subsistence system. The board will then apply all of the characteristics in (a) of this section to the communities and to subcommunities, groups and individuals within the communities to determine which uses are customary and traditional and therefore, which communities are eligible for the subsistence priority.
>
> (c) For purposes of this section, a "community" is generally considered to be several households of full-time residents who all reside in a specific geographic area because of common interests.

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traditional uses" eligible for the subsistence priority. When the board applied the ten criteria, it determined that no group or community in the Cook Inlet region other than Tyonek, English Bay and Port Graham satisfied all ten of the criteria.* The board limited the 1981 subsistence catch to these three communities. As a result, the board eliminated from the protection of the state's subsistence statute the majority of Cook Inlet fishermen who formerly fished under subsistence regulations.

Madison and Gjosund challenged the validity of the board's subsistence criteria (now 5 AAC 01.597) on several grounds. They claimed that: (1) the criteria were inconsistent with the statutory language and legislative intent of the 1978 subsistence law; (2) the board failed to comply with the Administrative Procedure Act in adopting the criteria; and (3) their equal protection and due process rights were violated by the board's action.[9] Both courts issued preliminary injunctions compelling the board to authorize personal use fishing for Madison and Gjosund similar to that allowed in the previous year. The board

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9. Since we hold the regulation invalid because it is inconsistent with AS 16.05.251(b) and AS 16.05.940(22) and (23), and contrary to the legislature's intent in enacting the 1978 subsistence law, we need not consider the APA, due process and equal protection issues raised regarding the regulation's validity.

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moved for summary judgment on the plaintiffs' first claim. Both trial courts granted summary judgment to the board, after finding the subsistence criteria consistent with the legislative intent "to provide for and protect personal use . . . by persons who reside in rural communities. . . . "

On appeal, Madison and Gjosund seek reversal of the two trial court decisions. They claim that the board did not act within the legislative authority granted by AS 16.05.251(b) and AS 16.05.940(22) and (23) when it adopted the ten characteristics ultimately codified as 5 AAC 01.597.[10]

II. STANDARD OF REVIEW

We first consider the appropriate standard of review for this case. The legislature enacted AS 16.05.251(b), which requires the board to adopt regulations permitting the taking of fish for "subsistence uses." The legislature then defined subsistence uses as "customary and traditional" uses in AS 16.05.940(23), but it never defined

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10. Madison and Gjosund also contend that the board exceeded its statutory authority under AS 16.05.251(a) when it established a personal use fishery to accommodate people excluded from the subsistence fishery by 5 AAC 01.597. Because we hold 5 AAC 01.597 invalid, we need not address the issue of the board's authority to establish a personal use fishery.

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"customary and traditional." The board developed the ten criteria (now codified as 5 AAC 01.597) to identify customary and traditional uses qualifying for a subsistence priority under AS 16.05.251(b). Therefore, the board interpreted the 1978 subsistence law and devised its regulatory criteria accordingly.

In Kelly v. Zamarello, 486 P.2d 906, 917 (Alaska 1971), we stated that the "reasonable basis approach should be used for the most part in cases concerning administrative expertise as to either complex subject matter or fundamental policy formulations." However, the issues in this case concern statutory interpretation of the words "customary and traditional" and the question whether the board has acted within the scope of its statutory authority. Such issues "fall into the realm of special competency of the courts." Alaska Public Utility Commission v. Municipality of Anchorage, 555 P.2d 262, 266 (Alaska 1976). See also State, Commercial Fisheries Entry Commission v. Templeton, 598 P.2d 77, 80 (Alaska 1979).

In this instance, we are dealing with a question of statutory interpretation and will apply the substitution of judgment standard.

> The substitution of judgment standard is applied when the questions of law presented do not involve agency expertise, and, thus, a court need not take the deferential stance embodied in the rational basis test. . . . The standard is appropriate where the

> knowledge and experience of the agency is of little guidance to the court or where the case concerns "statutory interpretation or other analysis of legal relationships about which courts have specialized knowledge and experience."

Earth Resources Co. v. State, Department of Revenue, 665 P.2d 960, 965 (Alaska 1983), quoting Kelly v. Zamarello, 486 P.2d at 916 (emphasis added). Application of this standard allows the reviewing court to substitute its judgment about a statute's meaning for the board's interpretation, even if the board's interpretation had a reasonable basis in law. In this case, both trial courts erred by applying the rational basis standard to the board's statutory interpretation.

III. LEGISLATIVE HISTORY OF THE 1978 SUBSISTENCE LAW

Before 1978, subsistence fishing was defined as fishing for "personal use and not for sale or barter." Formerly AS 16.05.940(17). The 1978 subsistence law redefined subsistence fishing as fishing for "subsistence uses." AS 16.05.940(22). "Subsistence uses" were defined as "the customary and traditional uses in Alaska of wild, renewable resources for direct personal or family consumption . . . and for the customary trade, barter or sharing . . . . " AS 16.05.940(23). The board argues that the legislature intended to narrow the scope of subsistence fishing to mean fishing by individuals residing in those

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rural communities that have historically depended on subsistence hunting and fishing. Under this interpretation, the board asserts that its criteria are consistent with the legislature's intent.

The board's argument reveals a fundamental misconception about the structure of the 1978 subsistence law. There are potentially two tiers of subsistence users under AS 16.05.251(b). The first tier includes all subsistence users. Under the statute, all subsistence uses have priority over sport and commercial uses "whenever it is necessary to restrict the taking of fish to assure the maintenance of fish stocks on a sustained-yield basis, or to assure the continuation of subsistence uses of such resources. . . ." AS 16.05.251(b). If the statutory priority given all subsistence users over commercial and sport users still results in too few fish for all subsistence uses, then the board is authorized to establish a second tier of preferred subsistence users based on the legislative criteria expressed in AS 16.05.251(b), namely, customary and direct dependence on the resource, local residency, and availability of alternative resources.

Criteria like the ten criteria of 5 AAC 01.597(a) could be used to distinguish first-tier general subsistence users from second-tier preferred subsistence users, since most of the criteria relate to either "customary and direct

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dependence" or "local residency," two of the three criteria set out in AS 16.05.251(b). However, before there is any occasion to restrict subsistence fishing to second-tier preferred subsistence users as distinct from all subsistence users, the board must make two findings. It must find: (1) that it is necessary to restrict the taking of fish for sustained-yield purposes; and (2) that eliminating sport and commercial uses will not assure the maintenance of fish stocks on a sustained-yield basis and, thus, establishing a priority among subsistence users is also necessary. The board erred because it applied the ten criteria without making these findings.

The board argues that the words "customary and traditional" in AS 16.05.940(23) authorize it to define first-tier subsistence users by their area of residence. We reject this argument for several reasons. First, the argument ignores the two-tier structure of AS 16.05.251(b) that defines only the second-tier subsistence users in terms of residency. If the legislature had intended to define the class of first-tier general subsistence users by area of residence, it would not have expressed that factor with respect to only the second tier of preferred subsistence users. Moreover, the phrase "customary and traditional" modifies the word "uses" in AS 16.05.940(23). It does not refer to users. The 1978 subsistence law refers to

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"customary users" at only one point, when it defines the preferred subsistence users of the second tier with the three statutory criteria in AS 16.05.251(b).

The House Special Committee on Subsistence drafted a letter of intent for House Bill 960[11] that supports our interpretation. With respect to AS 16.05.251(b) (which was § 6 of House Bill 960),[12] the letter of intent made clear the priority to be given subsistence uses in general over sport and commercial uses and explained the two-tier system among subsistence users.

> Sections six and seven: These two sections, which are virtually identical for the Boards of Fisheries and the Board of Game, are intended to statutorily set out the priority given to subsistence use of fish and game resources. . . . Further, these sections set forth a priority of users if restrictions are needed because of the unavailability of resources. The priority list is an attempt to insure that those with the most dependence upon the fish and game resources are the last to be restricted.
>
> If there is a need to restrict the taking of fish or game in order to avoid damaging the fish stocks or game populations, or in order to assure that subsistence users may continue to take fish or game, it is the intent of the Committee that sports or commercial use be restricted before

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11. HB 960 became the 1978 subsistence law, ch. 151 SLA 1978.

12. The committee also intended to provide a priority for subsistence hunting in AS 16.05.255, as indicated in § 6 of HB 960.

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> subsistence use. If these restrictions are inadequate, restricting of subsistence use as well is authorized based upon the dependence on the resource, the local residence of the subsistence users, and the availability of alternate resources.

(Emphasis added).

Only in connection with AS 16.05.251(b) does the letter of intent discuss applying residence criteria to subsistence users, and it does so only with respect to second-tier subsistence users. With respect to the definition of subsistence uses in § 17 of House Bill 960 (now AS 16.05.940(23)), the letter of intent does not suggest that the phrase "customary and traditional" was meant to describe users as well as uses. The letter of intent states:

> Section seventeen: Subsection (26) defines what uses can be made of subsistence caught fish and game. It allows it to be used for direct personal or family consumption, for barter as defined in subsection (27) and for sharing the subsistence caught fish and game with other persons. This subsistence caught fish and game which is shared can then only be used for personal or family consumption. This subsection also broadens the definition of family to include the extended family situation.

The letter of intent clearly expressed the legislative resolve to establish a priority for subsistence use of fish and game. The 1978 subsistence law also increased the number of uses qualifying as subsistence fishing by including trade and barter.

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The board based its restrictive regulation, 5 AAC 01.597, on the words "customary and traditional." The legislature did not define these words in the 1978 subsistence law. In such a case, reference to legislative history may provide an insight into the legislature's intent and a statute's meaning. North Slope Borough v. Sohio Petroleum Corp., 585 P.2d 534, 540 (Alaska 1978). In the House floor debate on House Bill 960, Representative Cotton introduced an amendment to delete the words "customary and traditional" from the statute. The floor manager of the bill, Representative Anderson, opposed the amendment in the following speech:

> The two words are used in this context to put some guidelines around the uses of Alaska's freedom of resources. What we were afraid of, it was brought to our attention by people who were concerned that this would leave the field of the definition wide open. That newcomers just coming to the State of Alaska would automatically be able to establish not only residency in 30 days, but be able to go out and state that they have a customary and traditional use of Alaska's fish and game resources. The use of customary and traditional also is in recognition of a historical use of fish and game for food, shelter, fuel, clothing, tools, transportation, etc. This is not only in conformance with the aboriginal uses, but also those that have come in, those people who have come in later. . . . [T]he nonnative people in the State of Alaska have established customary and traditional uses of Alaska's fish and game resources for subsistence purposes. And in order to give the Board of Fish and Game more clarification in the area, we have come up with the (inaudible) of customary and traditional rather than leaving that section

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> wide open. The design is not to be restrictive but to provide guidelines and that is basically what I feel and many . . . members felt it was necessary in . . . adding or retaining those two words "customary and traditional."

(Emphasis added).

We consider statements made by a bill's sponsor in the course of legislative deliberations to be relevant evidence when a court is trying to determine legislative intent. Alaska Public Employees Association v. State, 525 P.2d 12, 16 (Alaska 1974). Anderson argued for the retention of "customary and traditional" for use as a guideline. His major concern focused on the potential pressure put on resources by newcomers. In his view, the words "customary and traditional" recognized and protected a historical subsistence use by both native and non-native Alaskans. The words were not intended to restrict subsistence use.

Another part of the House debate serves to clarify the statute's meaning. Representative Parr expressed concern that the board might use AS 16.05.251(b) to eliminate Fairbanks residents from subsistence use. Some Fairbanks residents often traveled to the Chitina Dip Net Fishery near the Copper River for their fishing. Representative Anderson responded to these concerns:

> If we get into a condition where the fish stock gets down to the point where there is no way that you can allow any take, the first people that you are going to cut off are the commercial and then the sports, first, and

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> then the last people that you are going to cut off are the subsistence people who have the greatest reliance on the resource. . . . [I]f it were defined that dip net fishing were for subsistence uses and not for sale or any other purpose, that would be allowed and I would think that people from Fairbanks would fall under these categories. I don't know where else they would go to . . . where people from Fairbanks make it a custom to go down to the Chitina area and if it was determined that that resource was down to the point where only subsistence would be allowed, those people would be taken care of under this section. I don't see that it is eliminating.

(Emphasis added).

In the House debate, Anderson attempted to assure Parr that residents of urban Fairbanks could be considered priority subsistence users. Contrary to the board's interpretation of the subsistence statutes, there is no indication that legislators understood the 1978 subsistence law to restrict subsistence use to either a rural or a community context. In fact, the House debate indicates that the 1978 subsistence law was necessary to protect subsistence uses as a priority use of Alaska's fish and game resources. This intent is clearly expressed by the preamble to the subsistence law:

> [I]t is in the public interest to clearly establish subsistence use as a priority use of Alaska's fish and game resources and to recognize the needs, customs and traditions of Alaskan residents. The legislature further finds that beneficial use of those resources by all state residents should be carefully monitored and regulated with as much input as possible from the affected

users, so that the viability of fish and game resources is not threatened and so that resources are conserved in a manner consistent with the sustained yield principle.

(Emphasis added).

* The legislative history indicates that the legislature intended to protect subsistence use, not limit it. The words "customary and traditional" serve as a guideline to recognize historical subsistence use by individuals, both native and non-native Alaskans. In addition, subsistence use is not strictly limited to rural communities. For these reasons, the board's interpretation of "customary and traditional" as a restrictive term conflicts squarely with the legislative intent.[13]

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13. The board notes that the words "customary and traditional" in the 1978 subsistence law were taken from § 703 of HR 39, 95th Congress, 2nd Session (1978), which Congress passed in modified form in 1980 as the Alaska National Interests Land Conservation Act (ANILCA), Public Law No. 96-487, 16 U.S.C. § 3113. Therefore, the board argues that the words in the Alaska act should have the same meaning as the words in the federal act and limit subsistence uses to residents of rural Alaska. We reject this argument for several reasons. First, § 703 of HR 39 in its 1978 form did not contain the "rural Alaska residents" limitation now found in 16 U.S.C. § 3113. Second, the Alaska House floor debate reveals that Representative Anderson, the bill's floor manager, understood the 1978 subsistence law to allow the urban residents of Fairbanks to qualify as general subsistence users. Finally, in the preamble to the 1978 subsistence law, the Alaska Legislature expressed its intent to "recognize the needs, customs and traditions of Alaskan residents." While the legislature declared that beneficial use of fish and game resources "by

(Footnote Continued)

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IV. THE BOARD'S ADOPTION AND APPLICATION OF 5 AAC 01.597

We now turn to the board's interpretation of the 1978 subsistence law. In December 1980, the board met to examine the uses of salmon in Cook Inlet and to determine which uses would qualify for the subsistence use priority. Tom Lonner, the director of the subsistence section of the Alaska Department of Fish and Game, presented the department's recommendations on the subsistence statute. He suggested that the board begin its analysis of customary and traditional uses with an assessment of user profiles and use patterns on a case by case basis. Lonner noted that such information was most lacking in the major Cook Inlet subsistence fishery because of the rapid growth of subsistence uses in recent years, and that obtaining such information would be expensive.

The board did not follow Lonner's suggested approach.[14] After the board heard extensive testimony on subsistence use, its "chairman appointed a committee,[15]

(Footnote Continued)

all state residents" should be carefully monitored and regulated, it did not express an intention to limit subsistence uses to rural Alaska residents.

14. A board member, Nick Szabo, stated that the board's limited budget prevented implementation of a case by case approach.

15. The board stipulated in 1982 that it violated

(Footnote Continued)

FROM LAW ANCH CIVIL 02/22/85 10:33 P. 2

consisting of board members and staff, to identify subsistence uses of salmon in Cook Inlet. The committee drafted ten criteria to identify subsistence uses and presented them to the board.

Lonner worked with the committee to develop the ten criteria and explained them to the board. He stated: "These tenets here are . . . based on . . . the evidence about four relatively self-contained communities. . . . If, however, you have individual applicants, . . . this might not suffice as a test." Therefore, the board was fully aware of the limitations of the proposed criteria.

At its March 1981 meeting, the board received further testimony on uses of Cook Inlet salmon from the area advisory committees and several individual witnesses. After deliberation, the board decided to apply all of the ten criteria "to determine which uses are customary and traditional and therefore are eligible for the subsistence priority." Only the "fisheries associated with Tyonek, English Bay and Port Graham met all ten criteria.

In its findings of fact, the board applied the ten criteria to individuals such as Madison and Gjosund. In particular, the individuals failed to meet the second

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(Footnote Continued)

AS 44.62.310-12 (public meeting provision) at its December 1980 meeting.

FROM LAW ANCH CIVIL 02-22-95 10:00 P.14

criterion: "A use pattern established by an identified community, subcommunity or group having preponderant concentrations of persons showing past use."[16] The board found:

> Although some users have shown the existence of a community of interest (e.g., the Kenaitze Tribe and the Kachemak Bay Subsistence Group), these persons either are too widely dispersed or are too heterogeneous to be considered an identifiable community, subcommunity or group. On the evidence presented, the Board cannot conclude either that activities are conducted in common or that sharing or other group interchange occurs in relation to the resource.

In other words, an individual subsistence user (such as Madison or Gjosund) would not qualify for a subsistence use priority from the board unless he were part of an identifiable subsistence community or group.[17] Under the

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16. See 5 AAC 01.597 set out in n. 8 above.

17. In contrast, the Commercial Fisheries Entry Commission issues commercial fishing permits on an individual basis. See AS 16.43.250. We do not, however, read the words "customary and traditional" as a grant of authority to the Department of Fish and Game and the Board of Fisheries to impose a "grandfather" rights system with respect to subsistence users. Imposing an equitable system of grandfather rights is an extremely complicated task, as Alaska's experience with such a system in the commercial salmon and herring fisheries has demonstrated. See AS 16.43.010-990 and the numerous, and ever increasing, judicial decisions interpreting this act noted in the annotations. Such a system would also be extremely controversial. It is preposterous to suppose that the legislature intended to create such a system merely by using

(Footnote Continued)

FROM LAW ANCH CIVIL 02/22/95 10:32 P. 1

board's regulation, many individual users who have historically depended on subsistence fishing are eliminated from subsistence use at the outset.

* The board's regulation, 5 AAC 01.597, is inconsistent with the legislative intent to provide guidelines for the protection of subsistence fishing. The regulation exceeds the authority delegated to the board because it operates too restrictively in its initial differentiation between subsistence and non-subsistence uses. Under a statute designed to protect subsistence uses, the board has devised a regulation to disenfranchise many subsistence users whose interests the statute was designed to protect.

The decision of the two trial courts that 5 AAC 01.597 is consistent with AS 16.05.251(b) and AS 16.05.940(22) and (23) is REVERSED.

(Footnote Continued)

the words "customary and traditional" in the definition of subsistence uses, with no more notice or guidance than is inherent in those words.

FROM LAW ANCH CIVIL 02-22-95 10:01 P.15 TOTAL P.15

COOK INLET MANAGEMENT AREA SUBSISTENCE

FISHERY REPORT 1972

A. General Information

1. Description of Area: The Cook Inlet area includes all waters of Alaska in Cook Inlet and Resurrection Bay north of Cape Douglas and west of Cape Fairfield, including the Barren Islands. (Figure 1)

2. Species Utilized: All five species of pacific salmon are utilized in the Cook Inlet area. Since 1962 cohos have made up 66 percent of the subsistence catch, reds 20 percent, pinks 8%, chums 5%, and kings 0.2 percent. (Table 1) King crab, tanner crab, dungeness crab, shrimp, smelt, herring, bottom fish, and clams are also utilized for subsistence purposes. However, few records are available on degree of utilization. In actuality it is hard to define what constitutes "sport fishing" and what constitutes "subsistence fishing" for the above listed species.

3. Economic Conditions: No figures are available on the average income of those applying for subsistence permits in the Cook Inlet area. It is the personal opinion of the area management biologist that less than five

* See pages # 3, 6, 7, 9, 10, 17, 19

Attachment #2

FIGURE I

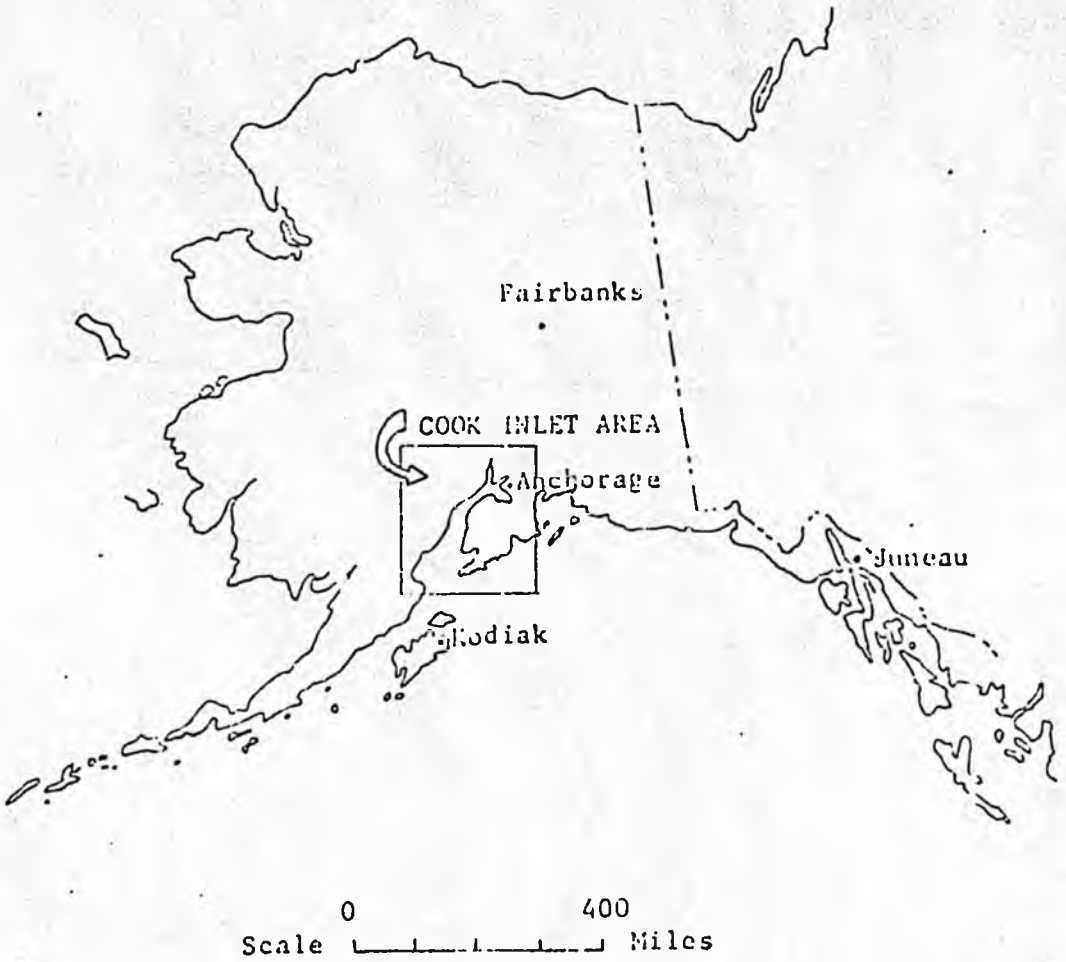
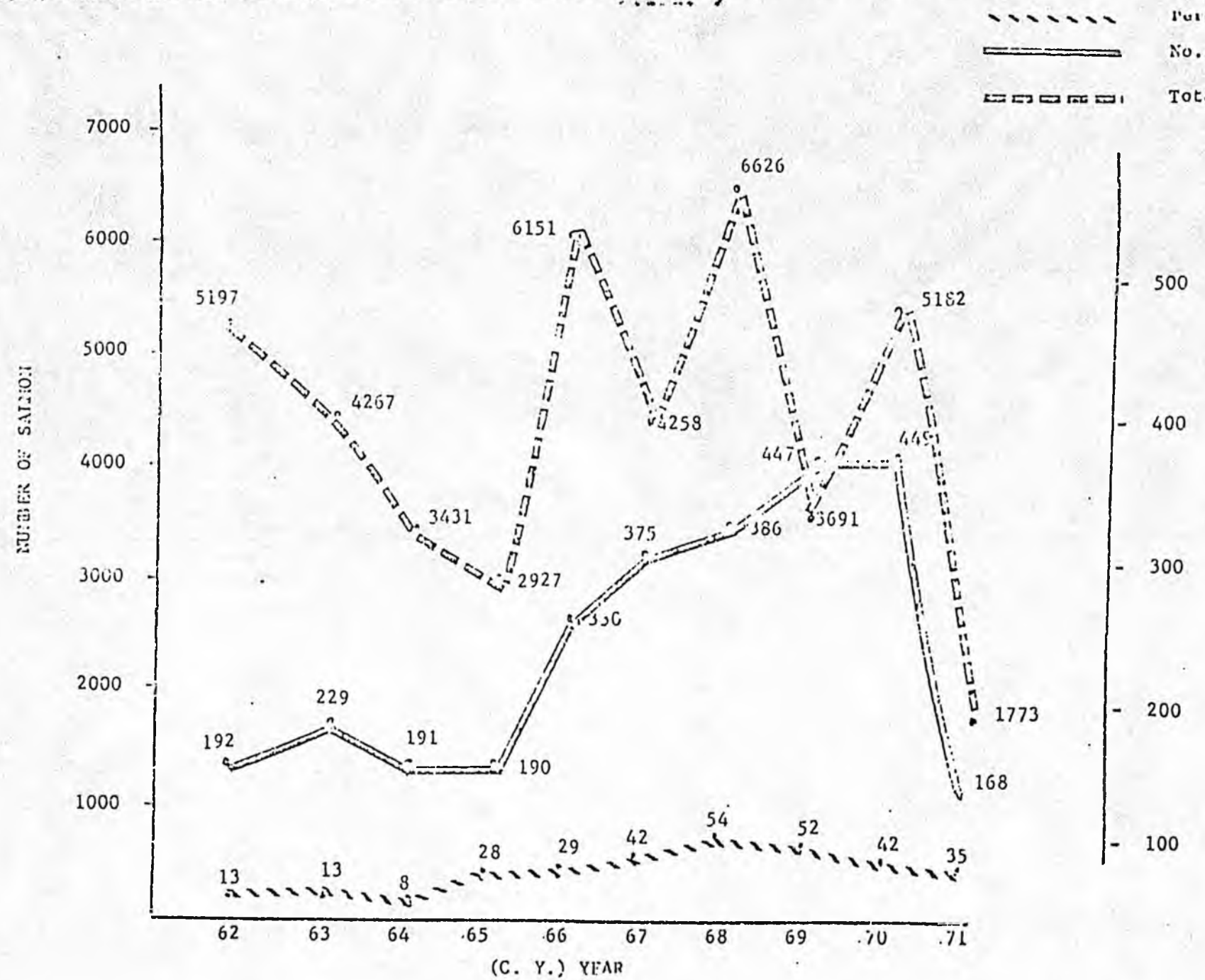


Figure 1. Cook Inlet area location map.

TABLE 1

COOK INLET SUBSISTENCE CATCH OF SALMON, 1962-1971

YEAR	NO. PERMITS	DID NOT REPLY	KINGS	REDS	COHO	CHUM	PINK	TOTAL
1962	192	13	45	770	3574	391	417	5197
1963	229	13	29	859	2510	424	447	4269
1964	191	8	--	393	2463	207	368	3431
1965	190	28	--	484	2109	285	49	2927
1966	330	29	8	1656	3533	356	598	6151
1967	375	42	4	863	3105	213	73	4258
1968	386	54	10	1009	4201	236	1170	6626
1969	447	52	--	1518	2011	94	68	3691
1970	449	42	3	1218	3371	152	438	5182
1971	168	35	2	23	1697	7	44	1773
TOTALS	2,957	316	101	8,793	28,574	2,365	3,672	43,505
PERCENT	100.0	10.7	0.2	20.2	65.7	5.4	8.4	100.0


Permits not ret
No. of Permits
Total salmon ca
7000
6000
5000
4000
3000
2000
1000
500
400
300
200
100
NUMBER OF SALMON
NUMBER OF PERMITS ISSUED
5197
4267
3431
2927
6151
4258
6626
5182
1773
168
192
229
191
190
375
386
3691
13
13
8
28
29
42
54
52
42
35
62
63
64
65
66
67
68
69
70
71
(C. Y.) YEAR

or ten percent of the subsistence fishing in the area is carried out by persons in such financial positions that they actually have a legitimate need of the resource harvested in order to subsist. The type of subsistence fishing found in the Cook Inlet area could more appropriately be classified as recreational or supplemental fishing. Many people regard it as a form of sport fishing in which they not only derive recreational benefits but at the same time supplement their food stocks. Some people in the Cook Inlet area, natives and whites alike, because of either need or personal preference, are trying to maintain a "live-off-the land" life style. To these few, "subsistence" fishing may fall into a need category and may play an important part in their means of existing.

B. History of Fishery

1. Methods of Fishing: A variety of subsistence fishing methods are used in the Cook Inlet area, as it is a multi-species utilization area.

a. Salmon: Set nets, seines and drift nets are currently used with set nets accounting for about 95 percent of the effort. Since statehood, all subsistence salmon fishing has been in conformance

with commercial regulations and, therefore, areas open and methods used have been identical to those in commercial fishing. Prior to statehood, much of the subsistence fishing took place in salmon spawning streams with gear ranging from hook and line to gill nets. Snagging was one of the more popular methods.

b. Shellfish: King crab, tanner crab, dungeness crab and shrimp are taken with various forms of pots. Most fishing takes place at or near the small boat harbors of Homer and Seward. Clams for subsistence are taken by use of a clam shovel. The methods currently used for taking shellfish species for subsistence purposes do not differ appreciably from those used prior to statehood.

c. Smelt: Both bill nets and dip nets have been used in the Cook Inlet area for taking smelt, however, in 1972 dip nets became illegal gear for taking smelt in the waters of the Kenai Peninsula. A limited amount of hood and line snagging for smelt also exists.

d. Freshwater species: The gear most commonly utilized for freshwater species is small mesh gill nets and seines. In the past, fish-wheels and dip nets have also been used in freshwater.

2. Catches and Fishing Effort

a. Salmon: Salmon fishing is the only subsistence fishing for which reliable catch and effort data exists and this data covers from 1962 to 1971 only. During these years, a total of 2,957 subsistence permits were issued and all but 316 were returned. The total reported salmon catch from 1962 to 1971 is as follows: 101 kings, 8,793 reds, 28,574 cohos, 2,365 chums, 3,672 pinks, for a total of 43,505 salmon. The number of permits issued and the total catch by species appears in Table 1 and is depicted in graphic form in Figure 2.

b. Smelt: Catch data on smelt is only available for the past two seasons. In 1971, there were 1,387 smelt reported taken and in 1972, the reported catch was 8,542. Most effort has taken place along the western shoreline of the Kenai Peninsula and around Turnagin Arm.

The number of permits issued by year since 1969 appear below:

Year	Salt Water	Kenai River	Total
1969	150	194	344
1970	157	393	550
1971	92	*	92
1972	160	*	160

*Smelt permits not required for Kenai River.

c. Shellfish: No permits are required for taking shellfish and, therefore, no records are available on effort or catch. Most effort occurs in Kachemak and Resurrection Bays.

d. Freshwater species: Relatively few permits have been requested for taking freshwater species and most of these have been for Lake Louise and Tyone Lakes. Whitefish comprise about 90 percent of the catch.

3. Management Regulations: The following is a history of subsistence regulations in Cook Inlet from 1943 to 1972.

1942 through 1950

No mention made in Cook Inlet section of commercial fisheries regulations.

1951

First mention in commercial regulations. Required notification of intention to take salmon for personal use, with statement of type of gear to be used, area, time, number of fish to be taken and intended disposition of fish taken.

Fish, Ship, and Campbell and Cottonwood Creeks closed to subsistence fishing.

1952

No intent to take notification required. More streams closed, including all tributaries to Knik Arm, Willow Creek (tributary to Susitna), Campbell Creek, and all streams and lakes of Kenai Peninsula that are tributary to Cook Inlet: Provided this shall not apply to fishing with rod, hook and line for personal use.

(Apparently this was the first time many Cook Inlet streams were closed to use of nets for personal use of fish.)

1953

Above regulations same, plus added stipulation that no personal use fishing allowed within 300 feet of weirs and ladders. Snagging was prohibited for the first time.

Also, personal use fishing prohibited within 500 yards of all other streams or lakes except with hand rod, hook and line. Bay limit two (2) per day per person.

And subject to laws regulating commercial fishing 48 hours before and continuing 40 hours after each fishing period. Except for fall season and/or place greater than 25 miles from waters open to commercial fishing. . .

* And in Knik Arm where 15 fathom set nets, 100 yards apart, shall be operated prior to August 6, only during hours open to commercial fishing in the Northern district.

1954

Same as 1953 with additional sections that. . . Commercial gear may be used for personal fishing during any fall season. . .

Fishing allowed in Turnagain Arm east of a line between Hope and Indian, and. . .

Fishing allowed more than 5 miles upstream from tidewater on all streams and lakes of Cook Inlet drainage South and West of the Susitna River or South of town of Homer.

1955

General regulations and. .

Coo Inlet regulations same as 1954.

1956

Same as 1955 with added restrictions. . .

Closed Kenai & Russian Rivers within 300 yards of their confluence (this to 'Sportsmen').

Rod and line. . . limited take to two (2) salmon over 16 inches, per person per day.

1957

General regulations same as 1956.

Cook Inlet about same except for limit on take by rod and line fishermen (' . .not to exceed 10 inches'. . per person per day by hook and line, and not more than two (2) may exceed 16 inches').

1958

General same as 1957 plus. .

A series of regulations devised to try to curb snagging. . including limiting size hooks and making it illegal to use weights with multiple hooks.

Cook Inlet same as 1957.

1959

General same as 1958.

Cook Inlet--added restrictions that. . .personal use fishing be allowed in the main stem of the Susitna River above the town of Alexander. . with nets less than 30 feet and more than 100 yards from any other set net and from tributary streams-- and identified with name and address of owner.

And personal use fishing must be done in conformance with commercial regulations (This closed Knik Arm and Turnagain Arm).

Many Kenai Peninsula streams closed above markers placed from 3 to 5 miles up from mouth (Anchor, Deep Creek, Stariski and many others).

Added closure of Cooper Creek, Little Willow Creek and Montana Creek. . And. . allowed 30 yards of set nets for use in Knik Arm after August 9, also Fish Creek closed July 21 (snaggers harrassing red run).

1960

General same as 1959.

Cook Inlet--personal use fishing to be allowed on Northwest shore Knik Arm. . with nets 90 feet or less and more than 500 yards from terminus of any salmon stream. . and conform to commercial open periods in Northern district. . and identified with name and address of owner.

1961

General same as 1960.

Cook Inlet added open fishing season on clams, crabs, and bottomfish. . all in conformance with commercial regulations.

Salmon for subsistence was broken into districts. . . apparently this did away with fishing in main stem of Susitna River above Alexander (see subsistence regulations for Northern district 1961).

1962

General regulations added restrictions--personal use fishing must be done by permit only, issued by commissioner. . . limited subsistence catch to individual regional regulations.

Cook Inlet---same as 1961.

1963

General regulations--new regulation--fish other than salmon may be taken at any time in any area of state by any method except by use of explosives or chemicals, except as hereinafter provided or as provided in the Sport Fishing Regulations of the Department.

Cook Inlet--same as 1962.

1964

General same as 1963.

Cook Inlet--new regulation--must have permit for salmon and all catches by species, location and date of catch must be reported. Freshwater species except for trout, grayling, and char may be taken for subsistence purposes via permit and these permits be issued by commissioner or his representative when deemed warranted.

Also not more than 50 salmon be taken per permit and subsistence fishing is prohibited in any area closed to commercial fishing except for parts of Knik Arm.

And all districts with exception of Outer district, must have name and address of owner on fishing gear. The Outer district regulations were amended to conform with commercial regulations.

Another Cook Inlet regulation was amended--sports fishing licenses required for clams and/or bottom fish and crab pot floats will contain the name of owner. No sex or size limitations on crab.

1965 through 1969

Outside of minor amendments and a few changes in regulations in the different fishing districts, personal use fishing regulations are about the same for that period from 1965 to 1969.

1969

Cook Inlet--new regulations--

Restrictions:

(a) Subsistence fishermen taking herring and smelt in the Kenai River must be physically present at all times said net is being fished.

(b) A sports fishing license is required when bottom fish are taken with fishing rod and line.

(c) A sports fishing license is required for the digging of razor clams.

Size Limits: There are no size or sex limitations on crab.

1970

Cook Inlet--new regulations--

Salmon - The subsistence fishery on the Northwest of Knik Arm was deleted.

Smelt - In the Kenai River the length of gill nets may not exceed 20 feet in length.

Smelt may be taken in that portion of the Kenai River from its mouth upstream to the Soldotna bridge from April 1 through May 31.

1972

Cook Inlet--new regulations--Smelt - Dip nets may not be used for taking smelt in the waters of the Kenai Peninsula.

C. Problem Areas

1. Northwest Shore Knik Arm: This area is no longer a problem as it was closed to subsistence fishing in 1971. The number of permits issued for this area had increased during the mid-60's to a level of 290 during the last two years of the fishery. (1969 and 1970) The reported catch during this period averaged 3,300 salmon (Table 2). The main justification for closing this area was the declining red salmon escapements into Fish Creek which reached a low of 6,233 in 1969.

2. Mud Bay: The problem here appears to be over-utilization of available fishing space rather than over-utilization of the resource. Commercial fishing, sports fishing, and subsistence fishing all take place in this rather confined area of Kachemak Bay along the Northeast side of the Homer Spit. Peak utilization occurs in mid to late August when approximately 10 seine fishermen, 50 subsistence fishermen and several hundred sports fishermen fish

TABLE 2

COOK INLET SUBSISTENCE SALMON FISHERY
Permits Issued and Total Salmon Catch By District, 1967 - 1972

	NORTHERN[1]		NORTH and SOUTH CENTRAL		SOUTHERN		EASTERN	
YEAR	Permits	Total Catch	Permits	Total Catch	Permits	Total Catch	Permits	Total Catch
1967	218	2,947	13	119	51	942	91	262
1968	276	5,395	30	303	79	953	--	--
1969	290	1,563	40	400	85	1,067	32	929
1970	290	3,448	45	206	78	1,386	36	181
1971	9	10	28	138	112	1,618	19	7
1972	9	[2]	5	[2]	151	[2]	5	[2]

[1] Northern district represents Northwest shore at Knik Arm

[2] Catch data not available for 1972.

this area. The main species being sought are silver salmon and the subsistence catch has averaged about 1,000 since 1967. The commercial catch in the Southern district has averaged 2,800 silvers since 1967 and an estimated 50 percent of these have been taken from Mud Bay proper. Sports harvest figures are not available, however, the average catch sine 1967 would probably not exceed 500 fish. Commercial and subsistence harvest figures indicate no decline in abundance of silver stocks in Mud Bay. A tagging study in 1970 indicated the silver stocks of Mud Bay were mostly local stocks bound for upper Kachemak Bay and escapement indices in this area have been consistent in recent years.

Although there is no biological justification for closing Mud Bay, the time has perhaps come for closing a portion of Mud Bay to commercial and subsistence fishing because of user-group conflicts.

For the last several years proposals have been submitted to the Board of Fish and Game asking for either complete or partial closures of Mud Bay. The commercial fish staff has always opposed these closures on the basis that no biological justification exists.

Because of the increasing sports fish utilization there will be a public proposal submitted to the Board of Fish and Game at the November meeting by a Homer commercial fisherman which will ask for a partial closure of the Mud Bay area. The commercial staff intends to support this proposal.

3. Shellfish: Another potential problem is the crab and shrimp pot fisheries which have developed tremendously in the last few years. A considerable volume of gear is being fished in the immediate vicinity of the Homer small boat harbor and again, rather than over-utilization of the resource, the main problem is over-utilization of area. Gear is so concentrated in this one area that navigation has been hindered. A regulation may be necessary in the near future to close a section of the bay in the immediate vicinity of the small boat harbor entrance.

D. Recommendations:

It is the personal opinion of the area biologist that a need exists for subsistence fishing in Cook Inlet and that it should be continued perhaps with some modifications. The 5 or 10 percent of the people who actually have a legitimate need to subsistence fish should not be denied this right just because the fishery has become recreationally oriented.

Perhaps a fee could be placed on a subsistence permit or license. This might tend to eliminate some of those who are participating more for recreation than need and yet keep the regulation constitutional. For those who could show need, through an application for a waiver on the license fee, a special free permit would be granted. A maximum income level would be established similar to that used in the Food Stamp Program and those falling below the established level would be eligible for the free permit. These measures would probably reduce subsistence fishing by 75 percent in the Cook Inlet area and subsistence fishing would again conform with the true meaning of subsistence.

APPENDIX

1. A copy of the Cook Inlet Subsistence Fishery Instructions of 1972.

COOK INLET SUBSISTENCE SALMON FISHERY, 1972

Salmon may be taken for subsistence purposes under authority of a permit which may be obtained from the local representative of the department.

Each subsistence fisherman taking salmon shall keep accurate records of the catch involved, by species, location caught, date of catch, and other such information as the department may require.

Salmon may be taken for subsistence purposes only by residents.

Identification of fishing gear shall consist of the name and address of the owner and the number of his subsistence permit.

Not more than 50 salmon may be taken under the authority of a subsistence permit.

Only one salmon subsistence permit will be issued to each person during a year.

A set gill net shall not be longer than 35 fathoms in length and 45 meshes in depth.

The operation of each set gill net shall be performed or assisted by the fisherman in whose name it is registered.

No part of a set gill net may be placed or operated within 600 feet of any part of any other set gill net.

FISHING SEASONS:

NORTHERN DISTRICT: from 6:00 a.m. July 21 until 6:00 a.m. September 20 during open commercial fishing periods in conformance with all commercial regulations.

NORTH & SOUTH CENTRAL DISTRICTS: from 6:00 a.m. August 18 during open commercial fishing periods in conformance with all commercial regulations.

SOUTHERN DISTRICT: from 6:00 a.m. August 18 during open commercial fishing periods in conformance with all commercial regulations EXCEPT that set gill nets may be used in any beach area open to commercial salmon fishing.

RIVER DISTRICT: in conformance with commercial regulations.

EASTERN DISTRICT: from June 1 through June 30 during open commercial fishing periods in conformance with all commercial regulations EXCEPT that set gill nets may be used in any beach area open to commercial salmon fishing.

ALASKA BOARD OF FISHERIES FINDINGS
SUBSISTENCE REGULATIONS FOR THE 1985 FISHING SEASON

The Alaska Board of Fisheries, meeting in Anchorage, Alaska on March 26, 1985, finds that the Alaska Supreme Court decision in Madison v. Alaska Department of Fish and Game will require a revision of certain subsistence, personal use, sport, and commercial fishing regulations. However, the board finds insufficient time exists before the smelt, herring, bottomfish, shellfish and salmon seasons to allow for an orderly, comprehensive review of all regulations which may be impacted, considering the need to provide an adequate opportunity for public comment and review. Therefore, to ensure an orderly process allowing the opportunity for all members of the public to participate, and implement the count's decision in Madison as possible in the interim, the board finds:

(1) The board will, by emergency regulation, authorize the subsistence take of smelt, herring, shellfish and bottomfish as they were allowed under the 1978 subsistence regulations.

(2) The board will, by emergency regulation, authorize access by all Alaska residents to existing Tyonek, Port Graham, and English Bay subsistence salmon fisheries in Cook Inlet. Existing bag and possession limits, time, gear and area regulations and overall guideline harvest will not be adjusted for the 1985 season. The board finds that such regulations promote an orderly harvest which will reasonably satisfy anticipated subsistence uses. Modification of these regulations at this time is not in the best public interest of the public given the inadequate opportunity for public comment at this time, and uncertainty about 1985 participation levels.

(3) During 1985, the board will continue the following presently authorized personal use salmon fisheries in Cook Inlet as personal use fisheries:

the spring Kasilof gill net fishery,
the Kasilof and Kenai River sockeye dipnet fishery,
the China Poot hatchery sockeye fishery,
and the shellfish, herring, and smelt fisheries.

The board cannot reasonably modify or eliminate these fisheries without an opportunity for public comment, which is not possible under the present time frame.

(4) The fall coho set gill net personal use fishery will however, by emergency regulation, be identified as a subsistence fishery, as required by Madison, and will be managed under the regulations used during the 1981 season, except that current reporting requirements will apply.

(5) The Kachemak Bay salmon set gill net fishery will, by emergency regulation, be identified as a subsistence fishery, as required by Madison, and will be managed under the regulations

Attachment #3

developed for the court ordered fishery. Alaska residents will be able to participate in both of these fisheries.

(6) The board will, by emergency regulation, allow access by all Alaska residents to the following existing subsistence fisheries:

Copper River (salmon)
Iliamna/Lake Clark (salmon)
Naknek River (salmon), and
Angoon (salmon).

The bag and possession, time, area, gear, and overall harvest guidelines of each of these fisheries shall remain as described in existing regulations. The board finds that such regulations are necessary to conduct an orderly fishery and to provide a reasonable opportunity for subsistence needs. Modification of these regulations at this time in not in the best interest of the public given the inadequate opportunity for public comment at this time.

(7) As to the Copper River subsistence and personal use salmon fisheries, which will combined into a subsistence fishery by emergency regulation, the board will retain existing regulations as to bag and possession limits, time, area, gear, and overall harvest guidelines, except that rather than separate regulations based on domicile, the regulations developed for those domiciled in the Copper Basin and other specified communities will be applied to the fishwheel fishery and those developed for those not so domiciled will be applied to the dip net fishery. The board finds these regulations to be necessary to conduct an orderly fishery and to provide a reasonable opportunity for subsistence needs. Further, the overall harvest guidelines, bag limits, and areas represent historical harvest. The dip net portion of this guideline represents a total harvest which was not taken during the 1984 season. The harvest lid is necessary to manage the downriver commercial salmon drift gill net fishery to ensure escapement for reproductive needs and the upriver subsistence fishery. The bag and possession limits, while different for dipnetters and fishwheel fishermen were developed by the board after extensive public testimony and information demonstrating that the differing bag limits reflected historical use by each group.

The board hereby calls for proposals from the public on all subsistence and personal use regulations to be considered at the fall/winter 1985 finfish meeting. The board will consider all proposals to establish, eliminate or modify any or all subsistence or personal use regulations · any any changes in commercial or sport fishery regulations required by such regulations.

Ron Jolin, Chairman Board of Fisheries — March 27, 1985

85-13-JB DRAFT

WHEREAS, the Alaska Board of Fisheries and Alaska Board of Game have been delegated responsibility and authority by the Alaska Legislature to regulate the taking of fish stocks and game populations for the maximum benefit of all of the people of Alaska; and

WHEREAS, prior to the decision of the Alaska Supreme Court in Madison v. Alaska Department of Fish and Game the boards developed procedures which provided adequate regulatory flexibility, both to protect opportunities for subsistence hunting and fishing in rural communities and areas, and to provide hunting and fishing opportunities for recreational, commercial, and other uses; and

WHEREAS, it is unclear to what extent the boards may restrict subsistence harvest after the Madison ruling and as a result, substantial and significantly disruptive reallocations of opportunities to harvest fish stocks and game populations may be necessary. For example:

1. The commercial gill net fishery which is an important component of the Prince William Sound economy may need to be significantly restricted in 1985 or, eventually, even closed. Prior to the Madison decision the Board of Fisheries had adequate regulatory flexibility to accommodate both the historic commercial fishery and other users.

Attachment #4

2. Sport fishing for king and other species of salmon on the Kenai and Naknek rivers and in the Susitna drainage may need to be significantly restricted in 1985 or, eventually, even closed. Prior to the Madison decision the Board of Fisheries had adequate regulatory flexibility to prevent that result.

3. Non-subsistence hunting, including commercial guiding activities may be significantly restricted and, in many cases, eliminated. Prior to the Madison decision the Board of Game had adequate regulatory flexibility to accommodate these users reasonably.

WHEREAS, prior to the Madison decision the State of Alaska was in compliance with Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). As a result of the Madison decision the federal government may now take control over game populations on public lands and fish stocks on public lands and within navigable waters; and

WHEREAS, if the State of Alaska is no longer in compliance with ANILCA, the state will lose the ongoing million dollar per year federal appropriation for the state's public participation system which is essential to the success of the state's regulatory and management activities; and

WHEREAS, the Alaska Board of Fisheries and Board of Game strongly believe that the potential restrictions, closures, reallocations

and loss of funding described above are not in the best interest of the fish and wildlife resources and the people of Alaska;

NOW THEREFORE BE IT RESOLVED, that the Alaska Board of Fisheries and Board of Game meeting in joint session respectfully, but strongly urge the Alaska Legislature to enact legislation during the current legislative session which returns to the boards the regulatory authority and flexibility which they exercised before the Madison decision; and

THEREFORE BE IT FURTHER RESOLVED, that the Alaska Board of Fisheries and Alaska Board of Game have reviewed SB 231 and HB 288, the legislation introduced by the Governor to accomplish this purpose, and urge that this legislation be enacted into law as expeditiously as possible.

G. Cook

AP

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

NATIVE VILLAGE OF TYONEK, et al.,)
Plaintiffs,)
vs.)
ALASKA BOARD OF FISHERIES, et al.,)
Defendants.)

Filed in the Trial Courts
STATE OF ALASKA THIRD DISTRICT
MAY 23 1980
Clerk of the Trial Courts
By _____ Deputy

CIVIL ACTION NO. 3AN-80-3073

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Plaintiffs' motion for a preliminary injunction in the above-entitled action having come on for hearing on the 22d day of May 1980, all parties having been heard and plaintiffs' motion having been granted, the Court hereby enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The village of Tyonek is an Athabascan Indian village of approximately 300 people and 80 households located on the west side of Cook Inlet. Tyonek has been inhabited for generations by the Tanaina group of Athabascans who succeeded the Eskimo population which originally settled in the area in prehistoric times. Today, the village still retains its ethnic identity and has the same characteristics of a rural Alaska Native community as those of Native villages in other areas of the state.

2. The Susitna River king salmon stock enters upper Cook Inlet and is the only stock of king salmon to pass by the village of Tyonek. The Susitna River stock enters Cook Inlet the beginning of May, and begins to pass by the village of Tyonek in mid-May.

Norman A. Cohen
Attorney at Law

4) Attachment #5

The Susitna River stock run peaks at the village at the end of May or the beginning of June and is usually completely past the village by the latter part of June.

3. The mid-May to mid-June king salmon fishery is a customary and traditional subsistence use by residents of the village of Tyonek of the Susitna River king salmon stock in that this fishery has been in existence for generations, that the harvest of the king salmon at this time is an essential component of the cultural life of the village, that the art of cutting king salmon has been handed down through generations, that the early king salmon is the first fresh food of the spring, that king salmon are oiler than other species of salmon and therefore better suited for drying and preserving for winter use, that unlike other species of salmon king salmon are not susceptible to damage while drying from insects and seabirds, and that drying is usually completed prior to the start of summer rains.

4. The residents of the village of Tyonek fish for king salmon with set nets from the beach in front of their fish camps immediately south of the village.

5. Since 1964, the residents of the village of Tyonek have been prevented from participating in their customary and tradition mid-May to mid-June king salmon subsistence fishery by regulations adopted by defendants and their predecessors. These regulations were initially adopted due to poor escapement of the Susitna River king salmon stock.

6. In 1977, the defendant Alaska BOARD OF FISHERIES adopted a Comprehensive Management Policy for The Upper Cook Inlet Salmon Stocks which stated that stocks which move in Cook Inlet to spawning areas prior to June 30th would be managed exclusively for recreational uses. No mention was made in the management policy for management of such stocks for subsistence uses.

NORMAN A. COHEN
ATTORNEY AT LAW

7. In 1978, the Alaska State Legislature enacted ch 151 SLA 1978 (A.S. 16.05.251(b)) which requires that whenever it is necessary to restrict the taking of the Susitna River king salmon stock to assure the maintenance of such stock on a sustained-yield basis or to assure the continuation of subsistence uses of such king salmon stock, subsistence use of such stock shall be the priority use over sport and commercial uses.

8. A.S. 16.05.251(b) requires defendant ALASKA BOARD OF FISHERIES to adopt subsistence fishing regulations for Susitna River king salmon stocks, which implement the priority for subsistence uses referred to in paragraph 7, unless it determines that adoption of such regulations will jeopardize or interfere with the maintenance of Susitna River king salmon stocks on a sustained-yield basis.

9. Prior to the March 1980 meeting of defendant ALASKA BOARD OF FISHERIES, said defendant, on behalf of plaintiff NATIVE VILLAGE OF TYONEK, published proposed regulations pursuant to the Administrative Procedures Act to open a subsistence king salmon fishery for the residents of the village of Tyonek, between May 15 and June 15.

10. On March 26, 1980, defendant ALASKA BOARD OF FISHERIES held a public hearing and received testimony on the proposed regulations from the Alaska Department of Fish and Game, residents of the village of Tyonek and other members of the public.

11. Testimony presented at the public hearing indicated that the residents of the village of Tyonek customarily and traditionally harvested king salmon for subsistence uses between May 15 and June 15.

12. Though evidence was presented that restrictions on taking by all user groups of the Susitna River king salmon stock were necessary, no evidence was presented at the hearing by the Alaska Department of Fish and Game that adoption of the proposed

regulations would jeopardize or interfere with the maintenance of the Susitna River king salmon stock on a sustained-yield basis and the defendant ALASKA BOARD OF FISHERIES made no finding to that effect.

13. The defendant ALASKA BOARD OF FISHERIES rejected the plaintiffs' proposals but adopted proposals authorizing the harvest of 13,100 Susitna River king salmon by sports fishermen.

14. As a result of the failure of the defendant ALASKA BOARD OF FISHERIES to adopt proposed regulations opening a king salmon season for the residents of the village of Tyonek, the plaintiffs are threatened with irreparable harm in that plaintiffs customary and traditional use of the Susitna River king salmon stock will be denied to them. Consequently, residents of the village of Tyonek will lose access to a valuable subsistence resource and the customary and traditional way of life of the village will be disrupted.

15. No other species of salmon available to the residents of the village of Tyonek can replace the Susitna River king salmon stock as a subsistence resource or substitute for the role of the Susitna River king salmon stock in the customary and traditional way of life of the village.

16. Defendants will be adequately protected if the resident of the village of Tyonek are permitted to harvest 3,000 king salmon from the Susitna River king salmon stock between May 23 and June 15, 1980.

17. Plaintiffs have raised serious and substantial questions. The failure of defendant ALASKA BOARD OF FISHERIES to adopt the proposals submitted on behalf of plaintiff NATIVE VILLAGE OF TYONEK and the adoption of proposals authorizing the harvest of 13,100 Susitna River king salmon by sports fishermen is a violation of A.S. 16.05.251(b) in that whenever it is necessary to restrict

the taking of Susitna River king salmon to assure the maintenance of that fish stock on a sustained-yield basis, or to assure the continuation of subsistence uses of such resource, subsistence use shall be the priority use.

CONCLUSIONS OF LAW

1. Unless the preliminary relief requested by plaintiffs is granted plaintiffs will suffer irreparable harm in that plaintiffs customary and traditional use of the Susitna River king salmon stock will be denied to them. Consequently, residents of the village of Tyonek will lose access to a valuable subsistence resource and the customary and traditional way of life of the village will be disrupted.

2. Defendants and the resource will be adequately protected if the residents of the village are permitted to harvest 3,000 king salmon from the Susitna River king salmon stock between May 23 and June 15, 1980.

3. Plaintiffs have raised serious and substantial questions in that:

a. Whenever it is necessary to restrict the taking of a fish stock to assure the maintenance of fish stocks on a sustained-yield basis, or to assure the continuation of subsistence uses of such resources, subsistence use shall be the priority use of such stock.

b. The residents of the village of Tyonek have a customary and traditional use of the Susitna River king salmon stock between May 15 and June 15.

c. Adoption by defendant ALASKA BOARD OF FISHERIES of regulations which allow for the sport fishing of Susitna River king salmon without first adopting regulations which provide for the customary and traditional use of such stock by the residents of the village of Tyonek is a violation of the subsistence priority set forth in A.S. 16.05.251(b).

4. No bond is required of the plaintiffs prior to the issuance of the preliminary injunction.

DATED this 23rd day of May, 1990.

Judge Carlson
JUDGE OF THE SUPERIOR COURT

I certify that on 5-30-90
a copy of this document was sent to:
☑ Attorney(s) of Record, or
☐ Other: _____
at address of record.
D. O. E. _____
Deputy Clerk

RICHARD A. COUCH
ATTORNEY AT LAW

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

NATIVE VILLAGE OF TYONEK, et al., et al #2

Plaintiffs,

vs.

ALASKA BOARD OF FISHERIES, et al., et al #2

Defendants.

CIVIL ACTION NO. 3AN-80-3073

AGREEMENT OF SETTLEMENT

WHEREAS, a civil action has been brought by the Native village of Tyonek and several residents of the village of Tyonek, in which plaintiffs allege inter alia that the decision of the Alaska Board of Fisheries rejecting proposed regulations for king salmon fishing for subsistence uses in the upper Cook Inlet between May 15 and June 15 by residents of the village of Tyonek was a violation of A.S. 16.05.251(b) and request declaratory and injunctive relief; and

WHEREAS, on May 22, 1980, this Court granted plaintiffs' motion for a preliminary injunction and on May 23, 1980, entered findings of fact and conclusions of law restraining defendants from enforcing regulations which prohibit residents of the village of Tyonek from subsistence fishing for king salmon in the vicinity of ~~Cook Inlet~~ Tyonek between May 23, and June 15, 1980, and requiring defendants to adopt emergency order regulations to authorize the residents of the village of Tyonek to harvest king salmon ~~in the upper Cook Inlet~~ in the vicinity of Tyonek for subsistence uses between May 23, 1980 and June 15, 1980, with a limit of 50 king salmon per household not to exceed a total of 3,000 king salmon

and regulated to minimize the impact on any one stream.

WHEREAS, the parties in order to avoid the uncertainty of further litigation, wish to resolve this matter by means of settlement;

NOW, THEREFORE, the parties, through their attorneys and subject to the approval and order of this Court, hereby agree as follows:

STATEMENT OF FACTS

1. Plaintiff NATIVE VILLAGE OF TYONEK is a nonprofit corporation organized under the Indian Reorganization Act of 1934, 25 U.S.C. 461 et seq., to provide for the general health, safety, and well-being of the Athabascan Indian residents of the village of Tyonek, a substantial number of whom customarily and traditionally harvested king salmon in the vicinity of Tyonek during May and June for subsistence uses prior to the closure of the Tyonek king salmon subsistence fishery by Alaska Board of Fish and Game in 1964, and would harvest king salmon in the vicinity of Tyonek for subsistence uses in 1980 but for the fact that defendant ALASKA BOARD OF FISHERIES did not adopt proposed regulations for subsistence king salmon fishing in the vicinity of Tyonek by residents of the village of Tyonek between May 15 and June 15.

2. Plaintiffs NELLIE CHICKALUSION, FEDORA CONSTANTINE, PETER CONSTANTINE, and SAVA STEPHAN are Athabascan Indian residents of the village of Tyonek who customarily and traditionally fished at Tyonek for king salmon for subsistence uses in May and June prior to the closure of the Tyonek king salmon subsistence fishery by the Alaska Board of Fish and Game in 1964, and who (with the exception of plaintiff PETER CONSTANTINE) would harvest king salmon in the vicinity of Tyonek in May and June for

subsistence uses in 1980 if defendant ALASKA BOARD OF FISHERIES had adopted proposed regulations for subsistence king salmon fishing in the vicinity of Tyonek by residents of the village of Tyonek. Health problems would prevent plaintiff PETER CONSTANTINE from harvesting king salmon in the vicinity of Tyonek for subsistence uses in 1980, but residents of the village of Tyonek would share their king salmon subsistence harvest with plaintiff PETER CONSTANTINE as is the customary and traditional practice of the residents of the village of Tyonek with respect to the distribution of subsistence resources to the elders of the village.

3. Defendant ALASKA BOARD OF FISHERIES is established by A.S. 16.05.221 for the purposes of the conservation and development of the fishery resources of the state. The board is required by A.S. 16.05.251(b) to adopt regulations permitting the taking of king salmon in the vicinity of Tyonek for subsistence uses.

4. Defendant RONALD O. SKOOG is the Commissioner of the Alaska Department of Fish and Game and is required by A.S. 16.05 .020 to manage the fish resources of the state in the interest of the economy and general well-being of the state. These fish resources include king salmon in the vicinity of Tyonek. Defendant RONALD O. SKOOG is the ex officio secretary of defendant ALASKA BOARD OF FISHERIES and has authority pursuant to A.S. 16.05 .060 to open and close seasons and periods on fish.

5. Defendant WILLIAM R. NIX is the Commissioner and principal executive officer of the Alaska Department of Public Safety. Pursuant to A.S. 44.41.020 the Alaska Department of Public Safety is charged with responsibility for the administrative functions relative to the protection of life and property including enforcement of fishing regulations adopted by defendant ALASKA BOARD OF FISHERIES.

6. Tyonek, a community on the west side of Cook Inlet, is an Athabascan Indian village of approximately 350 people, over 95% of whom are Athabascan Indians. Tyonek has been inhabited for generations by the Tanaina group of Athabascans who succeeded the Eskimo population which originally settled the area in prehistoric times. The present residents of the village are the descendants of the Tanaina group. Today, the village still retains its ethnic Athabascan identity, is a rural Alaska Native village and has not abandoned its customary and traditional use of king salmon.

7. For the purposes of this Agreement of Settlement, "fish" means the Susitna River king salmon which enter Cook Inlet waters the beginning of May and begin to pass by the village of Tyonek in mid-May and spawn primarily in streams located in the Susitna River drainage.

8. Susitna River king salmon peak at the village at the end of May or in early June and are usually completely past the village by the end of June.

9. The mid-May to mid-June king salmon fishery is a customary and traditional subsistence use by residents domiciled in the village of Tyonek of the Susitna River king salmon in that this fishery has been in existence for generations, that the harvest of the king salmon at this time is a customary and traditional component of the cultural life of the village, that the art of cutting large king salmon has been handed down through generations, that the early king salmon are the first significant subsistence fresh salmon of the spring, that Susitna River king salmon are oilier than other species of salmon found in Cook Inlet in the vicinity of Tyonek and therefore better suited for drying and preserving for winter use and less susceptible to damage while

drying from insects and seabirds, and that drying takes approximately three weeks and is usually completed by the end of June.

10. The residents of the village of Tyonek harvest king salmon with set nets from the beach in front of their fish camps immediately south of the village.

11. Since 1964, the residents of the village of Tyonek have been prevented from participating in their customary and traditional mid-May to mid-June king salmon subsistence fishery by regulations adopted by defendants and their predecessors. These regulations were initially adopted due to poor escapement of the Susitna River king salmon.

12. Prior to the December 1979 and March 1980 meetings of defendant ALASKA BOARD OF FISHERIES, said defendant, on request of plaintiff NATIVE VILLAGE OF TYONEK, published summaries of regulations proposed by said plaintiffs pursuant to the Administrative Procedure Act to open a subsistence king salmon fishery for the residents of the village of Tyonek, between May 15 and June 15.

13. On March 26, 1980, defendant ALASKA BOARD OF FISHERIES held a public hearing and received testimony on the proposed regulations from the Alaska Department of Fish and Game, residents of the village of Tyonek and other members of the public. Public testimony was also received at the December 19, 1979 meeting of defendant ALASKA BOARD OF FISHERIES.

14. Testimony presented at the public hearings indicated that the residents of the village of Tyonek customarily and traditionally harvested king salmon for subsistence uses between May 15 and June 15 prior to the closure in 1964.

15. Though evidence was presented to defendant ALASKA BOARD OF FISHERIES that restrictions on taking by all user groups of Susitna River king salmon in Cook Inlet were necessary, no

evidence was presented stating that adoption of the proposed subsistence regulations would jeopardize or interfere with the maintenance of Susitna River king salmon on a sustained-yield basis and the defendant ALASKA BOARD OF FISHERIES made no finding at the March meeting to that effect.

16. The defendant ALASKA BOARD OF FISHERIES rejected the plaintiffs' proposals for subsistence fishing in Cook Inlet but adopted proposals which resulted in authorizing the sport harvest of up to 13,100 Susitna River king salmon pursuant to 5 AAC 60 .030(a).

17. A failure of the defendant ALASKA BOARD OF FISHERIES to adopt regulations opening a king salmon season for the residents of the village of Tyonek, between May 15 and June 15 of each year, threaten plaintiffs with irreparable harm in that plaintiffs' customary and traditional use of Susitna River king salmon from May 15 to June 15 will be unnecessarily denied to them. Access to a significant customary and traditional subsistence resource in accordance with A.S. 16.05.251(b) will be lost and the customary and traditional cultural life of the village will be disrupted.

18. No other species of salmon available to the residents of the village of Tyonek can fully replace Susitna River king salmon harvested between May 15 and June 15 as a subsistence resource or substitute for the role of Susitna River king salmon in the customary and traditional cultural life of the village.

CONSENT DECREE

1. Under A.S. 16.05.940(6) and (26), subsistence uses of fish are the customary and traditional uses in Alaska of such fish for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of non-edible by-products of such fish

evidence was presented stating that adoption of the proposed subsistence regulations would jeopardize or interfere with the maintenance of Susitna River king salmon on a sustained-yield basis and the defendant ALASKA BOARD OF FISHERIES made no finding at the March meeting to that effect.

16. The defendant ALASKA BOARD OF FISHERIES rejected the plaintiffs' proposals for subsistence fishing in Cook Inlet but adopted proposals which resulted in authorizing the sport harvest of up to 13,100 Susitna River king salmon pursuant to 5 AAC 60 .030(a).

17. A failure of the defendant ALASKA BOARD OF FISHERIES to adopt regulations opening a king salmon season for the residents of the village of Tyonek, between May 15 and June 15 of each year, threaten plaintiffs with irreparable harm in that plaintiffs' customary and traditional use of Susitna River king salmon from May 15 to June 15 will be unnecessarily denied to them. Access to a significant customary and traditional subsistence resource in accordance with A.S. 16.05.251(b) will be lost and the customary and traditional cultural life of the village will be disrupted.

18. No other species of salmon available to the residents of the village of Tyonek can fully replace Susitna River king salmon harvested between May 15 and June 15 as a subsistence resource or substitute for the role of Susitna River king salmon in the customary and traditional cultural life of the village.

CONSENT DECREE

1. Under A.S. 16.05.940(3) and (27), subsistence uses of fish are the customary and traditional uses by Alaska residents of such fish for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of non-edible by-products of such fish

taken for personal or family consumption, and for the customary trade, barter or sharing for personal or family consumption.

2. The residents of the village of Tyonek have a customary and traditional subsistence use of Susitna River king salmon between May 15 and June 15 for all of the reasons set forth in paragraph 9 of the Statement of Agreed Facts. The role of the harvest of Susitna River king salmon in the cultural life of Tyonek and the handing down of information about the harvest, preparation, and use of such fish from generation to generation are significant factors in determining whether use of such fish for personal or family consumption is a "customary and traditional" subsistence use of such fish.

3. Defendant ALASKA BOARD OF FISHERIES is required to adopt regulations which authorize the subsistence fishing of Susitna River king salmon by residents of the village of Tyonek in the upper Cook Inlet in the vicinity of the village of Tyonek between May 15 and June 15 each year, unless such defendant determines, in accordance with the Administrative Procedure Act, that any subsistence fishing for Susitna River king salmon by the residents of the village of Tyonek will jeopardize or interfere with the maintenance of such fish on a sustained-yield basis.

4. The parties agree and the Court approves, for the purposes of achieving an agreement to this litigation, that whenever defendant ALASKA BOARD OF FISHERIES makes a finding that any subsistence fishing for Susitna River king salmon by residents of the village of Tyonek will jeopardize or interfere with the maintenance of such fish on a sustained-yield basis, such finding shall be made on the record and shall detail the biological information which forms the basis of such finding. The finding (including the biological information) shall be reduced to writing.

5. Regulations setting bag limits, gear types, and open

fishing periods for the subsistence fishing of Susitna River king salmon by residents of the village of Tyonek shall cause the least adverse impact upon such residents, and shall be consistent, insofar as practicable, with sound fishery conservation practices, such as minimizing the impact on the return of such fish to any one stream.

6. Whenever it is necessary to restrict the taking of Susitna River king salmon to assure the maintenance of such fish on a sustained-yield basis, or to assure the continuation of subsistence uses of such fish, customary and traditional subsistence use by the residents of the village of Tyonek shall be the priority use under A.S. 16.05.251(b). The defendant ALASKA BOARD OF FISHERIES shall not adopt regulations which allow for the commercial (between May 15 and June 15) and sport fishing of Susitna River king salmon, without first adopting regulations which provide for this subsistence priority over such commercial and sport use unless the Board has made a finding, as required by A.S. 16.05.251(b), that any subsistence fishing for Susitna River king salmon by the residents of the village of Tyonek will jeopardize or interfere with the maintenance of such fish on a sustained-yield basis.

7. Defendants ALASKA BOARD OF FISHERIES, RONALD O. SKOOG, and WILLIAM R. NIX and their successors in office are hereby permanently restrained from enforcing regulations which prohibit residents of the village of Tyonek from subsistence fishing for Susitna River king salmon in the upper Cook Inlet in the vicinity of the village of Tyonek between May 15 and June 15 of each year without defendant ALASKA BOARD OF FISHERIES first finding, in accordance with the Administrative Procedure Act, that such subsistence fishing will jeopardize or interfere with the maintenance of such fish on a sustained-yield basis.

8. Counts I, II and IV of plaintiffs' complaint are dismissed with prejudice.

9. This Court shall retain jurisdiction over this civil action until July 1, 1981.

DATED: _____

_____
Larri Spengler

DATED: _____

_____
Norman A. Cohen

DATED: _____

_____
John Gissberg
Attorneys for Defendants

DATED: _____

_____
Donald C. Mitchell
Attorneys for Plaintiffs

ORDER

The above Agreement of Settlement and Consent Decree are approved.

DATED: _____

_____
Victor Carlson
Superior Court Judge

MEMORANDUM

State of Alaska

TO: Ron Jolin, Chairman
Joint Boards of Fish and Game

DATE: March 15, 1985

FILE NO:

TELEPHONE NO: 465-4100

FROM: Don W. Collinsworth
Commissioner
Department of Fish and Game

SUBJECT: Management Issues Arising From the Madison Decision

Under Madison, the Fisheries Board may have difficulty in predicting harvest levels for the Copper River fishwheel and dip net fishery, due to uncertainty about how many people will participate and how many fish they will take. Additional management problems are posed by the timing of the sockeye run and the heavy dip net harvest, which occurs on the early part of the run. These considerations seem to require more conservative management of the Prince William Sound commercial fishery.

In summary, we see a number of complex management issues arising from the Madison decision. Regulation specialists for Commercial Fisheries and Game Divisions are presently identifying the specific regulatory options which the Boards could address for the upcoming season.

Attachment #6

MEMORANDUM State of Alaska

TO: Ron Jolin, Chairman
Joint Boards of Fish and Game

DATE: March 15, 1985

FILE NO:

TELEPHONE NO: 465-4100

FROM: Don W. Collinsworth
Commissioner
Department of Fish and Game

SUBJECT: Management Issues Arising From the Madison Decision

INITIAL ASSESSMENT

As you requested, my staff has completed an initial assessment of the Madison decision's implications for fish and wildlife management. This memorandum uses the Cook Inlet, Naknek River, and Copper River fisheries as examples, but Madison also affects existing Board of Fisheries regulations for Angoon and Lake Iliamna-Lake Clark and existing Game Board regulations for permit hunts.

Although the Game Board has not applied the eight criteria in the same way the Board of Fisheries has, Department of Law has said that the Game Board may be unable to continue providing permit hunts restricted to particular communities unless guided hunting and hunting by non-residents have already been eliminated. Further the legal analysis concludes that Madison may require the Game Board to discontinue non-state-resident and guided hunting for all permit hunts.

Department of Law and the management divisions are continuing to analyze Madison impacts and more information will be developed. However, this memorandum is intended to alert you to some of the anticipated area impacts.

COOK INLET/KENAI RIVER/SUSITNA RIVER SALMON

Testimony and data presented to the Board of Fisheries indicate that within the last 20-30 years, almost every part of Cook Inlet, including Knik Arm and Turnagain Arm, has been open to subsistence set-net fishing for salmon (Braund, 1980). The open season for fishing varied from location to location, as well as through time, but included the period May through September. Until 1978, 50 fathoms of net could be used in many areas. Species harvested in these set-net fisheries included primarily kings, sockeye, and coho.

As Anchorage and the Kenai Peninsula grew, subsistence salmon seasons were gradually restricted until only small areas remained open for very short periods with limited gear. Since 1980, subsistence fisheries have been authorized in very limited areas for residents of Tyonek, English Bay, and Port Graham only.

The impacts of the Madison decision on existing Cook Inlet fisheries depend on how many people decide to participate, and where and when they

Attachment #7

fish, which makes it difficult for us to precisely assess immediate or long term effects. At a minimum, however, we would expect to see an increase in the gill net harvest of west side and Susitna River king salmon, since any Alaskan will be able to participate in the Tyonek district subsistence king fishery. This fishery begins in May, and has limits of 70 kings per household. Presently, this fishery is restricted to persons domiciled in Tyonek, and on average, 2,000 kings have been harvested annually.

It is impossible to predict how much new effort would occur, but any significant increase in this fishery will require compensating reductions in the expanding sport fishery of the Susitna drainage. This, of course, would mean reductions in seasons, bag limits, or even closures of certain areas to fishing if the subsistence harvest grows substantially.

In addition, the Kenai Peninsula subsistence net fisheries which existed in the late 1970s, and which have been closed since 1980, may have to be reopened to all Alaskans. This would include set net fisheries on king, sockeye, and coho stocks which enter all of the Kenai Peninsula drainages. King and coho stocks, which are already the focus of major allocation conflicts between sport and commercial users, will now have to be shared with another user group, which will have a priority. Additional harvest restrictions on sport and commercial fisheries in Cook Inlet may have to be imposed either before the fishing season or in-season as we determine whether escapements are being achieved.

Because of recent regulatory constraints, past harvests are a poor indicator of the potential demand for subsistence fishing in Cook Inlet. Further, recorded harvests probably underestimate the actual historical subsistence harvest due to inadequate catch reporting systems. If accessible beach areas are opened to net fishing, we would expect a substantial interest, similar to that in the Copper River dip net fishery. One indicator of this demand is the fact that participation in the Cook Inlet subsistence fishery increased from less than 100 people to more than 1,300 between 1977 and 1980, before the Board adopted the regulations restricting subsistence use. An additional indicator of demand are the requests the Fisheries Board has received from people wanting to fish with nets in Knik Arm and other parts of Cook Inlet.

In an extreme scenario, the Board could be required by a court to authorize subsistence fishing wherever it has occurred in Cook Inlet, Turnagain Arm, and Knik Arm, throughout the summer, by any Alaskan. The Madison decision clearly states that sport and commercial uses must be eliminated before subsistence uses can be restricted. Therefore, it seems unlikely that the Board or department could impose subsistence harvest limits or quotas to ensure that commercial and sport uses could continue.

In summary, we see major demands being imposed upon the department for in-season monitoring and management of all harvests to ensure adequate escapements in Cook Inlet. We also see the potential for confusion and controversy over Cook Inlet salmon management escalating and making it more complex.

NAKNEK RIVER SALMON

The Naknek River is currently open to subsistence fishing only by residents of the Naknek and Kvichak river drainages. This regulation was adopted in 1981 because of concern about growth in the Naknek subsistence salmon fishery by other Alaskans. From 1976 to 1980, participation and king harvests in the Naknek subsistence fishery doubled as more people learned about the fishery and came to the Naknek-King Salmon area to take part in it.

The Board, local residents, and sport fishermen all became concerned that this growing harvest was beginning to affect the allocation of the Naknek River's limited king salmon stocks. By restricting the fishery to local residents, the Board of Fisheries was able to allow continued development of the Naknek sport fishery on kings, which has become increasingly significant to guides and transportation services. By creating a personal use sockeye fishery on the Naknek, the Board was able to accommodate non-local fishing demand and shift it to more abundant species.

The Madison decision appears to open the Naknek net subsistence fishery again to all residents of the state. If significant effort occurs, it seems quite likely that restrictions will have to be imposed on the sport fishery in order to ensure king salmon escapement.

COPPER RIVER/PRINCE WILLIAM SOUND SALMON

Historically, Copper River sockeye have been harvested by commercial fishermen in Prince William Sound, residents of the Copper Basin and other interior communities, as well as Fairbanks and Anchorage residents. With population growth and increased publicity, the Chitina dip net fishery grew dramatically; harvests more than tripled from 1980 to 1983. Additionally, many urban dip net fishermen preferred to fish the early portion of the Copper River run, which posed potentially severe management problems for early run sockeye. About 50 percent of the Copper River run passes through the commercial fishery district in the first two to three weeks of the season, which means any management decisions to restrict the fishery must be made on very short notice.

As subsistence harvests increased in the 1970s, the board began restricting fishwheel and dip net harvests in the Copper River. In 1984, the board examined subsistence dip net and fishwheel fisheries in the Copper River. It authorized subsistence fishing for Copper Basin residents. Harvest by the subsistence fishery was predicted to be approximately 20,000 salmon and individual bag limits could go as high as 500. The board then established a personal use fishery for people who did not reside in the communities identified as having subsistence uses. The personal use fishery had bag limits of 15 salmon for individuals and 30 for households. The total catch was limited to 60,000 sockeye plus twenty-five percent of any excess escapement. The in-river sport fishery was predicted to harvest approximately 5,000 sockeye and the Prince William Sound commercial drift gill net fishery was managed to provide for these known harvest and escapement levels.

Under Madison, the Fisheries Board may have difficulty in predicting harvest levels for the Copper River fishwheel and dip net fishery, due to uncertainty about how many people will participate and how many fish they will take. Additional management problems are posed by the timing of the sockeye run and the heavy dip net harvest, which occurs on the early part of the run. These considerations seem to require more conservative management of the Prince William Sound commercial fishery.

In summary, we see a number of complex management issues arising from the Madison decision. Regulation specialists for Commercial Fisheries and Game Divisions are presently identifying the specific regulatory options which the Boards could address for the upcoming season.

Don W. Collinsworth, Commissioner

Public Communications
Box 3 - 2000
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Alaska Department of Fish & Game NEWS

FOR IMMEDIATE RELEASE MARCH 21, 1985

Boards of Fisheries and Game to Discuss Madison

JUNEAU--The Board of Fisheries will take public testimony on March 25, 1985 during its spring meeting in Anchorage regarding impacts of the recent Madison decision. On February 22 the Alaska Supreme Court handed down its decision on Madison vs. ADF&G, reversing lower court decisions on the board's interpretation and application of Alaska's 1978 subsistence law. Although the court case was brought by Cook Inlet fishermen, the decision affects the Board of Fisheries and Board of Games interpretation of the 1978 subsistence law in all of the state's subsistence regulations.

The boards had interpreted the 1978 law as a mandate to protect customary and traditional uses of fish by rural Alaskans. This interpretation was consistent with the standards set out in Alaska National Interest Lands Conservation Act.

-MORE-

RECEIVED
MAR 25 1985

Attachment #8

The Alaska Supreme Court held that the board's interpretation was incorrect, and said that under the current statute the board must allow all Alaskans to participate in subsistence fisheries, unless fish stocks have declined to the point that commercial and sport fisheries have been eliminated. Unless the statute is amended many of the board's regulations will need revision.

At a minimum, the court's ruling apparently means that the board must recommend a regulatory plan for the 1985 fishing season. It is unclear whether the board will be asked to reauthorize every subsistence net fishery which existed, but board records indicate that this could include set net fisheries on king, sockeye and coho on the the east and west sides of Cook Inlet. The board may also have to examine subsistence salmon fishing regulations for the Copper River, Naknek--Kvichak, Lake Iliamna--Lake Clark, Angoon, and other areas.

Department of Law reviewed the Madison decision for the Board of Fisheries and the Board of Game during their joint meeting March 18, 1985, at the Captain Cook Hotel in Anchorage. This gave the boards an opportunity to discuss the regulatory impacts of the Madison decision. After

public testimony on March 25, 1985 at the Captain Cook Hotel, the Board of Fisheries will discuss plans for this summer's fisheries. The Board of Game may hold similar discussions on April 2, 1985 (also at the Captain Cook Hotel in Anchorage).

######

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
PUBLIC COMMUNICATIONS SECTION
P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000

Alaska Sportfishing Association

3605 Arctic Blvd., Suite 800 • Anchorage, Alaska 99503

April 10, 1985

RECEIVED
APR 12 1985

231

Senator Mitch Abood
Pouch V
Juneau, Ak 99811

Dear Mitch,

The Alaska Sportfishing Association wishes to identify our priorities for this legislative session and comment on the apparent current action that is taking place.

1. HB 288 (SB231) Subsistence. The Administration proposed these bills and we have submitted a substitute bill with a "sunset clause". It is there for your consideration since we do not feel that, even though valiant attempts have been made by the House Resources Committee to gain public input, a fully informed public can be achieved in the limited time remaining for this session. It is probably the most important and complex issue of this decade. There still remain in Alaska cases where dependency on subsistence is crucial to life. There are thousands that would love to have the priority offered by subsistence, thousands more jealous of those with that priority, and thousands that don't have the foggiest idea of what is going on. We feel that a joint committee from the House and Senate of legislators honestly and sincerely interested in arriving at a fair, legal, and just solution to the subsistence issue needs to be formed and start getting public input as soon as possible.

2. HB 93. Establishing a system of recreational rivers. This bill has now been diluted so badly that it represents a mockery of the original bill. The purpose was to protect the environment around several excellent rivers in the Mat-Su area. It is now call "a system of special use rivers" wherein we would designate those rivers that we will allow placer mining to destroy. Will we do the same for a cyanide manufacturer if they wish to establish a plant in Alaska? The result is the same...no fish. Clear creek (Chunilna) has been deleted from the list, Chelatna Lake has been deleted at the head waters of Lake Creek (a stream we are trying to save from an abandoned mine that has started pouring muddy run-off into the head waters of a famous fishing stream and a spawning ground for thousands of salmon. Sedimentation into the stream bed of any river eventually cakes the bed and salmon and native trout can no longer spawn there. Multiple uses have been added to these areas that do not protect the habitat. Allowing gravel extraction for public use will still accelerate muddy run-off that clogs up stream beds. Salmon don't differentiate between public use run-off and private use run-off. Lumbering too close to the streams has destroyed hundreds of rivers in the lower 48 and will here if allowed to occur. Grazing of cattle in close proximity to streams also increases errosion and run-off. Protection is what we are asking for and that no longer exists in the bill.

Attachment #9

3. HB's 29,36,& 43. Access to Susitna drainage streams. Little if any action to date. Money is the problem we are told. There is $1.969 million available to the State in D-J funds that are from federal exise taxes on the sale of sportfishing equipment. That money is <u>not</u> to be used to replace State money in already existing programs for fisheries but is to go to new uses for improvement of recreational fisheries. Currently $760,000 is being diverted illegally from this fund to replace FRED division funds that were formerly funded by the State. Though cleverly designed, this use will not stand federal scrutiny and will result in the loss of the funds. Rather than face that scene wouldn't it be far more beneficial to the State to use those funds for their intended purpose and when the bill comes up in Congress in 1988 for renewal we can say they are going for a good cause and demonstrate to them by enumerating projects such as the above three bills. FRED division enhancement projects are extremely expensive to keep up year after year, but year after year they keep coming in for more money. Some programs on barren streams appear well thought out but others only justify the job position and salary. Why not put the money for that salary into the deleted fishery biologist position in Homer? Of all places on the peninsula it would seem that that fishery warrants close observation and study.

A quick look at the last two points and it is obvious that we are supporting long term preservation of a very important renewable resource for the people of Alaska, the sportfishing and tourist industry, and the commercial fishing industry. It is very difficult to sit on the sidelines and watch such crucial bills be used as trade-offs for some other piece of legislation. We intend to take it to the public and the courts if necessary to assure that future generations do not have to put up with the blunders that have been made already in the lower 48. The learning curve is already there.

Please assist in anyway you can to get these bills on track.

Sincerely,

Bob Hunter

Robert L. Hunter
Chairman, Legislative Committee

Would appreciate any help you can give us on straightening out the HB's and getting them moving.

SB 231

PRINCE WILLIAM SOUND
AQUACULTURE CORPORATION

A regional non-profit organization for the enhancement of fisheries.

P.O. Box 1110
Cordova, Alaska 99574
(907) 424-7511

March 25, 1985

Senator Mitch Abood, Chairman
State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Dear Senator Abood:

The fishermen in Area E (Prince William Sound, Copper amd Bering Rivers) have, since 1974, contributed $2.5 million and their own voluntary time to the development of Prince William Sound Aquaculture Corporation (PWSAC) and the implementation of salmon enhancement programs by this Regional Aquaculture Association.

This form of "self help" resource development by the harvesting fishermen, which was created by the Alaska State Legislature in 1975 has set a responsible standard for enhancement that is without parallel in the rest of the United States. We project that our total enhancement program will generate annual revenues to the commercial fishery alone of $20 million within ten years. Moreover, the Esther Hatchery will produce coho and chinook salmon fry to be stocked in nearby lakes, which we project will return 7500 coho and 6000 chinook salmon adults to the developing sport fishery near Whittier. Salmon from this hatchery will also be available to a future subsistence fishery.

PWSAC has actively supported the enhancement of sockeye and chinook salmon on the Copper River in cooperative research programs with the Alaska Department of Fish & Game since 1981. Funds expended to date represent $1.6 million. These research studies have focused upon the development of an expanded hatchery program in the Upper Copper River in fiscal year 1987. We, along with other groups, feel that more fish production will increase the share of fish for all users of the resource, commercial, sport and subistence included.

The recent Alaska Supreme Court ruling on the subsistence issue, the Madison decision, has the potential to undercut the established gillnet fishery before we have an opportunity to implement our Regional Comprehensive Enhancement Plan. Our fishermen, processors, Cordova businesses and community in general could suffer a devastating economic loss in the near and long term if this decision stands.

RECEIVED
MAR 27 1985

Attachment #10

While the 1978 subsistence law provides for an appropriate priority use of resources by residents of Alaska who have traditionally relied on fish and game, it does not give the boards enough guidance to protect other traditional users, that is sports and commercial fishermen.

We urgently need your help and support in order to see that Senate Bill #231 is enacted in this legislative session.

Thank you for your support.

Sincerely,

Brian J. Allee, Ph.D.
President

BJA/mbl

Mr. & Mrs. Max Wiese
Box 47
Cordova, Alaska 99574
424-3667

26 March 1985

Senator Abood, Chairman
Senate State Affairs Committee
Juneau, Ak. 99811

Dear Sir:

In regard to Senate Bill #231, I am concerned with the issue of who is to use and manage the fish and game resources, specifically, in my area of Cordova and the salmon of the Copper River fishery. I was born and raised on Cordova, have fished for 21 of my 33 years, and depend entirely on these resources for my livlihood. I would like to see the management of our resources handled, so that I, and the many other residents of Cordova who depend solely on the Copper River, will be ensured of my continued use of this resource.

Thank you for your time and consideration in this matter.

Sincerely,

Max Wiese

Max Wiese

RECEIVED
MAR 28 1985

Attachment #11

CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

(907) 424-3477

March 25, 1985

RECEIVED
MAR 28 1985

Senator Mitch Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Abood:

I am writing to urge you to schedule SB #231 for public hearing in the State Affairs committee. It is crucial to Cordova and its fishing fleet that we have a full gillnet season in the Copper River area in 1985. The town of Cordova and its fishermen will be in dire financial need without the income derived by this 1985 fishing season.

It is imperative that the Board of Fisheries and Fish and Game are able to manage the resources for the good of all user groups in the State of Alaska. In the case of the Copper River, 50% of the salmon are Copper River stocks and the rest are Delta stock. This creates a management problem causing possible over-escapement and confusion in controlling small salmon runs ie; in the Delta and Copper River.

Alaska Dept. of Fish and Game, PWSAC, and Regional Advisory Boards combined efforts to design and implement a management plan for the Copper River. This accomplishment was a result of tremendous research and allowed for a balance to provide access to the resource for all user groups. The Copper River Management Plan has successfully been implemented by experts in fishery management. It is critical to the resource that this legislation receives your endorsement and immediate action.

Attachment #12

Our livelihood needs to be protected this year to insure the survival of Cordova and the many people that depend on the commerical fishing industry as their only source of income.

I urge you again to push SB #231 through the Senate for the good of all Alaskans. Your cooperation on this important matter to Cordova and its fishing industry is greatly appreciated.

Sincerely,

Jerry McCune

Jerry McCune
Vice President
CDFU

JM/gf

Box 281
Cordova, Alaska
3/23/85

Senator Abood
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Abcod:

We are writing to urge you to support Senate bill #231 or similar legislation that would give the Alaska Board of Fish and Game back the power to regulate and manage our fish and game resources! If this isn't accomplished before the commercial fishing is due to open in May of this year the affect it will have on the residents and town of Cordova will be DISASTROUS! I have lived in Alaska for 38 years and my husband has been here 17 years. My father, two brothers, and my husband are commercial fishermen. Our whole livelihood depends on fishing! We have three boys all of whom fish with their Dad and hope to continue in the family tradition! We have two boat loans through the state which without a fishing season we will be unable to meet our payments! We feel that if management is not turned back to Fish & Game and our commercial Gillnet fishing is closed the town of Cordova will become a ghost town and people will no longer be able to live here. Please we urge you to support this bill and push for quick passage. Thank you.

Sincerely,

Charlotte J. Carver
Virgil L. Carroll

RECEIVED
MAR 27 1985

Attachment #13

Cordova Chamber of Commerce

P.O. Box 99
Cordova, Alaska 99574
(907) 424-7260

March 20, 1985

Senator Mitch Abood
Chairman State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Abood:

Enclosed is a resolution passed by the Cordova Chamber of Commerce in support of HB 288 and SB 231. Commerical fishing is truly the only source of revenue in Cordova.

We appreciate your consideration of SB 231.

Sincerely,

CORDOVA CHAMBER OF COMMERCE

Margy Johnson

Margy Johnson
President

RECEIVED
MAR 27 1985

Attachment #14

Cordova Chamber of Commerce

P.O. Box 99
Cordova, Alaska 99574
(907) 424-7260

March 19, 1985

R E S O L U T I O N

WHEREAS commerical fishing is the backbone of the economy of Cordova and other Prince William Sound Communities, and

WHEREAS the Madison Decision severely impairs the opportunity for commerical gillnetting on the Copper River Flats, and

WHEREAS a speedy resolution is necessary in order to allow the 1985 commercial gillnet fishing to start as scheduled, now therefore

BE IT RESOLVED that the Cordova Chamber of Commerce supports the passage of HB 288 and SB 231 and urges members of both the House and Senate to put their support behind these bills.

CORDOVA CHAMBER OF COMMERCE

Margy K. Johnson
President

Cordova Outboard, Inc.

211 Breakwater Avenue - P.O. Box 960
Cordova, Alaska 99574
(907) 424-3220 or (907) 424-7202

March 20, 1985

Senator Mitch Abood
Chairman State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Mitch Abood,

We are writing to you concerning Bill #231. In the interest of our local community, fishermen, and business PLEASE see that this bill gets to the public hearing right away. The gill net season for the Copper River opens May 15, 1985. We are, as you know are a fishing community and our business serves the fishing fleet both with mechanics and parts. The gill netters are our main income and if they do not fish it will cut off our business and many in Cordova! We employ between seven to nine people each season. These people too will be affected and probably laid off if we do not have a gill net season. Already with the lack of the crab fishery our community suffers during the winter. This winter has been long and hard financially.

Please--Please help us stay on the map by helping us with our gill net fishery. Move Bill #231.

Sincerely,

Carl T. Fisher

Carl T. Fisher, President

RECEIVED
MAR 22 1985

Attachment #15

Regional Specialties **Eyak** Select Provisions

Eyak Packing Company
Smoked & Fresh Alaska Salmon
of the Finest Quality

Box 1131
Cordova, Alaska 99574
(907) 424-5300

March 19, 1985

Senator Mitch Abood
Chairman State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Hello Senator Abood,

We know that you are very busy so we'll make this short. Please push for the scheduling of hearings on SB#231 through the Senate committees (Judiciary, Finance, State Affairs and Resources) and push for quick-fix legislation (SB#231) before this year's fishing season.

Here in Cordova all preparation for the Copper River salmon run is at a halt as we await the outcome of the subsistence argument.

Thank you for your help.

231

Sincerely,

Gerald Masolini
Diana Masolini

Gerald Masolini
Diana Masolini

RECEIVED
MAR 22 1985

Attachment #16

April 3, 1985

Honorable Bill Sheffield, Governor
Honorable Don Bennett, President of the Senate
Honorable Ben Grussendorf, Speaker of the House
Juneau, Alaska
99811

231

Gentlemen:

Our sportfishing groups are deeply concerned about the potential chaos, damage to the resource, public safety and user group impacts in the event there is no legislation passed for protecting the fisheries in 1985. The potential exists for a resource calamity.

The attached suggested "band-aid" bill as a substitute for Senate Bill #231 endeavors to accomplish three basic purposes:

1. Returns the authority to manage fish and game to the status quo that existed prior to the Madison decision of February 21, 1985.

2. Provides a "sunset" clause for this legislation of March 31, 1986. We feel that the legislative and the executive branch will not have the time to deal with this very complicated subject as there is less than 40 days remaining in this session. We hope and encourage the legislature to hold state wide hearings during the balance of this year and develop a permanent long term solution to this very sensitive issue. The section-by-section analysis attached, illustrates some of the questions that we feel will need to be answered in the long term legislation to be enacted next year.

3. Our bill refers to criteria that establish rural subsistence uses as has been done historically in the past by ADF&G regulations numbers 5 AAC 99.010, 5 AAC 01.597. These criteria are attached as an exhibit for your reference.

Section 3 is proposed to allow the Commissioner of Fish and Game to reinstate as an emerency provision the regulations that were allowed in 1984. We have suggested this section to assure that statutory time limitations do not preculde implementation of such a law. We are available for public dicussion. We respectfully request your consideration.

Very truly yours,

Bob Penney

Kenai River Sportfishing Association
Robert C. Penney, Chairman
2819 Dawson Street
Anchorage, Alaska 99503
(907)561-5221

Hunter Fisher

Alaska Sportfishing Association
Hunter Fisher, President
3605 Arctic Blvd, Suite 800
Anchorage, Alaska 99503
(907)562-4536

cc: Legislators

RECEIVED
APR 8 1985

Attachment #17

Draft Substitute for S.B. 231
Suggested by the Kenai River Sportfishing Association
and
The Alaska Sportfishing Association
April 3, 1986

IN THE SENATE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the taking of fish and game for subsistence; and providing for an effective date."

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

* Section 1. FINDINGS. The legislature finds that

(1) the continuation of the opportunity for non-wasteful subsistence uses by many rural Alaskans is important and in many cases essential to their physical, traditional, cultural, and social existence, and that in certain instances no practical alternative resources or means are available to replace food, supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

(2) in order to protect subsistence users most dependent on subsistence, and in order to protect sport and commercial uses of fish and wildlife, and in order to maintain healthy fish and wildlife populations available to subsistence, sport and

commercial users, it is necessary for the Board of Fisheries and the Board of Game to have authority, only for the 1985 fishing and hunting seasons and until March 31, 1986, to regulate subsistence fishing and hunting in the manner in which they were regulated in 1984.

(3) conservation of fish and wildlife during the 1985 season and thereafter will be furthered if the legislature is unhurried in its consideration of complicated social, political, and biological questions related to subsistence; by March 31, 1986 the legislature should be able to consider, after statewide hearings, more complicated subsistence issues that cannot be adequately considered in the remaining days of the first session of the fourteenth legislature.

* Sec. 2. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.258. SUBSISTENCE CRITERIA. Until March 31, 1986, and in accordance with the Administrative Procedure Act (A.S. 44.62), the Board of Fisheries and the Board of Game may adopt regulations in order to identify customary and traditional subsistence uses by rural Alaskans by using the criteria set forth in the regulations in effect in 1984 and found at 5 AAC 99.010 and 5 AAC 01.597, and those criteria are hereby established for the 1985 fishing and hunting seasons.

* Sec. 3. For the 1985 fishing and hunting seasons, the Commissioner of Fish and Game shall use his authority, in AS 16.05.060, to issue emergency regulations in order to provide

for subsistence as it occurred in 1984; provided however, that in this instance a biological emergency need not exist as is otherwise required by AS 16.05.060.

* Sec. 4. This Act shall take effect immediately in accordance AS 01.10.070(c).

Section by Section Analysis
of
Draft Substitute for S.B. 231
Proposed by Kenai River Sportfishing Association
and
the Alaska Sportfishing Association
April 3, 1985

INTRODUCTION

The recent decision of the Alaska Supreme Court, in Madison v. Alaska Board of Fisheries, has already resulted in opening several subsistence fisheries to all Alaskans, and there is a widespread opinion that subsistence everywhere in the state, for both fish and game, is now open to all Alaskans. Because of the Madison decision, the Board of Fisheries has opened to all Alaskans the subsistence fisheries on the Kenai Peninsula, in the Iliamna and Lake Clark areas, on the Naknek River, on the Copper River, and at Angoon. Those subsistence fisheries will be opened to all Alaskans unless the legislature acts quickly to maintain the status quo until there is a better opportunity for public input.

The impact of the Madison decision, and the need for legislative remedies probably cannot be adequately assessed in the remaining days of the current legislative session. Therefore, the substitute bill proposed by the Kenai River Sportfishing Association and the Alaska Sportfishing Association is designed as a temporary "band-aid", in order to maintain subsistence, sport and commercial uses generally as they occurred in 1984. This "band-aid" approach will protect the resources and protect subsistence users most dependent on those resources, until the legislature and the public have had an opportunity to consider more long-term solutions necessary to protect subsistence and yet provide for sport and commercial uses. The substitute allows a year for the legislature to hold statewide hearings and to act.

SECTION BY SECTION ANALYSIS

Section 1 --

Section 1 of the draft substitute contains the following findings which justify this temporary solution of maintianing the status quo for one year:

(1) that rural subsistence by those individuals who are dependent on the resources is important to protect;

(2) that in order to protect subsistence, sport and commercial uses, and in order to protect the health of the fish and wildlife resources that are so important to all Alaskans, it

is necessary to regulate those uses in generally the same manner as occurred in 1984.

(3) that the remaining days of this legislative session probably are insufficient to allow reasonable consideration of long-term solutions to subsistence issues. This last finding is particularly important because it recognizes that complicated issues related to subsistence deserve thorough, unhurried examination. Among those questions, which the legislature and the public may wish to consider, are:

(a) whether the subsistence priority should be defined in terms of being available to rural Alaskans only;

(b) whether the legislature should give guidance to the Board of Fisheries and the Board of Game in order to assist them in defining the use of the word "rural";

(c) whether better legislative language exists -- rather than the restriction of subsistence to an undefined rural population -- in order to more adequately protect subsistence users dependent on the resources, while thereby providing more oppportunity for sport and commercial users; such a solution will reduce conflict between sport, commercial and subsistence users;

(d) whether the legislature should give additional guidance to the Board of Fisheries and the Board of Game in order to assist them in defining "customary and traditional subsistence uses", as they are protected but not defined in state and federal statutes related to Alaska subsistence;

(e) whether in some circumstances it may be appropriate to prohibit subsistence use of certain fragile species or stocks of wildlife.

(f) whether the legislature should give guidance to the boards to establish criteria for focusing subsistence on more abundant stocks of fish and wildlife.

These are the some of questions that need to be answered after thorough public and legislative consideration, which can only occur if more time is available. Sport, commercial, Native, rural and urban interests will all need to participate. We also urge the Department of Fish and Game to take an active role in suggesting long-term solutions to the state's subsistence issues.

Section 2 --

This section ratifies, for the 1985 fishing and hunting seasons and only until March 31, 1986, the previous criteria, in existing regulations at 5 AAC 99.010 and 5 AAC 01.597, that have been used by the boards until now and prior to the Madison

decision for determining customary and traditional subsistence use. This section takes the situation back to the status quo and will protect rural subsistence as it was managed in 1984.

Section 3 --

This section directs the Commissioner of Fish and Game to use his emergency regulatory authority to protect rural subsistence, and sport and commercial uses, as they were managed in 1984. This is temporary authority for the 1985 season only.

Section 4 --

This section provides that the legilation takes effect immediately.

SUBSISTENCE CRITERIA USED PRIOR TO THE RECENT SUPREME COURT DECISION

JOINT BOARD'S SUBSISTENCE POLICY

CHAPTER 99.
SUBSISTENCE USES.

5 AAC 99.010. JOINT BOARDS OF FISHERIES AND GAME SUBSISTENCE PROCEDURES. (a) In applying a subsistence priority, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to the following procedures:

(1) each board will assess the biological status of fish or game resources and determine whether a surplus may be harvested during a regulatory year consistent with the conservation and development of the resources on the sustained yield principal and compatible with the public interest;

(2) each board will identify subsistence uses of fish and game resources, recognizing that subsistence uses are customary and traditional uses by rural Alaska residents for food, shelter, fuel, clothing, tools, transportation, making of handicrafts, customary trade, barter and sharing.

(b) Customary and traditional subsistence uses by rural Alaska residents will be identified by use of the following criteria:

(1) a long-term, consistent pattern of use, excluding interruption by circumstances beyond the user's control such as regulatory prohibitions;

(2) a use pattern recurring in specific seasons of each year;

(3) a use pattern consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, and conditioned by local circumstances;

(4) the consistent harvest and use of fish or game which is near, or reasonably accessible from, the user's residence;

(5) the means of handling, preparing, preserving, and storing fish or game which has been traditionally used by past generations, but not excluding recent technological advances where appropriate;

(6) a use pattern which includes the handing down of knowledge of fishing or hunting skills, values and lore from generation to generation;

(7) a use pattern in which the hunting or fishing effort or the products of that effort are distributed or shared among others within a definable community of persons, including customary trade, barter, sharing and gift-giving; customary trade may include limited exchanges for cash, but does not include significant commercial enterprises; a community may include specific villages or towns, with a historical preponderance of subsistence users, and encompasses individuals, families, or groups who in fact meet the criteria described in this subsection; and

(8) a use pattern which includes reliance for subsistence purposes upon a wide diversity of the fish and game resources of an area, and in which that pattern of subsistence uses provides substantial economic, cultural, social, and nutritional elements of the subsistence user's life.

(c) After identifying subsistence uses based upon the criteria set out in (b) of this section, each board will determine the approximate amount of fish or game necessary to provide fully for reasonable opportunities to engage in these customary and traditional uses.

(d) Each board will adopt regulations that provide an opportunity for the subsistence taking of fish or game resources in amounts sufficient to provide for the customary and traditional uses identified in (b) of this section, and consistent with sound conservation and management practices. In no instance may the subsistence taking jeopardize or interfere with the maintenance of a specific fish stock or game population on a sustained yield basis.

(e) Each board will, in its discretion, adopt regulations that provide an opportunity for non-subsistence uses of the resource, to the extent that the non-subsistence uses do not jeopardize or interfere with the conservation and development of fish or game resources on a sustained yield basis, or with the opportunity for taking these resources for customary and traditional subsistence uses as provided in (d) of this section.

(f) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting non-subsistence harvest before subsistence uses are restricted. If all available restrictions for non-subsistence uses have been implemented and further restrictions are needed, each board will reduce the take for subsistence uses in a series of graduated steps, by giving maximum protection to subsistence users who

(1) live closest to the resource;

(2) have fewest available alternative resources; and

(3) have the greatest customary and direct dependence upon the resource.

(g) In no event, however, will a board allow uses which will jeopardize or interfere with the conservation and management of fish stocks on game populations on a sustained yield basis.

Authority: AS 16.05.251(b)
AS 16.05.255(b)

COOK INLET AREA

4,200 king salmon may be taken in the Tyonek subdistrict during the period May 15 through June 30..

(b) The daily bag and possession limit for halibut is two. No person may possess sport taken and subsistence taken halibut on the same day.

Authority: AS 16.05.060
AS 16.05.251(a) (3), (7), (10) and (b)

5 AAC 01.597. CHARACTERISTICS OF SUBSISTENCE FISHERIES. (a) The Board of Fisheries finds that certain customary and traditional practices and procedures associated with the utilization of fish in the Cook Inlet Area can be used to identify subsistence uses. Based on testimony to the board, the following characteristics are those that should be evaluated in the identification of subsistence fisheries:

(1) a long-term, stable, reliable pattern of use and dependency, excluding interruption generated by outside circumstances, e.g., regulatory action or fluctuations in resource abundance;

(2) a use pattern established by an identified community, subcommunity or group having preponderant concentrations of persons showing past use;

(3) a use pattern associated with specific stocks and seasons;

(4) a use based on the most efficient and productive gear and economical use of time, energy and money;

(5) a use pattern occurring in reasonable geographic proximity to the primary residence of the community, group or individual;

(6) a use pattern occurring in locations with easiest and most direct access to the resources;

(7) a use pattern which includes a history of traditional modes of handling, preparing and storing the product without precluding recent technological advances;

(8) a use pattern which includes the intergenerational transmission of activities and skills;

(9) a use pattern in which the effort and products are distributed on a community and family basis including trade, bartering, sharing and gift-giving; and

(10) a use pattern which includes reliance on subsistence taking of a range of wild resources in proximity to the community or primary residency.

(b) The board will identify established geographic communities which may be participating in a subsistence system. The board will then apply all of the characteristics in (a) of this section to the communities and subcommunities, groups and individuals within the communities to determine which uses are customary and traditional and therefore, which communities are eligible for the subsistence priority.

SB

252

COMMITTEE REPORT

SENATE

FURTHER:

3/22/85

Date 4/4/85

Mr. President

The Committee on STATE AFFAIRS considered SB 252

registration to vote and to applications for a ballot.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 252(SA)
[X] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Introduced: 3/22/85
Referred: State Affairs

Admin. to clerk for revision Absentee Application

IN THE SENATE BY RAY AND KELLY

SENATE BILL NO. 252

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to registration to vote and to applications for a ballot."

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

* Section 1. AS 15.07.070 is amended by adding a new subsection to read:

(g) In preparing forms necessary to achieve the purposes of this chapter, the director shall ensure that a form used for the registration of a voter also permits the person to request the ballots for each state election to be held that year and the director may accept a single application from a person that requests registration and absentee ballots for each state election to be held that year.

* Sec. 2. AS 15.20 is amended by adding a new section to read:

Sec. 15.20.082. ABSENTEE VOTING BY MAIL FROM OUTSIDE THE UNITED STATES. (a) The director shall prepare special absentee ballots under this section for use in a state primary, state general election, and state special election where the voter expects to be living, working, or traveling outside the United States at the time of the election and unable to return the ballot by air mail within the time required by this chapter.

-15 days-

(b) The director may not distribute an absentee ballot prepared under this section earlier than 60 days before the date of the election. The director shall identify on the ballot prepared under this section the candidates, offices, ballot issues, and ballot questions then expected by the director to be on the ballot. Except as provided

in AS 15.25.070, a voter may use the ballot to write in the name of an eligible candidate for each office and vote on the ballot issues and questions appearing on the ballot.

(c) Notwithstanding AS 15.20.081(b), an application for a ballot under this section may be postmarked more than six months before an election but the application shall be postmarked during the year in which the election will be held.

STATE OF ALASKA

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

COMMENTS ON SENATE BILL NO. 252

Prepared by
The Division of Elections
April 1, 1985

The Division of Elections is sensitive to the issues that have prompted the introduction of Senate Bill 252, "An Act relating to registration to vote and applications for a ballot". The following comments are offered to share with the sponsors and with the committee, the Division's thoughts regarding first, the degree to which the proposed provisions address the existing problems, and second, other positive and negative impacts on the election process, which could be anticipated upon passage of this bill.

Our discussion will be divided to address the two separate provisions suggested by this bill:

1. Absentee applications included on all registration forms, and

2. Preparation of a special ballot to be used by military and overseas voters.

Each discussion will include brief comments on the provisions themselves, and the specific problems they address, as well as alternative suggestions for the sponsors' and the committee's consideration.

ABSENTEE APPLICATIONS INCLUDED ON ALL REGISTRATIONS FORMS

Background:

It is our understanding that correspondence received by various members of the legislature from the the Federal Voting Assistance Program, Office of the Secretary of Defense, prompted the introduction of this bill. That correspondence, which has also been received by the Lt. Governor, and the division, expresses concern that restrictive mail turnaround time prevents overseas individuals from being able to apply for and cast ballots in time to be

counted for a specific election. They also expressed concern that Alaska's policies and statutes require 3 and 4 separate communiques before a military individual can be processed for receiving an absentee ballot. Their perception is that in Alaska a military person wanting to vote absentee by mail must write to request registration forms, await receipt of the form, complete it and submit it to the division, then send in a request for an absentee ballot, await the ballots, and finally mail the voted ballots in for counting. If these requirements were indeed the case, it is easy to see that many military voters would be disenfranchised merely by the lengthy and confusing process of getting their ballots. It should be pointed out that there is some misunderstanding by the Department of Defense as to the actual requirements mandated by Alaskan statutes.

Federal Post Card Application:

The Department of Defense has developed a Federal Post Card which is designed to serve as both a registration form and an absentee ballot request. For the most part the form is adequate, however, it has one deficiency which causes difficulty for the individual seeking to use the form for Alaskan registration. Alaska statutes require that for registration purposes and in applying for an absentee ballot, the individual must provide a physical Alaskan residence address. Post office boxes and star route numbers are not sufficient. This specific requirement is not expressed to individuals using the federal post card. Therefore many individuals applying on this card give their post office box or other insufficient address which requires us to ask for more complete information. It is this specific circumstance which accounts for almost all of the additional correspondence we have had to impose on absentee voters using the federal post card.

It is our impression that SB 252 attempts to deal with this problem.

Solution provided by SB 252:

(Lines 9 - 17, pg 1) The new subsection to AS 15.07.070 suggested in this bill under (g) suggests that all registration forms prepared and used by the state should include an application for an absentee ballot. This solution would thereby eliminate the necessity of so much back and forth correspondence between the voter who needs to vote absentee, and the division, and, therefore, simplify absentee processing.

The division is concerned that the benefits derived from this proposal are overshadowed by the potential problems which could result from its implementation.

Major Concerns:

1. The provision suggested in section (g) attempts to solve the problems of a specific target group by offering a global solution, potentially expanding the difficulties to the entire registered population. 88% of the state's registered voters will have no need for, nor any intent to vote absentee. Of the 12% who vote absentee, 6.3% vote absentee in person and need not apply by mail at all. Of the 5.7% of the voters that vote by mail, an even smaller percentage vote from overseas. That means that in order to accommodate this small percentage of voters who need to vote from overseas, we are providing an application on the voter registration form for approximately 97% of the voting population.

2. By allowing an individual to apply for an absentee ballot at the time an individual registers to vote, or updates his or her registration, as is provided for in this bill, we can anticipate a dramatic increase in the potential number of individuals who will be receiving absentee by mail ballots. Because the bill allows people to do this at any time during the calendar year, there could be many months between the time they apply, and the actual election. As we have come to realize through experience, many people's plans change in the ensuing months, and they frequently forget to contact the division to notify us of their changes. We could therefore anticipate that many ballots sent out to these people would be returned as undeliverable, as people have moved between the time they registered and applied for an absentee ballot and the time of the election.

3. It is also important to point out that the registration form is a permanent record, which for some individuals may need no updating, resubmission or revision for many years. Therefore it would be up to the division to cycle through every registration filed within a given year on which there was a request for an absentee ballot, to pull the absentee request from the person's permanent record for subsequent years.

4. The administrative burden on the division in monitoring the accuracy of the absentee by mail

voter list would be almost impossible to deal with. Unreported name changes during the extended timeframe would result in votes not being counted. It would be difficult to monitor the accuracy of permanent and temporary address changes as well. Finally, it would be impossible unless notified by the voter, to determine when the need for the absentee ballots requested at the time of registration, ceased to exist between one election and the next in the applicable year.

5. We could also find that because the option is presented at the time they register, many people who would normally vote at the polls, would apply for absentee by mail ballots even though they have no need for them. Aside from the increased fiscal impact on the state, we feel there could be an increased potential for voter fraud because people would receive a ballot by mail, yet still be in town to vote at the polls. These instances would be caught with the compilation of voter history, this function cannot be completed until after certification of election results, jeopardizing the integrity of election returns, if the instances of fraud became frequent. Prosecution of these cases would result in greater fiscal impact on the state.

Alternative solutions:

The division would like to offer a number of suggestions as alternatives to the provisions of section (g) which would address the specific problems of overseas voters without involving the voter population at large in a potentially disadvantageous procedure. The first options take advantage of the federal provisions which already exist, while the last one suggests an innovation to internal state application forms.

Federal Post Card:

1. First, the division has incorporated into its new direct on line data entry system which will be in effect for the next major election, the ability to accept the federal post card as a voter registration form as well as an application for an absentee ballot.

2. The division intends to provide detailed information to be published in the Voter Assistance Manual issued by the Department of

Defense and utilized worldwide, on the state requirements which must be included on the application form. This should greatly improve the frequency with which we are provided full physical addresses by military and overseas applicants.

State Forms:

1. The division recommends that the application for absentee ballot not be included in the registration form for the reasons stated earlier. Rather, we recommend that we target our revisions to the forms related to the specific group of voters who need to vote absentee by mail.

   Specifically, we recommend revising our application for an absentee by mail ballot to include enough required data to also serve as a document from which to register the individual. By doing so, if a voter applies for an absentee ballot for a specific election, and we determine that the applicant is not already registered, we can process the registration then and there, before sending his or her ballots. We have therefore accomplished both while avoiding the delay by having to send the applicant a separate registration form. We would then notify these voters that while we found them to be formerly unregistered, their names will appear on the state's registration rolls. The only thing that would them prevent their votes from being counted would be registration after the 30 day cut off before the election, or untimely receipt of their ballots.

SPECIALLY PREPARED BALLOTS FOR OVERSEAS VOTERS

The second part of the bill relates to the preparation of special ballots to be used specifically by voters voting from outside the united states. We assume that the intent of these provisions is to allow for earlier availability of ballots for voters who are overseas, by providing for a ballot which can be prepared prior to the finalization of the regular official ballot which may not be available until a later date.

Solutions provided in SB 252:

(Lines 25 - 29, pg 1, and Lines 1 - 3, pg 2) The provisions of this section, AS 15.20.082 (b), provide that the director shall prepare a special ballot based on his or her best educated guess as to the names and issues that will indeed be on the final ballot that will go before the voters on election day. It is further provided that ballots under this section may not be distributed earlier than 60 days before the date of the election.

Major Concerns:

1. It may be possible for the director to develop such a ballot for a primary election, based on actual candidacy filings and actual petitions that have been successfully certified in the course of the months prior to the election. Of major concern, however, is the preparation of such a ballot for the general election.

   Alaska's primary is just over 60 days from the general election. As a rule it takes nearly 5 weeks after election day to certify an election, with the first two weeks available to accept absentee by mail ballots, and three additional weeks to complete the process once these delayed ballots have been counted.

   We could anticipate that the increase in advance time for the availability of these ballots would be minimally improved, because our primary is so very tightly scheduled with the general.

2. With the very close races which occur with increasing frequency, the director's best educated guess could indeed be totally incorrect. This would mean that in come cases, a candidate defeated in the primary could end up on the ballot for overseas voters while the victorious candidate's name would not appear. The division expects that most candidates would agree that this would not be a satisfactory situation.

3. Another major concern, is that a judgement call of this nature on the part of the director, would jeopardize the division's totally impartial status as strictly an administering agency. Suddenly, the director would be called upon to make judgements affecting each candidate's access to the ballot. The division is opposed to this concept.

4. Because of the subjective and possibly inaccurate preparation of the special ballot called for by this statute, the division is also concerned about its vulnerability to litigation which could continually occur as candidates, parties and voters surmise that certain judgments exercised by the director in developing the special ballot, may have impacted the outcome of the election.

Sandra J. Stout

Sandra J. Stout
Director

SB 252

FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

March 11, 1985

Senator Mitchell E. Abood
Chairman
Senate State Affairs Committee
State Capitol
Juneau, Alaska 99811

RECEIVED
MAR 15 1985

Dear Mr. Chairman:

This office administers the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. The Acts concern the absentee voting rights of all military and merchant marine members and dependents and all U.S. citizens overseas.

Approximately 8,000 Alaskans serve in the Armed Forces. Another 6,000 dependents accompany these members, and another 5,700 citizens who are not affiliated with the federal government and work or live overseas are eligible to vote in Alaska.

These citizens encounter certain inherent difficulties in attempting to exercise their right to vote, difficulties which Congress and some state legislatures have sought to lessen by passing, respectively, the federal acts above and various complementary state statutes. Alaska law, for instance, allowing for ballots to be counted up to 15 days after election day is very helpful in preventing the disenfranchisement of military and overseas voters.

We write now to recommend a change to Alaska election law which would further facilitate absentee voting for this group of Alaska voters. The Federal Post Card Application (FPCA) was designed to be used as both a registration form and ballot request in each of the 50 states. The information elicited from the voter satisfies the various requirements in all states for both registration purposes and requesting of ballots. Consequently, most states accept the single FPCA as a substitute for the state registration form and simultaneously as a request for a ballot. Nine states accept the single FPCA as a request for both a state registration form and a ballot. Only two states, Alaska and West Virgina, require the voter to submit an FPCA for registration purposes, and then a second FPCA to request a ballot.

Thus, Alaskans serving in the military or residing overseas must make four mailings to exercise their right to vote, if unregistered: one to request registration forms, another to submit the forms, a third to request ballots, and a fourth to submit the ballot. This process is cumbersome for the remote voter, far away from his home, and results in the disenfranchisement of many of them. We request that Alaska law be amended to allow the FPCA to be used in place of the state registration form and also that it would be considered simultaneously as a request for ballots.

We also recommend Alaska provide for voting by military and other persons overseas who due to military contingencies or special circumstances, such as submariners, Peace Corps volunteers, or missionaries, will be out of communication for an extended period and cannot receive and return the normal absentee ballots within the regular mailing time. These voters could request a blank ballot 90 days in advance and write in the names of the candidates or party preferences. California, Connecticut, Georgia, Maine and Washington have adopted such a ballot. (Samples enclosed)

On behalf of military and overseas voters, we would appreciate your support for these initiatives. We will be sending a similar letter to all the other members of the House and Senate State Affairs Committees. John Metz of my staff (202) 694-4928 is available to discuss your comments/suggestions concerning these proposals.

Please let me know if I may be of further assistance.

Sincerely,

Henry Valentino

Henry Valentino
Director

Enclosure

SUBSTITUTE HOUSE BILL NO. 1547

State of Washington 48th Legislature . 1984 Regular Session

by Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Zellinsky, Schmidt and Wilson, by Secretary of State request)

Read first time February 1, 1984.

AN ACT Relating to special absentee ballots; and adding a new section to chapter 29.39 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 29.39 RCW a new section to read as follows:

(1) As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. A special absentee ballot shall only be provided to a voter who completes an application stating that:

(a) The voter believes that she or he will be residing or stationed or working outside the continental United States; and

(b) The voter believes that she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot may not be filed earlier than ninety days prior to the applicable state primary or general election. The special absentee ballot shall list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) With any special absentee ballot issued under this section, the county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special absentee ballots shall be counted in the same manner provided by law for the counting of other write-in

votes. The county auditor shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots under chapters 29.36, 29.39, and 29.62 RCW.

(4) A voter who requests a special absentee ballot under this section may also make application for an absentee ballot under RCW 29.36.010 or a service absentee ballot under RCW 29.39.100. If the regular absentee or service absentee ballot is properly voted and returned, the special absentee ballot shall be deemed void and the county auditor shall reject it in whole when special absentee ballots are canvassed.

P.O. Box 89036
Anchorage, Alaska 99508
March 7, 1985

Senator Mitch Abood,
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

RECEIVED
MAR 11 1985

Dear Mitch,

I submit the following comments to House Bill 252 concerning state retirement benefits.

Section 2. concerning credit for military service. I support this amendment and have done so since double benefits for military service were first permitted.

Section 6. concerning a retroactive increase in retirement benefits for current employees. (Amendments do not benefit retirees unless expressly stated in the amendment. AS 39.35.547)

I disagree with current employees receiving a retroactive increase in benefits for years of service that the retirees were also employees. The retirees have made the same retirement contributions for those past years as the current employees have. The cost of the increased benefits to current employees will come from either the existing PERS resources or from additional state funding. If the state has funds available for retoractive benefits, then those funds should be used to benefit both retirees and employees. In no case should the PERS reserves be used to fund retroactive benefits that are not granted equally to both retirees and employees.

Funding benefits for employees and not retirees impacts the state resources that are available to retirees, because the employee's benefits consume all of the available money leaving nothing to correct the retirees' problems that are caused by inflation and other factors. An example is the recent adjustment made by the Department of Administration whereby the medical benefits deductible was changed from $50 to $100. There are 3000 retirees, so the maximum savings to be made is approximately $150,000. Yet the state is willing to spend money to fund retroactive benefits for current employees.

Benefits for current employees are frequently the subject of APEA negotiations with the state and there may have been trade-offs for the medical deduction increase, but the retirees got no trade-off. The retirees got only the increased expense. The retirees have no representation nor are we in the position to negotiate. Our only representation at the "bargaining table" is by our elected legislators.

The fair solutions are either to grant the retroactive service credit to retirees or to eliminate the retroactive service credit for employees and, instead, apply the benefit formula only to service after the effective date of the Act. Either program should be easy to administer in this day of computers.

Section 10. concerning the post-retirement pension adjustment (PRPA). The present PRPA is a maximum of 4% when approved by the Department of Administration and when the financial condition of the retirement fund permits.

According to the Division of Retirement and Benefits, retirees would continue to benefit from any "ad hoc" PRPA's which might be granted under the old law if that were more to their advantage. However, the financial condition of the retirement fund could be impaired by retroactive benefits granted to current employees so that the PRPA cannot be granted to the current retirees.

The PRPA amendments proposed by HB 252 are skewed to future retirees who are already 65 or older when the consumer price index (CPI) increase is at least 5 1/3%. Those future retirees under 65 will be worse off unless the CPI increase is 8% or more and retirees between 55 and 60 will be worse off regardless of how high the CPI goes. The Division of Retirement and Benefits says that this is intended because the younger retirees have more options available with which to make up their losses to inflation. However, under the proposed law, if an employee retires at 55 and the annual CPI increase is 6%, that retiree will be 19% behind the cost of living at age 60; 30% behind at 65; and 40% behind at 75. During those 20 years, that retiree will have had to supplement his retirement benefits with an additional $1180 for each $100 of retirement benefits at age 55 in order to maintain the original standard of living.

Under the present PRPA, that same retiree will be 9% behind at 60; 17% behind at 65; and 32% behind at 75 and will have had to supplement the benefit with $799 during the 20 years. And, the present law does permit some catch-up for years when the CPI increase is less than 4%.

As admirable as the proposed PRPA for the older retirees might appear, the only way an employee can maintain a semblance of parity with the cost-of-living is to never retire! Current employees benefit from cost-of-living increases in their salaries which are then the basis for calculating their retirement benefits. But the minute the employee retires, he begins to fall behind the power curve of inflation. But if the present PRPA or the proposed PRPA are beneficial, then perhaps similar cost-of-living adjustments should be applied to current employees.

In any case, I believe that all retirees should receive the same PRPA. We all contributed to PERS with the expectation of receiving benefits based on the same formula.

No one anticipated the high rate of inflation that has occurred since 1968. Based on previous experience, the state established the 4% PRPA which was thought to be adequate to maintain parity for retirees. The state presently manages to keep up with the CPI in its employees' salaries, so it seems that it should be able to keep up with the CPI in its retirees' benefits and not expect the retirees to adjust to a 75%, 50% or 25% shortfall.

But, if the state can't afford to fund a PRPA that maintains parity with the CPI for retirees, or it can't afford to retroactively increase benefits to retirees, or it can't afford a $50 deductible health insurance for retirees, then it can't afford to retroactively increase the retirement benefits of employees.

Sincerely,

Tom

Tom E. Main

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
1117 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
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WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
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HESS COMMITTEE
(907) 465-3834
HOME 907-780-6027

Senate

MEMORANDUM

TO: Senator Mitch Abood

FROM: Senator Bettye Fahrenkamp

RE: Scheduling SB 157, an Act continuing the existence of the Alaska Administrative Journal

DATE: March 25, 1985

I have previously requested a hearing on SB 157 and understand that you may schedule it for the week of April 1. I have prepared a committee substitute for your consideration (attached). I have also attached a memo from the Attorney General's office which outlines the rationale behind the amendments contained in the committee substitute.

SB

262

COMMITTEE REPORT

SENATE

FURTHER:

4/17/85

Date April 23, 1985

Mr. President

The Committee on State Affairs considered SSSB 262

Amateur Radio Week.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H

Alaska State Legislature

State Senate

While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

Memo

April 22, 1985

To: Senator Mitch Abood, Chairman
Senate State Affairs

From: Senator Paul Fischer PF

Subject: Sponsor Substitute for Senate Bill 262

This legislation will mark the observance of amateur radio week in Alaska annually. It will coincide with the nationwide "Field Day" activities that the American Radio Relay League sponsors annually on the fourth Saturday in June. It recognizes the important role that amateur radio has and will continue to play in Alaska.

The primary reason for the introduction of this legislation is to recognize the important role that amateur radio operators, better known as "Hams", have played in Alaska. Amateur radio operators have provided in many cases the only link between Alaska and the world during natural disasters. A noteable example of their service to the citizens of Alaska was during the disastrous 1964 Alaska Earthquake; during this catastrophe amateur radio operators provided the first report that Kodiak had survived the earthquake. They also provided for a time the only communications between Alaska and the lower forty-eight states.

During local emergencies such as fires and automotive accidents amateur radio operators will often relay information that is vital to public safety. In emergencies, amateur radio operators often relay the status of victems and messages to their next of kin. On holidays amateurs send free messages for servicemen to their loved ones.

For these reasons, it is important and appropriate that amateur radio operators be recognized annually.

SB

266

COMMITTEE REPORT

SENATE

FURTHER:

3/29/85

Date APRIL 23, 1985

Mr. President

The Committee on State Affairs considered SB 266

placing certificated teachers employed by the Department of Education, in schools operated by the department, in the exempt service; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 266 (SA)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Ellen McCain

V. Fischer

Bill Yockey

Tom Keedy

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Original sponsor: Rules/Governor

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 266 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act placing certificated teachers employed by the Department of Education, in schools operated by the department, in the exempt service; and providing for an effective date."

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

* Section 1. AS 39.25.110(7) is amended to read:

(7) certificated teachers employed by the Department of Education as correspondence teachers, [OR] teachers in skill centers operated by the Department of Education, or in Mt. Edgecumbe School;

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

POUCH C (MS 0201)
JUNEAU, ALASKA 99811
PHONE: (907) 465-4430

April 22, 1985

Honorable Richard I. Eliason
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

ATTN: Ms. Rocky Plotnick-Weller
Administrative Assistant

Dear Senator Eliason:

Your staff has requested a brief outline of the steps that would be necessary to establish and fill teacher positions at the Mt. Edgecumbe Boarding School. The following list indicates the step sequence, the responsible agency or agencies and likely timeframes.

Issue New Position Authorization	OMB	2-4 days
Prepare Position Description Questionnaires	DOE	4 days
Draft Class Specifications	DOE or Div. of Per.	2 days
Finalize Class Specifications	DOE and Div. of Per.	2 days
Establish Salary Range	Div. of Per.	4 days
Prepare Recruitment Announcement	Div. of Per.	3-10 days
Public Announcement Period	Div. of Per.	30 days
Examine Applications	Div. of Per. or DOE	14 days
Issue Eligible Lists	Div. of Per.	1 day
Selection Process	DOE	20-30 days
Report for Work	DOE	14 days

The timeframes are generally in work days, so the total represents approximately 17 weeks. The timeframes also make certain assumptions. It assumes that work will proceed before OMB issues the New Positions Authorizations which will coincide with the effective date of the budget. It also assumes that the Department of Education will be able to fund overtime for the Division of Personnel to process applications on an expedited basis. Otherwise, the "first-come first-served" review of application will add nearly two months to the process.

We understand that advertisements have been placed by the Department of Education for these positions. The Placement Office of the University of Alaska, Fairbanks is holding applications from about 300 Alaskans who have already indicated an interest in teaching at Mt. Edgecumbe. This should be more than a sufficient pool to fill the positions, with the possible exception of fairly unique subjects that reflect the Pacific Rim orientation of the planned curriculum.

02-813LH

In summary, action to carry out the above schedule must be initiated within approximately two weeks in order to have teachers on board when school opens in the fall. A decision on placing the position in the exempt service would be needed within this period if wasted efforts are to be avoided.

If I may provide any additional information, please feel free to call on me.

Sincerely,

Michael P. McMullen
Deputy Director

MPM/cfm
1/4D2/0419-09

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10th STREET
POUCH F
JUNEAU, ALASKA 99811

April 19, 1985

The Honorable Mitch Abood
Chairman, Alaska State Senate
Committee on State Affairs
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

During the hearing on SB 266 held on April 18, 1985, several questions were raised concerning the Bill. Without going into excessive detail, I will attempt to address each of these questions.

We are requesting that teachers at Mt. Edgecumbe School be classified as exempt employees. The reason for placing them in the exempt service is that we wish to treat Mt. Edgecumbe teachers in the same manner as the teachers in Centralized Correspondence Study School and the Seward Vocational Technical Center. There is no hidden agenda behind placing them in the exempt service. In that status, we will be able to treat these teachers, and bargain collectively with them if they elect to do so, just as we do our other two teacher bargaining units.

Our other teacher bargaining units have negotiated agreements which provide for employment security very similar to tenure, which is provided for teachers employed by school districts under the provisions of Title 14. As state employees, however, our teachers bargain under the provisions of AS 23.40, not AS 14.20, which applies to certificated employees of school districts. If it is the wish of your committee, we can certainly investigate the ramifications of placing all of our teachers under the collective bargaining and other provisions of Title 14, as has been suggested. However, to do so would be a major shift in state policy, a change that should receive the scrutiny of the legislature in a much broader context than simply dealing with the future employees of the Mt. Edgecumbe School. If the committee is interested in pursuing the matter, I would suggest that we do so during the interim and prepare recommendations for consideration by the next session of the legislature.

Concern was also expressed that including the teachers in the exempt service would somehow circumvent the principal of local and Alaska hire. Let me assure you that we are aggressively recruiting staff from all over Alaska. The nature of the program at Mt. Edgecumbe requires that we make every effort to obtain experienced Alaskan teachers. The University of Alaska, Fairbanks is assisting us in this effort.

A concern was raised that the proposed salary schedule for the Mt. Edgecumbe teachers would place the Sitka School District teachers at an economic disadvantage; the differences between the two salary schedules for next year are slight: the Edgecumbe schedule is $968 higher at the beginning step, but $4,200 less at the top step.

The last issue dealt with the actual language of the proposed amendment to AS 39.25.110(7). That amendment would add "or other schools" to the existing description of the teachers employed by the Department who are in the exempt service. That wording was purposely chosen because of the potential which exists for other instructional programs to be assumed by the Department which are presently operated by other agencies. To the extent the proposed amendment is confusing, however, I would suggest replacing it with "or Mt. Edgecumbe School".

If this bill does not pass, and if the teachers at Mt Edgecumbe are placed in the classified service, then it is my understanding that the classification process will take a minimum of three months. That will mean that many of the teachers interested in applying for positions at Mt. Edgecumbe will be forced to accept other employment because of the unavailability of information concerning salary and job classification at the very time school districts are making employment decisions. I respectfully request your assistance in getting SB 266 enacted into law so that the critical and necessary tasks of recruiting top rate teachers at Mt. Edgecumbe can proceed without delay. It would be tragic if the operation of Mt. Edgecumbe were to fall victim to issues which have nothing to do with its mission.

Sincerely,

Harold Raynolds, Jr.
Commissioner

cc: Members, Senate State Affairs
Committee

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

POUCH C (MS 0201)
JUNEAU, ALASKA 99811
PHONE: (907) 465-4430

April 22, 1985

Honorable Richard I. Eliason
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

ATTN: Ms. Rocky Plotnick-Weller
Administrative Assistant

Dear Senator Eliason:

Your staff has requested a brief outline of the steps that would be necessary to establish and fill teacher positions at the Mt. Edgecumbe Boarding School. The following list indicates the step sequence, the responsible agency or agencies and likely timeframes.

Issue New Position Authorization	OMB	2-4 days
Prepare Position Description Questionnaires	DOE	4 days
Draft Class Specifications	DOE or Div. of Per.	2 days
Finalize Class Specifications	DOE and Div. of Per.	2 days
Establish Salary Range	Div. of Per.	4 days
Prepare Recruitment Announcement	Div. of Per.	3-10 days
Public Announcement Period	Div. of Per.	30 days
Examine Applications	Div. of Per. or DOE	14 days
Issue Eligible Lists	Div. of Per.	1 day
Selection Process	DOE	20-30 days
Report for Work	DOE	14 days

The timeframes are generally in work days, so the total represents approximately 17 weeks. The timeframes also make certain assumptions. It assumes that work will proceed before OMB issues the New Positions Authorizations which will coincide with the effective date of the budget. It also assumes that the Department of Education will be able to fund overtime for the Division of Personnel to process applications on an expedited basis. Otherwise, the "first-come first-served" review of application will add nearly two months to the process.

We understand that advertisements have been placed by the Department of Education for these positions. The Placement Office of the University of Alaska, Fairbanks is holding applications from about 300 Alaskans who have already indicated an interest in teaching at Mt. Edgecumbe. This should be more than a sufficient pool to fill the positions, with the possible exception of fairly unique subjects that reflect the Pacific Rim orientation of the planned curriculum.

In summary, action to carry out the above schedule must be initiated within approximately two weeks in order to have teachers on board when school opens in the fall. A decision on placing the position in the exempt service would be needed within this period if wasted efforts are to be avoided.

If I may provide any additional information, please feel free to call on me.

Sincerely,

Michael P. McMullen
Deputy Director

MPM/cfm
1/4D2/0419-09

MOUNT EDGECUMBE HIGH SCHOOL
1985 - 1987
Teacher Salary Schedule

Years Experience	BA	BA+16	BA+32	MA	MA+16	(Hours earned beyond BA are semester hours)
0	27,900	29,300	30,700	32,100	33,500	
1	29,300	30,700	32,100	33,500	34,900	
2	30,700	32,100	33,500	34,900	36,300	
3	32,100	33,500	34,900	36,300	37,700	
4	33,500	34,900	36,300	37,700	39,100	
5	34,900	36,300	37,700	39,100	40,500	
6			39,100	40,500	41,900	
7			40,500	41,900	43,300	
8-10				43,300	44,700	
11+				44,700	46,100	

1. Semester hours earned after the BA level will be allowed only if the hours earned are in one's major or minor field.
2. Contract is based on a total of 200 teaching and/or inservice days, plus holidays.
3. Full family health and dental insurance is provided.
4. 2 days of personal leave granted per year, and 3 days of emergency leave with no carry over.
5. Sick leave is granted as 1-1/3 days per month worked.
6. 5 years maximum teaching experience will be granted at the BA level and 7 years maximum at MA level.

Adopted by
State Board of Education
1/28/85

ALASKA STATE LEGISLATURE - SENATE
SENATOR RICHARD I. ELIASON

LABOR & COMMERCE COMMITTEE, VICE-CHAIRMAN
LEGISLATIVE COUNCIL, VICE-CHAIRMAN
FINANCE COMMITTEE
RESOURCES COMMITTEE

PO. BOX 143
SITKA, ALASKA 99835

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4916

MEMORANDUM

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Senator Dick Eliason
Sponsor of SB 266

DATE: April 15, 1985

RE: SB 266 Back-up

Your staff has requested a short analysis of SB 266, a definition of "other schools" as used in the bill, and the criteria for student selection at Mt. Edgecumbe High School.

SB 266 ANALYSIS

Senate Bill 266 places teachers employed by the Department of Education to teach at Mt. Edgecumbe High School in exempt service. The purpose of this bill is to allow teachers for Mt. Edgecumbe High School to be hired in an expeditious manner. Without this piece of legislation they will have to go through the regular state classified system, which is a long, laborious process. The school is planned to open this September and so time is a crucial element. This bill will enable Mt. Edgecumbe teachers to be hired in the same way correspondence study, and skill center teachers are now hired.

DEFINITION OF "OTHER SCHOOLS"

Currently the Department of Education operates a correspondence study program and The Seward Skill Center. The only "other school" operated by the Department will be Mt. Edgecumbe. Teachers with correspondence study and at the Skill Center are under exempt status pursuant to AS 39.25.110 (7). Therefore, the definition of "other school" is Mt. Edgecumbe High School. However, if in the future another Department operated school comes into being, teachers will be covered by this act.

CRITERIA FOR STUDENT SELECTION

The Student Selection Priorities as passed by the State Board of Education 1/28/85 are attached.

Student Selection Priorities
Mt. Edgecumbe School
11/26/84

1. Alaska students who are from a village where there is no high School or Alaska students who are attending B.I.A. Schools in the "Lower 48".

2. Alaska students whose family residence is in a village where the high school enrollment is 25 or less.

3. Alaska students whose family residence is in a village where the high school enrollment is from 26 to 50 students.

4. All others.

Students in categories # 2, 3 and 4, will be selected with the cooperation of the local school district, parents and guardians, and Mt. Edgecumbe staff. Placement at Mt. Edgecumbe will be handled similiarly to student placement in special education programs. Social referrals for students who for one reason or another cannot adequately function within their present home environment will be admitted on a case-by-case basis. We are attempting to identify the best educational program for the student with due consideration for social and family conditions.

Students from schools such as the Pribilof's where high school terminates at grade ten will be placed in the #1 category.

Students currently in the State boarding home programs or in correspondence programs will be admitted on a case-by-case basis.

Admittance to Mt. Edgecumbe can only occur at the beginning of each semester.

Adopted by
State Board of Education
1/28/85

MT. EDGECUMBE SCHOOL

MISSION STATEMENT

The opening of Mt. Edgecumbe School will provide new and important educational opportunities for Alaskan students, particularly rural Native youth.

Mt. Edgecumbe School will place high expectations upon students, administrators and staff.

Mt. Edgecumbe School is based upon a conviction that students have a great and often unrealized potential.

Mt. Edgecumbe School students will be required to pursue rigorous academic programs that will encourage students to work at their highest levels.

Mt. Edgecumbe School administrators, teachers, and staff members will be required to keep current on educational advances and to initiate innovative, challenging and stimulating classroom programs and activities.

As a boarding school, the Mt. Edgecumbe School will offer students a wide range of support activities to assure the success of all students.

Mt. Edgecumbe School will emphasize a strong curriculum in English, social studies, mathematics, science, fine arts, computers, vocational education, career exploration, second languages, and physical education.

Mt. Edgecumbe School will also place special emphasis on a study of topics specific to Alaska. These topics will include the Alaska environment, history, natural resources and Native Land Claims issues, and the history, culture, and languages of the Pacific Rim.

Mt. Edgecumbe School teachers will develop the capacity to analyze issues in order to anticipate the future social and economic needs of Alaska, such as Alaska's economic position among the Pacific Rim nations, and to integrate an educational approach to these issues into the curriculum.

To facilitate personal growth and decision making skills, each student will be assisted, guided, and challenged to make choices about future academic or technical schooling, rural or urban residence, and alternative methods of making a living. Students will be respected for their cultural backgrounds, and students and teachers will be encouraged and expected to offer insights to increase the effectiveness of the school.

Extraordinary opportunities for leadership, public service, and entrepreneurship will be integrated into the program, both during and after school hours.

Vocational education will be stressed through entrepreneurship. Different cottage industries will be run by students which will incorporate processing of raw products, wholesaling, retailing, purchasing of equipment, billing, etc.

Mt. Edgecumbe School will provide variety in teachers, subjects, and extra curricular activities.

Mt. Edgecumbe School will prepare students for college, for the academic demands of a college curriculum, and the social demands of being away from home and managing time effectively.

Mt. Edgecumbe School will prepare students to make the transition to adulthood helping them to determine what they want to do and developing the skills and the self-confidence to accomplish their goals.

Some students of Mt. Edgecumbe will be selected who presently are having a difficult time with their home environment. Mt. Edgecumbe staff will do every thing possible to help these students become productive citizens.

Adopted by
State Board of Education
1/28/85

MT. EDGECUMBE HIGH SCHOOL

HISTORY: Mt. Edgecumbe High School was opened in February 1947 when students were transferred by the Bureau of Indian Affairs (BIA) from Wrangell Institute and Eklutna Vocational School in Seward. Both boarding schools were closed to make way for the opening of Mt. Edgecumbe. The BIA ceased all operations at Mt. Edgecumbe in September of 1983. During the 36-year BIA operations, nearly 10,000 students attended the school. Over 3,900 earned diplomas. The Class of 1983 was the last to graduate under the BIA. Many community, corporate and state leaders are Mt. Edgecumbe graduates.

FACTS ABOUT THE SCHOOL: The school colors are cardinal and gold. The athletic nick-name is 'Braves.' *Taheta* is the name of the school yearbook and the school newspaper is *Channel Light.*

The first year enrollment will be 175 students with 40 total staff. The projected future enrollment is 300 maximum. The school, including dormitories, will be housed in 12 structures. All structures will be renovated and will meet state safety codes. Each dormitory room will accomodate four occupants although present plans provide for a maximum of three to a room. Students will take three meals daily in the modern school cafeteria.

EXTRACURRICULAR ACTIVITIES: Ample opportunity will be provided for student involvement in extracurricular activities such as choir, band, piano, drama, debate, radio, student publications in yearbook and newspaper, photography, student council, clubs and dormitory and class organizations. As a member of the Southeast Alaska High School Activities Association, Mt. Edgecumbe teams will compete in cross country, boys and girls; girls volleyball; basketball, boys and girls; boys wrestling; cheerleading, boys and girls; and track, boys and girls. Many of the sporting activities will take place in the spacious fieldhouse, one of the finest athletic plants in the state.

SERVICES: The Public Health—Indian Health Service hospital is adjacent to the campus and will be available for student needs. Other services, such as dental and optical, will be available at the hospital.

The modern school store, Ships Service, will be open during regularly set hours. Ships Service will be the hub for recreation and relaxation and will stock school supplies, personal articles, etc. Snacks, ice cream and sodas will be available.

Laundry equipment and machines will be available for student use at regularly scheduled times. There will be no charge for the use of the laundry equipment.

Sitka is a modern community with all the services of a large urban center. Excellent restaurants, pizzeria and short order eating places are available as well as modern clothing and grocery stores, dry-cleaning establishments, libraries, radio and television, banks, Sears Roebuck and Montgomery Ward stores.

Churches of almost every denomination are located in Sitka.

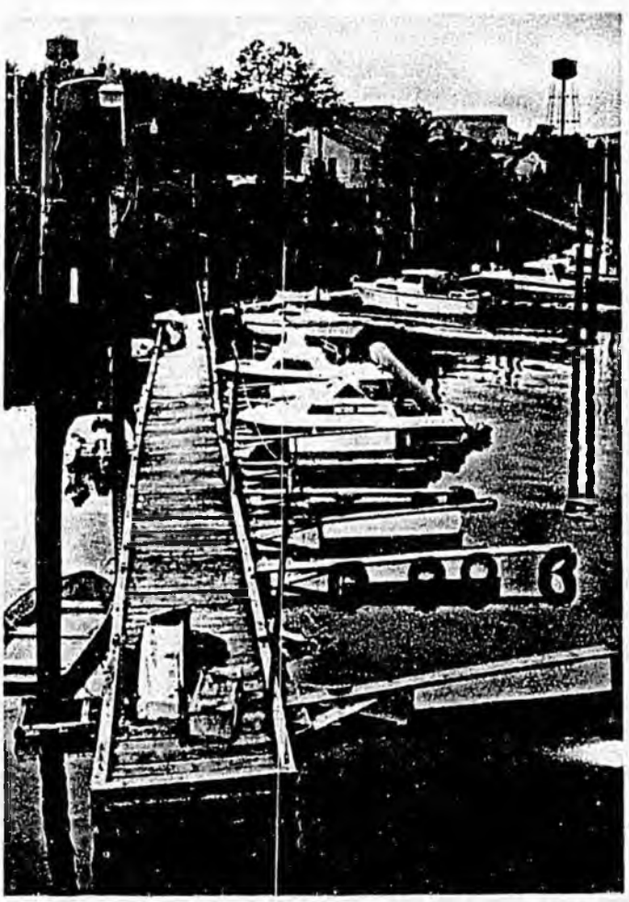
COMMUNITY INFORMATION: Mt. Edgecumbe School is located on Japonski Island, one-quarter of a mile from Sitka. The two communities are connected by a bridge. The modern Sitka airport is located on Japonski Island, a three minute drive from Mt. Edgecumbe School. Japonski, Alice and Charcoal Islands comprised Army and Navy bases during World War II. Sitka's population is 8,000. Sitka is within easy walking distance from the school.

CLIMATE: Climate is mild the year round. Sitka gets 85 inches of rain per year. Winter temperatures average 35 degrees above zero with little snow.

STUDENT SELECTION: Local school districts, parents or guardians, and Mt. Edgecumbe staff will all cooperate to select the initial students to attend Mt. Edgecumbe. The following preferences will prevail for admission:

1. Alaska students who are from a village where there is no high school or who are attending BIA schools in the Lower 48.
2. Alaska students whose family residence is in a village where the high school enrollment is from 1 to 25 students.
3. Alaska students whose family residence is in a village where the high school enrollment is from 26 to 50 students.
4. All others.

Students currently enrolled in state correspondence study programs and in the state's boarding school program will be handled on a case by case basis. Social referrals for students who for one reason or another cannot adequately function within their present home envirnoment will also be handled on a case by case basis.



CURRICULUM: Mt. Edgecumbe High School will consist of grades 9 through 12. A basic core curriculum will be offered with a strong emphasis on the basics. The curriculum will be competency based and students must pass minimum competency tests before going on the next level.

English, mathematics, social studies, science, P.E., home economics, shop and trades, drivers education, economics, computer science, art and foreign languages will all be taught.

Leadership and academic excellence will be stressed throughout the curriclum.

Mt. Edgecumbe High School will incorporate Pacific Rim activities into its curriculum. With Alaska doing over $1 billion in trade across the Pacific Ocean we feel that the language, culture, history and economics of the Pacific Rim countries should be stressed. Our science classes will also be geared toward ocean activities. Our location on the Pacific Ocean will provide outstanding aquaculture and other marine related activities.

COOPERATIVE EFFORTS: The community of Sitka offers an ideal environment for cooperative education. Islands Community College, Sheldon Jackson College, the Sitka School District, and Mt. Edgecumbe High School all provide educational programs. The possibilities of sharing staff and facilities are great. The University of Alaska-Juneau is also in close proximity. Educational opportunities for students from all these educational institutions can be greatly enhanced by cooperative efforts.

APPLICATION PROCESS: Students who want to attend Mt. Edgecumbe School should:

1) Send a letter to:
Mt. Edgecumbe High School
Box 2628
Sitka, AK 99835
Phone (907) 966-2201

The letter should give your name, address, phone number (if you have one) and the school you are currently attending. You should also state the reasons why you would like to attend Mt. Edgecumbe.

2) Mt. Edgecumbe authorities will then send you an application form for enrollment to the school. The form must be signed by your parents or guardian and your school principal or administrator.

3) Return the completed application to Mt. Edgecumbe School and you will be notified whether you have been accepted or not. Remember that Mt. Edgecumbe will probably receive many more requests to attend school here than we have openings for. It is important that you complete everything as soon as you can.

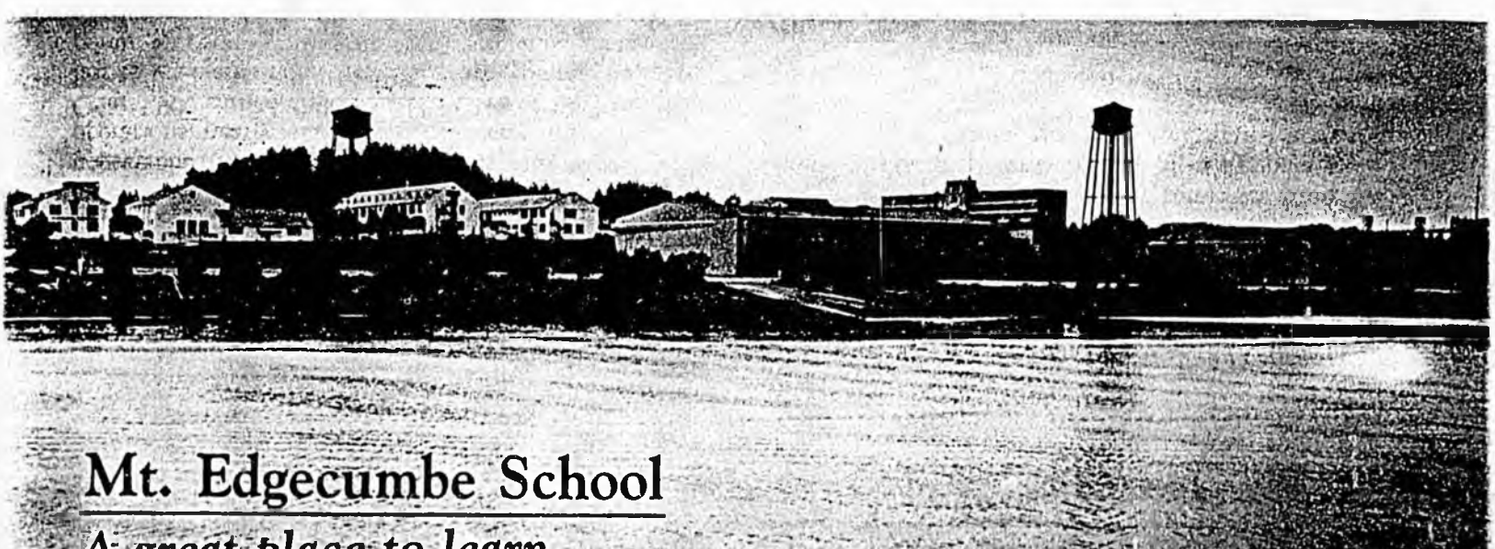
Mt. Edgecumbe School
PO Box 2628
Sitka, Alaska 99835

TO:

_____

_____

_____



Mt. Edgecumbe School

A great place to learn.

Sec. 39.25.110. Exempt service. Unless otherwise provided by law, the following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

(1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;

(2) justices, judges, magistrates, and employees of the judicial branch including employees of the Judicial Council;

(3) employees of the state legislature and its agencies;

(4) the head of each principal department in the executive branch;

(5) officers and employees of the University of Alaska;

(6) certificated teachers and noncertificated employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer, or operate schools under the control of a regional educational attendance area school board;

SB 266

(7) certificated teachers employed by the Department of Education as correspondence teachers or teachers in skill centers operated by the Department of Education;

(8) patients and inmates employed in state institutions;

(9) persons employed in a professional capacity to make a temporary or special inquiry, study or examination as authorized by the governor;

(10) members of boards, commissions, or authorities;

(11) the officers and employees of the following boards, commissions, and authorities:

(A) Alaska Gas Pipeline Financing Authority;

(B) Alaska Permanent Fund Corporation;

(C) Alaska Energy Center;

(D) Alaska Industrial Development Authority;

(E) Alaska Commercial Fisheries Entry Commission;

(F) Alaska Commission on Postsecondary Education;

(12) the executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;

(13) physicians licensed to practice in this state and employed by the division of mental health and developmental disabilities, Department of Health and Social Services;

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission, except for those employed in the division of geological and geophysical surveys in the Department of Natural Resources;

(15) officers, agents, and employees of the Alcoholic Beverage Control Board granted limited peace officer powers by the Alcoholic Beverage Control Board under AS 04.06.110;

(16) persons employed by the division of marine transportation as masters and members of the crews of vessels who operate the state ferry system and who are covered by a collective bargaining agreement provided in AS 23.40.040;

(17) officers and employees of the state who reside in foreign countries;

(18) employees of the Alaska Seafood Marketing Institute;

(19) firefighters employed by the Department of Natural Resources for a fire emergency;

(20) employees of the Office of the Governor and the office of the lieutenant governor, including the staff of the governor's mansion;

(21) **[Repealed June 30, 1988]** Employees of the Citizens' Advisory Commission on Federal Areas in Alaska (AS 41.37.010);

(22) youth employed by the Department of Natural Resources under the Youth Employment and Student Intern programs. (§ 5 ch 144 SLA 1960; am § 1 ch 48 SLA 1961; am § 1 ch 133 SLA 1961; am § 3 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 31 ch 46 SLA 1970; am § 65 ch 69 SLA 1970; am § 13 ch 113 SLA 1970; am § 3 ch 78 SLA 1971; am § 18 ch 78 SLA 1974; am § 42 ch 127 SLA 1974; am § 2 ch 32 SLA 1975; am § 2 ch 79 SLA 1975; am § 37 ch 124 SLA 1975; am § 1 ch 157 SLA 1976; am § 3 ch 90 SLA 1978; am § 7 ch 18 SLA 1980; am § 43 ch 106 SLA 1980; am § 10 ch 131 SLA 1980; am § 4 ch 148 SLA 1980;

SB

275

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

4/9/85

Date April 30 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 275

relating to release of motor vehicle records.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 275 (SA)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommend referral to _____ Committee

MEMBERS SIGNING
DO PASS

Ed McCue

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Bierbaum NO R&C

Chairman

Chairman recommendation

Edwards
4/29/85

Original sponsors: Fa[illegible] and V.Fischer

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 275 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to release of motor vehicle records."

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

* Section 1. AS 28.05.061(c) is repealed and reenacted to read:

(c) The department shall, upon request, subject to the applicable provisions of AS 12.62, furnish a municipal, state, or federal administrative or judicial agency with records on file under this section. The department may not charge a fee for records furnished under this subsection.

* Sec. 2. AS 28.05.061 is amended by adding new subsections to read:

(d) The department shall, upon written request and payment of a fee sufficient to cover the cost of processing the request, furnish a certified copy of a record on file under this section to

(1) the vehicle owner, license holder, or driver named in the record;

(2) a person who provides on a form furnished by the commissioner the written authorization of the vehicle owner, license holder, or driver named in the record; or

(3) a business or person determined by the commissioner to have a legitimate need for receiving a copy of the record requested.

(e) The department shall maintain for one year the name and address of a business or person that receives a copy of a record under (d)(3) of this section and release the name and address, upon request, to the person named in the record.

(f) The department shall provide written notice on applications for drivers' licenses and motor vehicle registration

(1) that information concerning an applicant that is on file with the department may be released to persons outside the department with a legitimate need for the information; and

(2) that the name and address of a business or person that obtains information from a department record will be released upon request to the person named in the record.

(g) Except as otherwise provided in this section, records maintained under this section are confidential and private.

ALASKA CREDIT UNION LEAGUE

2509 EIDE STREET, SUITE 4
ANCHORAGE, ALASKA 99503
(907) 278-4949

April 19, 1985

275

Senator Mitch Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Mitch:

The Alaska Credit Union League represents all of Alaska's credit unions and their 360,000 members. Our organization is concerned with the implications of SB 275 introduced April 9th. This bill, entitled "An Act relating to release of motor vehicle records" would have a severe impact on the credit unions and other financial institutions in Alaska.

We understand the intent of the legislation is to reduce the State's liability for access to Department of Motor Vehicles records by individuals who may not have reasonable use for this information. However, the language of the bill at the present time restricts access for use by a wide variety of institutions who do have legitimate need for this information. Particularly, credit unions use this information as an aid in locating individuals who are delinquent in paying their legal obligations, among other purposes.

We believe an additional subsection should be added to Section 2 (d) which states:

(4) a business or institution identified as having a legitimate purpose for locating the owner of the vehicle named in the record.

Thank you for your consideration of our request for amendment of this legislation. If we may provide additional information, or be of assistance, please give me a call.

Sincerely,

Nancy

Nancy B. Usera
President

jf

cc: Senate State Affairs Committee
ACUL GAC

RECEIVED
APR 22 1985

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 275
Title: "An Act relating to release of motor vehicle records"
Sponsor: Faiks/V. Fischer
Requestor: S. State Affairs
Date of Request: 4/17/85

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Life and Property Protection
BRU, Program or Subprogram(s) Affected: Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		29.4	30.9	32.4	34.0	35.7
200 TRAVEL						
300 CONTRACTUAL		18.5	17.9	18.8	19.7	20.7
400 SUPPLIES		.2	.2	.2	.3	.3
500 EQUIPMENT		16.1				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		64.2	49.0	51.4	54.0	56.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		64.2	49.0	51.4	54.0	56.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NOTE: 1. Costs in future years reflects 5% inflation rate.
2. Equipment charge in FY86 only Data Line installation FY86 only
(see attached page)

Prepared By: John H. Lucking
Phone: 269-5551
Division: Motor Vehicles
Date: 4/16/85

Approved by Commissioner: Robert J. Sundberg
Date: 4/17/85
Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

100 Personal Services

Anchorage

1 MVR II, Range 9	29.4		
TOTAL PERSONAL SERVICES			29.4

200 Travel

(No Travel Requirements Anticipated)

300 Contractual

310 Telephone and Tolls	2.0		
Postage	1.5		
		3.5	
320 Request Forms	10.0		
		10.0	
382a DP Line Charges	2.0		
CRT/Controller/Printer Maintenance	1.5		
Data Line installation	1.5	5.0	
TOTAL CONTRACTUAL SERVICES			18.5

400 Commodities

480 Normal Office Supplies	.2		
TOTAL COMMODITIES			.2

500 Equipment

1 Chair	.3		
1 Desk	.5		
1 Calculator	.3		
1 CRT	3.8		
1 Typewriter	.9		
1 Controller	5.8		
1 Printer	4.5		
TOTAL EQUIPMENT			16.1

TOTAL FY-86 REQUEST 64.2

	POSITION TITLE				RANGE/STEP	BARG. UNIT	PAGE/LINE	COV.	APPROV.	DISAPP.
1.	Motor Vehicle Representative II				9/B	GGII				
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
	PFT	12				Anchorage				

3.	CONTINUATION LEVEL		ADDITION	
4.	TYPE OF EXPENDITURE			AMOUNT
	1		2	3
	PERSONAL SERVICES			
5.	Salary			
6.	Benefits			
7.	Supplemental Benefits			
8.	Fixed Benefits			
9.	TOTAL PERSONAL SERVICES		01	29.4
10.	Travel		02	
11.	Contractual		03	18.5
12.	Commodities		04	.2
13.	Equipment		05	16.1
14.	Other			
15.	TOTAL COST			64.2

	RECEIPT CODE	FUNDING SOURCE		
16.		Federal Receipts	1002	
17.		G.F. Match	1003	
18.		General Funds	1004	64.2
19.		I-A Receipts	1005	
20.		Program Receipts	1028	
21.		Other		

FOR B&M USE ONLY
KEY NUMBER __ __ - __ __ - __ __ - __ __ - __ __

JUSTIFICATION

This position is required to deal with the additional activity resulting from passage of this bill.

Due to the FY 83 elimination of a research position in the Anchorage office, microfiche was made available at the office for individuals to research and find their own information. With passage of this bill, anyone requesting vehicle information will have to be screened to verify eligibility. If the requestor is eligible, they will be provided with the necessary data.

This position will do the screening to determine eligibility, and perform the record search when necessary.

REQUEST FOR NEW POSITION

AGENCY Department of Public Safety

PROGRAM Life and Property Protection

BRU Motor Vehicles

COMPONENT Vehicle Services

Page 1 of 1

Revised Date

FY 86

01-1136 (7/82) • 13

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Senate Bill 275

Senate Bill 275 "An Act relating to release of motor vehicle records."

While the bill appears workable there are additional needs to be addressed.

A contract currently exists with R.L. Polk Company, a national firm, to provide them with a complete motor vehicle record and monthly updates on magnetic tape. These records are used by them for research and vehicle safety matters, i.e. recalls of particular vehicles by manufacturers for defect corrections. Additionally, wrecker services dealing with vehicles whose owners are unknown through impounds obtain copies of microfiche which have the state's motor vehicle records. Another need not addressed is private enterprise acting as government agents through contracts to provide service to the state. These three are legitimate needs that need to be accomodated in legislation.

The bill would preclude certain persons now utilizing information from having access. These persons or organizations include private investigation agencies; collection agencies; private individuals wanting to identify trespassing vehicles on their property; automobile insurance industry; attorney services; and, surprisingly, private individuals who purchase cars and do not transfer appropriate paperwork, at some later time lose their paperwork and don't even know who they bought the car from.

In the absence of the now existing opportunity for individual research with DMV records, one motor vehicle representative position would be necessary to screen and accomodate requests for information.

Robert J. Sundberg
Commissioner 4-18-85

Official Business

Alaska State Legislature

Senate
Finance Committee

Pouch V
State Capitol
Juneau, Alaska 99811

April 11 , 1985

MEMORANDUM

TO: State Affairs Committee Members

FROM: Senator Jan Faiks

SUBJECT: Background on SB 275, an Act relating to the release of motor vehicle records.

In March of this year, an Anchorage man was indicted for attempted murder after firing eight shots at a stranger he thought was harassing him. Among his possessions, the Troopers found a list of the names and addresses of 600 Anchorage residents whom he thought were bothering him and a map with X's marked on their homes. The assailant had received this information from the Division of Motor Vehicles by merely providing a license plate number and paying a $2.00 fee for each number.

Currently, any person can contact the Division with a license plate number and, after paying the $2.00 fee, will be given the name and address of the registered owner of the vehicle.

There is no justifiable reason why this information should be available to the general public. Not only can it lead to an invasion of privacy of the vehicle owners, it could possibly result in liability for the State.

Senate Bill 275 will restrict access to this personal information. It will authorize the Division to release records only to the vehicle owner, license holder, or driver, to a person who has the owner's authority, to a legitimate lienholder on the vehicle, or to a government agency.

Senator Vic Fischer brought this situation to my attention after one of his constituents notified him of the enclosed newspaper account. Together we ask that you act favorably on this bill before a comparable incident leads to a more serious ending.

Assault target on list

Names and maps found in home

MAR 22 1985

By LARRY CAMPBELL and SHEILA TOOMEY
Daily News reporters

A Hillside man indicted Wednesday for attempted murder kept a list of approximately 600 Anchorage residents he believed were harassing him.

The alphabetized list was accompanied by a map with X's marking homes of those people, some of whom apparently never knew the accused assailant.

Carl R. Snyder, 39, was arrested by Alaska State Troopers on March 12 after allegedly firing at least eight shots at Kenneth Myers outside the victim's home. Myers was one of the people on the list.

Snyder was indicted Wednesday on a charge of attempted murder. He is presently being held at Cook Inlet Pre-trial Facility in lieu of $500,000 bond.

Snyder, interviewed at the jail Thursday evening, said the list of names he'd gathered were not intended as a "hit list," but were of people he believed were sent by his ex-wife to harass him and his two sons shortly after the couple were divorced early last year. Snyder refused to identify his former wife.

The slight, soft-spoken Snyder said he was "stressed-out" the night of the shooting. In addition to a difficult divorce, he had lost his job and been forced to drop out of college, he said.

"The situation got away from me," he said. "Thank goodness nobody got hurt.

Snyder said the fact that he failed to hit Myers even though he was firing from about 25 feet away leads him to believe that subconsciously he intended to miss.

See Back Page. LIST

List, maps in Hillside home

MAR 22 1985

Continued from Page A-1

"Nobody could have bungled it that badly," he said.

Snyder said Myers was acquainted with his ex-wife and harassed Snyder "on her behalf." Snyder said that he had followed Myers several times prior to the night of the shooting and said Myers had also followed him on occasion.

Even though the two live in the same Hillside neighborhood, Myers insists he never knew either Snyder or the man's ex-wife. He also denied following Myers.

According to trooper reports, the assailant waited for Myers that Tuesday afternoon outside the victim's office at Surveyors Exchange on DeArmoun Road and followed Myers home.

Myers pulled into his driveway followed by the assailant. Both men got out of their vehicles and the assailant immediately began firing at Myers with a handgun.

"He caught me totally by surprise," Myers said. "I never even knew this guy."

Myers escaped by dashing behind a snowbank and running to the back of his house while the assailant stopped to reload. After firing a few more shots at the house and windows, the suspect tried to back his car out of the driveway but got stuck in a ditch.

Snyder was trying to dig his station wagon free when troopers arrived and arrested him, they said.

Later that evening, authorities armed with a search warrant seized the lists, the map and other books about weapons and the CIA, according to Snyder's oldest son, Chris.

Troopers and prosecutors have declined to comment on the case.

The 15-year-old said he had helped his father compile the list. They began early last year, a few months after his stepmother had moved out, the youth said. Strangers in cars, sometimes with cameras and binoculars, roved the secluded street in front of their home.

"We started taking down license numbers because we wanted to check these people out," the young Snyder said Thursday evening. "People were driving around the house, sometimes 12 or 15 times, and we just wanted to know who they were."

Armed with scribbled license plate numbers, Snyder or his son would go to the Department of Motor Vehicles office on Dowling Road and, for a $2 fee, obtain the names and addresses of the registered owners of the cars.

"It got to where I was going there so much I got to know a couple of the women there," the youth said. "Sometimes, we'd compare them to names in the phone book. The list started getting bigger and bigger — kinda out of proportions."

Another man on the list was Larry Wilmarth, owner of the survey equipment supply company Myers works for.

"I'd like to know myself why I was on that list," Wilmarth said. "I don't think I've ever met the guy. There's another Wilmarth on the list, too, a distant relative of mine. But he's been dead 11 years now."

The name gathering ceased last summer, and so did the harassment, the youth said. But every so often, Snyder would spot news reports of drug arrests and find that names of those arrested on drug charges matched the names he and his son had gathered.

"We figured maybe we were on to something with these drug people," the younger Snyder said. "We had figured that my stepmom was involved with some of these people, and maybe they were worried that we knew something."

Myers and Wilmarth deny any involvement in drugs.

In fact, Myers added, a trooper checking out the names on Snyder's list jokingly said "I was one of the more boring people he'd ever investigated."

SB 2151

ARIZONA LEGISLATIVE COUNCIL

APR 22 1985

MEMO

05991

December 1, 1980

FROM: Patricia Dilgard, Staff Attorney

RE: Driver License Information; Public Access (R-34-391)

We have written to the driver licensing authorities of the fifty states and asked them what their policy is regarding disclosure of licensees' addresses. The overwhelming majority provided this information with no or few restrictions.

Public Record

In many states such information is deemed to be a public record by statute. The Attorney General of South Carolina in an opinion sets forth his reasons for concluding that such information falls within the definition of public record. These reasons are:

1. The North Carolina statute, based on federal law, exempts from public record "information of a personal nature where public disclosure would constitute an unreasonable invasion of personal privacy."

2. Federal courts have construed the above phrase to mean information which consists of intimate details of a highly personalized nature. One's name and address are not considered intimate details as they are easily obtainable through alternative sources.

3. Other federal courts have used a balancing test in determining whether such information should be disclosed, balancing the individual's interest in having the information remain confidential versus the public's interest in having the information available.

According to the South Carolina Attorney General, the public's interest in disclosure, including using the information for military, VISTA and educational recruiting, overrides the person's interest to remain anonymous or avoid solicitation.

Arguably, the above interests are not interests of the public at all, but represent interests of private or government agencies who use such information for their private gain. It does not seem that providing listings of names and addresses furthers the purpose of the public records law, which is to keep citizens informed of governmental activities.

We believe it would have been legally defensible to have concluded to the contrary that addresses of licensees are not items the disclosure of which serves any legitimate public interest. Along this line of approach, the Director of the Motor Vehicle Division in Puerto Rico, interpreting the federal Privacy Act, concluded that such information is in fact restricted.

Right to Privacy

There does not appear to be any common law right of privacy that would protect the anonymity of one's address.

Thus on a public street or public place there is no legal right to be alone. Nor is it an invasion of privacy to follow a person to his home and watch him there. Prosser, William, Handbook of the Law of Torts, p. 808, 809 (1971).

As one legal authority has stated:

> /A/ll of us must, to some reasonable extent lead lives exposed to the public gaze. Anyone who is not a hermit must expect the more or less casual observation of his neighbors and the passing public as to what he is and does and some reporting of his daily activities. Ibid, p. 811.

Although the disclosure of one's address does not necessarily violate a legal right such as to give rise to a cause of action for invasion of privacy, a more pertinent question is what state interest is served when the state discloses this information. It would appear that the state would have an interest in providing such information when it furthers the purposes of the motor vehicle registration or licensing law. Examples of this might be the disclosure of the identity and address of a car owner to persons who have suffered injury or loss because of a violation of the motor vehicle laws, or to car dealers to confirm ownership of title.

The real administrative problem is how to screen persons who have a legitimate need for such information from those whose motives may be only pecuniary or even criminal or malicious.

Some states require a person requesting driver license information to provide identification and a statement of a legitimate need for the information (Georgia, South Dakota).

In other states an administrative official informally screens such requests and determines, on a case by case basis, if the need is legitimate (Nebraska).

One state sends a copy of such request to the licensee (North Dakota). In this manner at least a licensee can learn of inquiries made about him.

The concern with privacy rights as they relate to record keeping in today's society of computerized information storage and exchange and in consideration of the vast number of sources collecting and maintaining information on each of us individually has not been adequately dealt with by most state legislatures.

Enclosed is a summary of the laws or policies, as closely as we can determine, of various states in regard to disclosure of drivers' addresses. We should point out that many states, in responding to our inquiries, did not differentiate between state driver licensing laws and state automobile registration laws.

Additionally I would like to mention that the National Conference of Commissioners on Uniform State Laws has just recently adopted a Uniform State Information Practices Code. Under this proposal state agencies are mandated to make certain information available to the public such as agency rules, decisions, public records and records an individual seeks about himself. Other information, including records which refer to any individual, is described as being within categories which do not require agency disclosure, but anticipate the exercise of administrative discretion in consideration of general interests which include the privacy rights of individuals about whom the government possesses personal information. In such a situation the person to whom the record relates would receive notice and have an opportunity to object to a disclosure. Additionally the act anticipates that state statutes may specifically identify certain information as exempt from disclosure. Since this proposal is a significant statement of all governmental information practices we believed that it might well be beyond the scope of your interest in this regard. If you do wish to be provided with a copy of this proposal merely inform us to such effect.

If we can be of further assistance please contact this office.

Encl.

Alabama

No telephone inquiries (except by law enforcement officers).

Alaska

No telephone inquiries (except by law enforcement officers). Driving records are confidential.

Arkansas

No telephone requests. Records kept of each inquiry.

California

Addresses of law enforcement officers are confidential.

Colorado

No telephone requests.

Connecticut

By statute public records.

Delaware

Public records.

District of Columbia

Florida

Vehicle registration, including address, is public record.

Georgia

Identification and statement of legitimate reason for request. Screening and denial of request if no showing of legitimate reason. $.50 fee.

Idaho

Furnishes "abstracts" of record.

Illinois

Any person upon request. $2.00 fee.

Indiana

Request must be in writing. Records of requests are kept. $1.00 fee.

Iowa

Public record. No telephone requests (except by law enforcement officers).

Kansas

Public records available for inspection in person.

Kentucky

Public records open for inspection.

Louisiana

Public access, no restriction. $2.00 charge.

Maryland

Public records open for inspection.

Massachusetts

No statutory provision.

Michigan

Public records open for inspection. $5.00 fee.

Minnesota

Public records.

Mississippi

No telephone requests. Records of requests kept one year.

Missouri

Public records open to inspection.

Montana

Public access to anyone.

Nebraska

Per phone call from division there is an informal screening.

Nevada

No statutory provision.

New Hampshire

May furnish and sell compilations.

New Jersey

Open to public.

New Mexico

Public records.

New York

Open to public.

North Carolina

Any information furnished if request is in writing.

North Dakota

Open to public for inspection. Send copy of request to owner. Keep record of request.

Ohio

Furnishes name and addresses for fee.

Oklahoma

All information in registration certificates is confidential, except to government agencies, law enforcement officers and tax commission.

Oregon

Public records open to inspection.

Pennsylvania

Open for public inspection. Written request required with statement of purpose.

Puerto Rico

Public access only when authorized by licensee or in cases pending action by courts of justice.

Rhode Island

Public records.

South Carolina

Public records open to inspection. Attorney General Opinion outlines law of privacy in this area. Right to inspection is not unrestricted.

South Dakota

"Legitimate" requests are honored. Questionable calls referred to office supervisor. Unknown persons must submit request in writing. Record kept of requests. Personnel advised to use discretion to protect public right to privacy.

Tennessee

$3.00 fee. Furnishes copies.

Texas

Public record.

Utah

Public records. Request must be in person.

Vermont

Information furnished upon proper identification.

Virginia, Washington, West Virginia

Only to specified government agencies and entities and other persons. No access to information except by law enforcement officers and courts. Every request screened. Federal Fair Credit Reporting Act and State Freedom of Information are used as guidelines.

Wisconsin

Information available but addresses not updated so of "limited value after one year".

Wyoming

Drivers license information "very restricted" except to qualified organizations and officers.

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett

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

SENATE ADVISORY COUNCIL

MEMORANDUM

RECEIVED
APR 29 1985

TO: Senator Jan Faiks

ATTN: Steve White
Aide to Senator Faiks

FROM: Carol R. Berryhill
Research Assistant

DATE: April 26, 1985

RE: Access to Motor Vehicle Records

The attached memorandum to Senate State Affairs Committee summarizes the information I gathered concerning access to motor vehicle records. The Division of Motor Vehicles' telephone numbers in each state are:

California	(916) 445-5281
Oklahoma	(405) 521-3221
South Dakota	(605) 773-3545
Virginia	(804) 257-0523
Washington	(206) 753-6915
West Virginia	(304) 348-2723
Wyoming	(307) 777-5271

I have forwarded a copy of the memorandum to Senator Abood and Senator Vic Fischer at Elizabeth Hickerson's request.

If you have any questions, or wish further assistance, please contact me.

Attachment:
cc: Senator Abood
Senator Vic Fischer
Elizabeth Hickerson

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett

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

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Carol R. Berryhill
Research Assistant

DATE: April 26, 1985

RE: Access to Motor Vehicle Records

The Division of Motor Vehicles in the ensuing states provided, via telephone April 25-26, 1985, the following information regarding the policies and procedures administered to inquiries concerning motor vehicle registration records.

California

The state of California has an official form that is filled out by the inquirer. For a $4.00 fee the inquirer may obtain the motor vehicle registration information on file on the individual about whom the inquiry is made. A portion of the form is mailed to that individual so that he/she is aware of the inquiry. Of these seven states, California is the only state with this procedure.

Account codes are assigned to specific agency's, i.e., law enforcement, so that they may obtain information via a verbal request. Addresses of law enforcement officers remain confidential. The policies regarding access to driver's license information differ. The driver's license number and/or birthdate must be preserted to obtain driver's license record information. There is a $1.00 to $2.00 fee for this.

These procedures are mandated by California Vehicle Code 18.08.

Oklahoma

Title 47, § 22.24 of the Oklahoma statutes, copy attached, mandates the procedures to be administered by the Division of Motor Vehicles concerning motor vehicle registration inquiries. In short, the information is confidential except to government agencies, law enforcement officers and the tax commission.

South Dakota

Motor vehicle registration information is provided to law enforcement officers, financial institutions, etc., upon verbal request. Written requests must be furnished from private inquirers. Legitimate requests only are honored. Questionable inquiries are referred to the office supervisor. If the inquiry is denied then the inquirer may contact his/her local authority. The fee for motor vehicle registration record information varies from $1.00 to $5.00 depending on the depth of the record requested, i.e., previous owner or case history.

Virginia

Requests for registration information must be provided in writing. This includes requests from financial institutions, insurance companies, and attorneys.

If a request is received from a private individual then he/she must certify that his/her request is valid. An abandoned vehicle on one's private land would constitute a valid reason for a vehicle registration information inquiry. After the request is received it is screened, and if approved, upon receipt of a $3.00 fee, the information may be provided to the inquirer.

The state of Virginia uses the Federal Fair Credit Reporting Act and the State Freedom of Information Act as guidelines.

Washington

RCW 46.12.380, copy attached, mandates the procedures to be administered by the Division of Motor Vehicles concerning motor vehicle registration inquiries. Agencies such as insurance companies maintain account codes. They have authorization to obtain lists of vehicle record information whereas the general public does not. The fee for one to ten records is $2.00 each; $0.20 for each ensuing record.

A request by a private individual may be honored if the request is legitimate. Files of requests are maintained and are public record; however, the state of Washington does not have a centralized filing system for these records so it may be an arduous task if one wanted to know if an inquiry had been made regarding his/her record.

The state of Washington uses the Federal Fair Credit Reporting Act and the State Freedom of Information Act as guidelines.

West Virginia

The policies and procedures used by the Division of Motor Vehicles in the state of West Virginia are set by Administrative Code. The Federal Fair Credit Reporting Act and the State Freedom of Information Act are used as guidelines.

All requests must be provided in writing. The one exception is that of law enforcement officials who have hands-on access to vehicle records. Individual requests are at the discretion of the Commissioner. The fee for vehicle registration information is $3.00. Files of the request are maintained for one year.

Wyoming

Requests for vehicle registration information are honored providing the request is in writing and it is legitimate. The request is generally at the discretion of the Motor Vehicle employee recipient. The fee for such information is $1.00. Files of the requests are maintained for one year and then sent to archives.

If you have any questions, or if I may be of further assistance, please contact me.

Attachments:

allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file.

Added by Laws 1975-76, 2nd Ex.Sess., ch. 91, § 7, eff. July 1, 1976. Amended by Laws 1980, ch. 32, § 7, eff. Sept. 1, 1981.

Effective date—Transfer of moneys—Laws 1980, ch. 32 § 7: "Section 7 of this act shall take effect on September 1, 1981. Any moneys held on that date in the account disestablished by section 7 of this act shall be transferred to the motor vehicle fund." [Laws 1980, ch. 32, § 8.] Section 7 of this act is the amendment of § 46.12.360 by Laws 1980, ch. 32.

Severability—Effective date—Laws 1975-76, 2nd Ex.Sess., ch. 91: See Historical Note following § 46.12.300.

Library References
States ⇐127.
C.J.S. States § 158.

46.12.370. Lists of registered and legal owners of vehicles—Furnished for certain purposes—Penalty for unauthorized use

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; or

(3) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing. In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1), (2) and (3) of this section, the manufacturer, governmental agency, financial institution or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Added by Laws 1982, ch. 215 § 1.

Library References
Records ⇐31, 52, 55.
C.J.S. Records §§ 36, 37, 40.

46.12.380. Disclosure of names and addresses of individual vehicle owners

Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor or other public agency except upon written request,

Washington

signed by the person requesting disclosure, stating t
and address. The request for disclosure is itself a pub
inspection and copying, and shall be retained by the d
two years.

When deemed appropriate by the disclosing agency
disclosure request has been honored may be sent to
owner, indicating the name and address of the perso
sure.

This section shall not apply to persons who routinel
of vehicle registration information for use in the course
occupation.

Added by Laws 1984, ch. 241, § 2.

CHAPTER 46.16—VEHICLE LICE

Sec.
46.16.006. "Registration year", defined—Registration mont
month".
46.16.015. Emission control inspections required—Exception.
46.16.016. Emission control inspections—Rules for licensing
46.16.035. Exemptions—Private school buses.
46.16.048. Temporary letter of authority for movement of
special community event.
46.16.063. Additional fee for recreational vehicles.
46.16.104 to 46.16.106. Repealed.
46.16.115. Repealed.
46.16.216. Renewal, payment of parking fines required-
charge—Change of registered owner—Stateme
fines to registered owners [New].
46.16.225. Vehicle registration periods may be adjusted to su
46.16.275. Replacement plates required, when.
46.16.311. Antique vehicles—Application to vehicles manufa
presently licensed.
46.16.315. Vehicles more than thirty years old and operat
license, plates for—Fees, disposition.
46.16.355. Repealed.
46.16.381. Special parking privileges for disabled persons—
rized use or parking [New].
46.16.390. Special plate, card, or decal issued by another jur
46.16.500. Liability of operator and/or owner or lessee for v
46.16.505. Campers—License and plates—Application—Fee.
46.16.510 to 46.16.550. Repealed.
46.16.555. Decodified.
46.16.560. Personalized license plates—Defined.
46.16.565. Personalized license plates—Application.
46.16.570. Personalized license plates—Design.
46.16.575. Personalized license plates—Issuance to registere
46.16.580. Personalized license plates—Application requirem
46.16.585. Personalized license plates—Fees—Renewal—Pen
46.16.590. Personalized license plates—Transfer fees.
46.16.595. Personalized license plates—Transfer or surrender
release of vehicle ownership—Penalty.
46.16.600. Personalized license plates—Rules and regulation
46.16.605. Personalized license plates—Disposition of fees—
46.16.610. Referral to electorate.
46.16.620. Congressional Medal of Honor recipients—Special
46.16.630. Moped registration.

ection following a satisfactory showing by the depart-nissions, or transpositions were made in entering the the stolen vehicle file.

'6, 2nd Ex.Sess., ch. 91, § 7, eff. July 1, 1976. Amended by , eff. Sept. 1, 1981.

ansfer of mon- 2 § 7: "Section 7 effect on Septem- ieys held on that disestablished by all be transferred nd." [Laws 1980, of this act is the

amendment of § 46.12.360 by Laws 1980, ch. 32.

Severability—Effective date—Laws 1975–76, 2nd Ex.Sess., ch. 91: See Historical Note following § 46.12.300.

Library References

States ⇐127.

C.J.S. States § 158.

registered and legal owners of vehicles—Furnished tain purposes—Penalty for unauthorized use

other authority which it may have, the department of n lists of registered and legal owners of motor vehicles s specified in this section to:

irers of motor vehicles, or their authorized agents, to ose manufacturers to carry out the provisions of the l Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. ; amendments or additions thereto, respecting safety- otor vehicles;

ntal agency of the United States or Canada, or political to be used by it or by its authorized commercial s only in connection with the enforcement of motor vs by, or programs related to traffic safety of, that

Only such parts of the list as are required for vork required of the agent or contractor shall be nt or contractor; or

egularly making loans to other persons to finance the ehicles, to be used to assist the person requesting the ership of specific vehicles for the purpose of determin- to provide such financing. In the event a list of owners of motor vehicles is used for any purpose other l in subsections (1), (2) and (3) of this section, the mental agency, financial institution or their authoriz- ors responsible for the unauthorized disclosure or use er access to such information by the department of

h. 215 § 1.

37, 40.

e of names and addresses of individual vehicle

ne provisions of chapter 42.17 RCW, the name or ual vehicle owner shall not be released by the depart- or other public agency except upon written request,

signed by the person requesting disclosure, stating their full legal name and address. The request for disclosure is itself a public record, subject to inspection and copying, and shall be retained by the disclosing agency for two years.

When deemed appropriate by the disclosing agency, notice that such a disclosure request has been honored may be sent to the affected vehicle owner, indicating the name and address of the person requesting disclosure.

This section shall not apply to persons who routinely request disclosure of vehicle registration information for use in the course of their business or occupation.

Added by Laws 1984, ch. 241, § 2.

CHAPTER 46.16—VEHICLE LICENSES

Sec.

46.16.006. "Registration year", defined—Registration months—"Last day of the month".
46.16.015. Emission control inspections required—Exceptions.
46.16.016. Emission control inspections—Rules for licensing requirements.
46.16.035. Exemptions—Private school buses.
46.16.048. Temporary letter of authority for movement of unlicensed vehicle for special community event.
46.16.063. Additional fee for recreational vehicles.
46.16.104 to 46.16.106. Repealed.
46.16.115. Repealed.
46.16.216. Renewal, payment of parking fines required—Distribution of surcharge—Change of registered owner—Statement of unpaid parking fines to registered owners [New].
46.16.225. Vehicle registration periods may be adjusted to stagger renewal periods.
46.16.275. Replacement plates required, when.
46.16.311. Antique vehicles—Application to vehicles manufactured after 1931 and presently licensed.
46.16.315. Vehicles more than thirty years old and operated as collector's item, license, plates for—Fees, disposition.
46.16.355. Repealed.
46.16.381. Special parking privileges for disabled persons—Penalties for unauthorized use or parking [New].
46.16.390. Special plate, card, or decal issued by another jurisdiction [New].
46.16.500. Liability of operator and/or owner or lessee for violations.
46.16.505. Campers—License and plates—Application—Fee.
46.16.510 to 46.16.550. Repealed.
46.16.555. Decodified.
46.16.560. Personalized license plates—Defined.
46.16.565. Personalized license plates—Application.
46.16.570. Personalized license plates—Design.
46.16.575. Personalized license plates—Issuance to registered owner only.
46.16.580. Personalized license plates—Application requirements.
46.16.585. Personalized license plates—Fees—Renewal—Penalty.
46.16.590. Personalized license plates—Transfer fees.
46.16.595. Personalized license plates—Transfer or surrender of plates upon sale or release of vehicle ownership—Penalty.
46.16.600. Personalized license plates—Rules and regulations.
46.16.605. Personalized license plates—Disposition of fees—Costs.
46.16.610. Referral to electorate.
46.16.620. Congressional Medal of Honor recipients—Special license plates.
46.16.630. Moped registration.

or dispose of, or have in his possession for sale, use or storage any ured home on which the registration fees or excise taxes have not quired by law;

identification, manufactured home registration receipt, Manufactured tion Decal or excise tax receipt on an assigned certificate of title.

ing the provisions of this subsection, upon conviction, shall be guilty

ition of any portion of the Motor Vehicle License and Registration ecific penalty has not been imposed, upon conviction, shall constitute and the person having violated it shall be fined not less than Ten and not to exceed One Hundred Dollars ($100.00).

ation of any provision of the Motor Vehicle License and Registration d every day such violation has occurred shall constitute a separate

1979, c. 292, § 5, emerg. eff. July 5, 1979. Amended by Laws 1981, ws 1984, c. 253, § 14, operative July 1, 1984.

q. of this title.

9, 1984. Emergency.

C.J.S. Motor Vehicles §§ 588, 596 et seq.

16.

llment payments of license fees—Liens—New license tags

anding the provision of any other statute in respect to the time for se fees on motor vehicles, if the total amount of the annual license any resident owner, either individual, partnership, or Oklahoma n the registration, on or before January 15 of any year, of trucks, railers or semitrailers, not used primarily for farm use, exceeds the usand Dollars ($1,000.00), said license fees may be paid in equal allments. The first installment shall be paid at the time of the egistration of said vehicles and not later than January 15 of each cond installment shall be paid on or before the first day of July of

n shall not operate to reduce the amount of the license fees due. If is not paid on or before the date due, all unpaid installments of uch year on each vehicle shall be deemed delinquent and immediate- le, and there shall be added a penalty of twenty-five cents ($0.25) lance of the license fee due on each vehicle for each day the balance p to thirty (30) days, after which the penalty due on each vehicle ive Dollars ($25.00). The penalty for vehicles registered by weight n thousand (7,000) pounds shall be an amount equal to the license er the 30th day each such vehicle involved shall be considered as ed and as not currently registered, and all of the provisions of the ense and Registration Act [1] relating to enforcement, including the e seizure and sale of vehicles not registered and not displaying ates, shall apply to said vehicles.

d taxes levied by the Motor Vehicle License and Registration Act remain a first lien upon the vehicle upon which said fees or taxes . Said lien shall have priority to all other liens. Provided further, vehicle may be transferred until the unpaid balance on the vehicle full. Provided that any unpaid balance of said license fees shall e a lien against any and all property of the owner, both real and ng as any license tag fee balance shall remain unpaid. Provided npaid balance under these provisions shall be immediately due and wner if any vehicle is sold, wrecked, or otherwise retired from

electing to pay license fees on a semiannual installment basis, as shall be required to purchase a new license tag for the last half sum of One Dollar ($1.00) for each tag to cover the costs of said

license tags; said license tags for each half shall be plainly marked in designating the half for which they were issued. Such license tag fee shall be, in addition to the license fees or any other fees, collected on each application as provided by statute and shall be apportioned in the same manner as the license fees on such vehicles are apportioned by law.

Added by Laws 1978, c. 2, § 1, emerg. eff. Jan. 25, 1978. Amended by Laws 1982, c. 95, § 4, emerg. eff. April 6, 1982.

1 Section 22 et seq. of this title.

Section 2 of Laws 1977, c. 2, provided for codification of this section.

Title of Act:

An Act relating to motor vehicles; providing for additions to the Motor Vehicle License and Registration Act; providing for semiannual payment of certain license fees; providing certain controls over control of such payments; directing codification; and declaring an emergency. Laws 1978, c. 2.

§ 22.24. Information contained in certificates and applications as confidential—Exceptions—Certified copies—Fees

A. All information contained in certificates of title, applications therefor, or registration certificates is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Commission in the regular course of their employment, except as follows:

1. To law enforcement officers in the regular course of their duties;

2. To other governmental agencies when required in their governmental functions; and

3. To any motor vehicle manufacturer or his authorized representative for the purpose of meeting the requirements of the recall provisions of Title 15 U.S.C.1974; provided that said manufacturer or his representative shall, when requesting information pertaining to motor vehicles, furnish the Commission with an affidavit stating the purpose for which the information is to be used, and that the confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Commission shall be authorized to review the use of and the measures employed to safeguard said information; and provided, further, that the manufacturer or his representative shall bear the cost incurred by the Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection (d) of Section 205 of Title 68 of the Oklahoma Statutes, shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or his representative violating the provisions of this subsection, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00).

B. Notwithstanding the foregoing, the Commission may, when requested for a particular vehicle, furnish desired information for the sum of One Dollar ($1.00) per vehicle or make copies of certificates of title, applications therefor and registration certificates and sell the same for the fee hereinafter prescribed. Certified copies of any and all records held by the Commission relative to certificates of title and registration certificates issued under the laws of this state, duly certified by the Commission, may be received in evidence with the same effect as the original, when such original is not in the possession or under the control of the party desiring to use the same. For each certified copy furnished under this section, a fee of Two Dollars ($2.00) per instrument shall be charged and collected by the Commission. All such funds shall be deposited in the Oklahoma Tax Commission Revolving Fund.

C. Provided however, that the provisions of subsections A and B of this section shall not apply to vehicles in excess of twenty-six thousand (26,000) pounds, or to trailers or semitrailers which may be used in combination with such vehicles. Provided further, the Oklahoma Tax Commission shall establish an appropriate fee to cover the cost of furnishing the requested data and shall issue specific rules and regulations for the dissemination of information that shall apply only to vehicles registered in Oklahoma with a gross vehicle weight in excess of twenty-six thousand (26,000) pounds, or the applicable trailers or semitrailers.

The release of such information shall be limited to Oklahoma incorporated and domiciled, nonprofit, tax exempt industry trade groups and organizations for the

express purpose of making such data directly available to the heavy duty motor transportation industry.

Amended by Laws 1968, c. 177, § 1, emerg. eff. April 15, 1968; Laws 1969, c. 163, § 1, emerg. eff. April 14, 1969; Laws 1977, c. 103, § 45, emerg. eff. May 30, 1977; Laws 1978, c. 209, § 19, eff. July 1, 1978; Laws 1984, c. 227, § 1, emerg. eff. May 23, 1984.

Section 4 of Laws 1984, c. 227 provides for an effective date.

Section 2 of Laws 1969, c. 163 repealed conflicting laws and specifically repealed title 68, § 2109.

Notes of Decisions

1. In general

The utilization of a private vendor under contract, acting as agent for Data Processing and Planning Division, to keypunch data from motor vehicle registrations, is not a violation of 68 Okl. St.Ann. § 205 or 74 Okl.St.Ann. § 118.17, however, individuals in possession of the information found in such registrations are bound by the same confidentiality as employees of the State Board of Public Affairs, Data Processing and Planning Division. Op.Atty.Gen. No. 77-257 (Dec. 5, 1977).

Individuals can copy records of Oklahoma Tax Commission regarding ownership of vehicles. Op.Atty.Gen. No. 68-165 (April 12, 1968).

§§ 22.25 to 22.27. Repealed by Laws 1977, c. 103, § 65, emerg. eff. May 30, 1977; State Question No. 524, Initiative Petition No. 300, adopted at election held Nov. 7, 1978

Section 22.26 was also repealed by State Question No. 524, Initiative Petition No. 300, adopted at election held Nov. 7, 1978, effective 90 days after approval and passage.

§ 22.28. Special mobilized machinery

A. Special mobilized machinery shall not be subject to any section or provision of the Motor Vehicle License and Registration Act,[1] except the provisions of this section.

Special mobilized machinery shall be permitted the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of this act. Application covering qualifying equipment may be made to the Commission or their[2] authorized agents for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars ($25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by the Commission. Certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, the Commission shall collect at time of registration an additional fee of Five Hundred Fifty Dollars ($550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars ($550.00) shall include the constitutional ad valorem tax and shall be allocated by the Commission in the same manner and percentage as registration and permit fees are presently allocated under the provisions of this act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars ($1,100.00). For qualifying equipment purchased during the calendar year, the Commission shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined.

D. Equipment of this class shall use the highways of Oklahoma by special permit, issued by the Commissioner of Public Safety acting through his delegated officers. Permits shall be issued on payment of a Five Dollar ($5.00) fee to the Commissioner of Public Safety or his authorized agents.

In those cases where the equipment or machinery conforms to all safety requirements under the law, then the permit shall be issued for the term of one (1) calendar year and shall be nonrestrictive as to time and route of travel.

Permits for such oversize or overweight machinery permissible road speed of thirty-five (35) miles per hour, to be carried and may exclude use of highways of the int highways of the interstate system shall be included i Commissioner of Public Safety or his authorized agen purposes of this chapter will be served by such use and restrictions will not be violated. Oversize or overweight properly operating on the highways of the interstate minimum speed requirements.

When such equipment has a width greater than eight (8 of load of forty (40) feet, or a height in excess of thirteen the permit may restrict movement to a fifty-mile ra operating base, may designate highways to be traveled, flagmen may be required to precede or follow the equip

Possession of a permit shall in no way be construed as from the power of the Director of the Department of Tra of particular highways. Nor shall it exempt such equipm for damage to highways. Provided that nothing in this ac used in highway construction or road material production

E. Upon the issuance of a special mobilized machin provided in this subsection, special mobilized machinery n shall be permitted to move upon the highways of this manufacture to the state line for delivery and exclusive may be temporarily returned to Oklahoma for modificati quent movement back out of the state. Special driveawa ments shall be issued by the Commissioner of Public Saf his designated agents, upon the payment of a fee therefor Dollars ($15.00) for each such movement. The Commiss hereby authorized to issue to the operators of said special special plates or other identifying evidence that the permit obtained. Other provisions of this section relating to regis this state relating to registration, fees, or licensing shall mobilized equipment when the same is manufactured in delivery and exclusive use without the state or when modification or repair. This subsection shall in no wa described herein from the levy of ad valorem taxes.

It is provided that the size of the special mobilized machi to create a safety hazard in the judgment of the Commi Permits for such special mobilized machinery shall specify road speed of thirty-five (35) miles per hour, designate carried and may exclude use of highways of the interstate

When such equipment has a width greater than eight (8) f of load of forty (40) feet, or a height in excess of thirteen (1 permit may designate highways to be traveled, hours of t may be required to precede or follow the equipment.

Possession of a special driveaway permit shall in no exempting such equipment from the power of the Directo Transportation to restrict use of particular highways, nc equipment from the responsibility for damage to highways.

Amended by Laws 1977, c. 103, § 46, emerg. eff. May 30, 1 § 2, eff. Oct. 1, 1980.

[1] Section 22 et seq. of this title.

[2] Should probably read "its".

§ 22.29. Repealed by Laws 1977, c. 103, § 65, emerg. eff.

§ 22.30a. Licensing of new motor vehicles—Temporary procurement of registration and licensing b

A. The purchaser of every new motor vehicle shall regi motor vehicle within twenty (20) days from the date of purch

SB
278

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

2/11/85 Date 2/12/85

Mr. President

The Committee on State Affairs considered SB 278

relating to drivers license compact.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for SB 278(SA)
[X] new title
[ ] same title and recommends _____

[X] and attached a "LETTER OF INTENT" [X] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edna Ke Mills
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Phil Kaney No Rec

Chairman

Chairman recommendation

Edwards
4/26/85

Original sponsor: Halford

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 278 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the driver license compact and driver license fees."

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

* Section 1. AS 28.15.221(a) is amended to read:

(a) For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws, the commissioner shall adopt regulations establishing a uniform system for the suspension, revocation, limitation or denial of a driver's license or driving privilege by assigning demerit points for convictions for violations of traffic laws which are required to be reported to the department under AS 28.15.191 and AS 28.37.130.

* Sec. 2. AS 28.15.271 is amended to read:

Sec. 28.15.271. FEES. The fees for drivers' licenses and permits, including but not limited to renewals, are as follows:

(1) all classes of drivers' licenses..... $10 [$ 5];

(2) motor-driven cycles..... $10 [$ 2];

(3) instruction permit..... $3 [$ 1];

(4) duplicate of driver's license or instruction permit..... $3 [$ 2];

(5) temporary license and renewal of permit... $3 [$ 1];

(6) school bus driver's permit..... $3 [$ 2].

* Sec. 3. AS 28 is amended by adding a new chapter to read:

CHAPTER 37. DRIVER LICENSE COMPACT.

ARTICLE 1. GENERAL PROVISIONS.

Sec. 28.37.010. COMPACT ENACTED. The Driver License Compact is enacted into law and entered into with all other jurisdictions legally joining in it in the form substantially contained in AS 28.37.110 - 28.37.190.

Sec. 28.37.020. LICENSING AUTHORITY. In this chapter the term "licensing authority" with reference to this state means the division of motor vehicles in the Department of Public Safety. The department shall furnish to the appropriate authority of another party state the information or documents reasonably necessary to facilitate the administration of AS 28.37.130 - 28.37.150.

Sec. 28.37.030. EXPENSES OF ADMINISTRATOR. The compact administrator provided for in AS 28.37.170 is not entitled to additional compensation on account of service as the administrator, but is entitled to expenses incurred in connection with the duties and responsibilities as the administrator, in the same manner as for expenses incurred in connection with other duties or responsibilities of the office or employment.

Sec. 28.37.040. EXECUTIVE HEAD. In this chapter, with reference to this state, the term "executive head" means the governor.

ARTICLE 2. COMPACT TERMS.

Sec. 28.37.110. FINDINGS AND POLICY STATEMENT. (a) The party states find that

(1) the safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles;

(2) violation of a law or ordinance is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property;

(3) the continuance in force of a license to drive is

predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of the party states to

(1) promote compliance with the laws, ordinances, and administrative regulations relating to the operation of motor vehicles by their drivers in each of the jurisdictions where those drivers operate motor vehicles;

(2) make the reciprocal recognition of licenses to drive and eligibility for them more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative regulations as a condition precedent to the continuance or issuance of a license by reason of which the licensee is authorized or permitted to operate a motor vehicle in the party states.

Sec. 28.37.120. COMPACT DEFINITIONS. In this chapter

(1) "conviction" means a conviction of an offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance, or administrative regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed an offense described in this paragraph, and that is required to be reported to the licensing authority under AS 28.37.130;

(2) "home state" means the state that has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle;

(3) "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Sec. 28.37.130. REPORTS OF CONVICTIONS. The licensing authority

of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. The report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection with the conviction.

Sec. 28.37.140. EFFECT OF CONVICTION IN PARTY STATE. (a) The licensing authority in the home state, for the purposes of suspending, revoking, or limiting the license to operate a motor vehicle, shall give the same effect to the conduct reported under AS 28.37.130 as it would if the conduct had occurred in the home state, in the case of a conviction for

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle;

(3) any felony in the commission of which a motor vehicle is used;

(4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to another conviction, reported under AS 28.37.130, the licensing authority in the home state shall give the effect to the conduct that is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or

violations denominated or described in precisely the words employed in (a) of this section, the party state shall construe the denominations and descriptions appearing in (a) of this section as being applicable to and identifying the offenses or violations of a substantially similar nature, and the laws of the party state shall contain the provisions necessary to ensure that full force and effect is given to this section.

Sec. 28.37.150. GROUNDS REQUIRING REFUSAL TO ISSUE LICENSE. Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by another party state. The licensing authority in the state where application is made may not issue a license to drive to the applicant if

(1) the applicant has held a license, but the license has been suspended by reason, in whole or in part, of a violation, and the suspension period has not terminated;

(2) the applicant has held a license, but the license has been revoked by reason, in whole or in part, of a violation, and the revocation has not terminated; except that after the expiration of one year from the date the license was revoked, the person may make application for a new license if permitted by law; the licensing authority may refuse to issue a license to an applicant if, after investigation, the licensing authority determines that it will not be safe to grant to the person the privilege of driving a motor vehicle on the public highways;

(3) the applicant is the holder of a license to drive issued by another party state and currently in force, unless the applicant surrenders the license.

Sec. 28.37.160. APPLICATION OF OTHER STATE LAWS. Except as

expressly required by provisions of this chapter, nothing in this chapter shall be construed to affect the right of a party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Sec. 28.37.170. ADMINISTRATOR OF COMPACT. (a) The head of the licensing authority of each party state shall be the administrator of the compact for that state. The administrators of all party states, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state the information or documents reasonably necessary to facilitate the administration of the compact.

Sec. 28.37.180. COMPACT AS LAW; WITHDRAWAL PROCEDURE. (a) The compact shall become effective as to any state in which the compact becomes effective as the law of that state.

(b) A party state may withdraw from the compact by enacting a statute repealing the compact as the law of the state, but a withdrawal may not take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. Withdrawal does not affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring before the withdrawal.

Sec. 28.37.190. CONSTRUCTION AND VALIDITY; SEVERABILITY. The compact shall be liberally construed so as to effectuate its purposes. The provisions of the compact are severable and if any phrase, clause, sentence, or provision of the compact is declared to be contrary to

the constitution of any party state or of the United States or the applicability of it to a government, agency, person or circumstance is held invalid, the validity of the remainder of the compact and the applicability of it to any government, agency, person or circumstance shall not be affected by it. If the compact is held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 278

Support

April 17, 1985

SB 278, An Act relating to the driver license compact.

The Department supports this piece of legislation with the condition the fiscal note is approved to enable us to handle the increase in workload. This type legislation is also supported by the AAMVA (American Association of Motor Vehicle Administrators).

Basically, what this bill does is bring Alaska in line with the majority of the other states in regard to the exchange and use of driving record information.

Alaska has not, for sometime, used out-of-state traffic convictions in an attempt to identify drivers who have the greatest likelihood of being in an accident so that action can be taken that will hopefully cause these individuals to drive more safely. Out-of-state violations also have not been used to remove from the road, by cancellation of the driver's license, those who are ineligible or prove unable to improve their driving enough to assure a reasonable level of safety for others. This bill takes a large step in the direction of correcting those deficiencies with our present method of operation. Our present deficiencies are due partly to conflicts in the statutes, which this bill will correct, and partly due to available work force.

The Department recommends two amendments: First, amend AS 28.15.221(a) by adding the following to the end of the sentence: "and AS 28.37.130". This amendment removes any conflict between AS 28.15.221(a) and the proposed AS 28.37.140(b). It would allow an out-of-state conviction of a person licensed in Alaska to be used the same as a conviction in Alaska in identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic law. Second, amend AS 28.15.271 by increasing the fees to enable the State to recover any costs incurred by becoming a member of the Driver's License Compact. On a cost per year basis, only one state (Wyoming) charges less for a driver's license than Alaska.

Robert J. Sundberg
Commissioner

new sect
221 A

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB 278

Title: An Act relating to the driver license compact

Sponsor: Halford

Requestor: Senate State Affairs

Date of Request: 4-23-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Life and Property Protection

BRU, Program or Subprogram(s) Affected:
Motor Vehicles
Driver Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		80.4	84.5	88.7	93.1	97.8
200 TRAVEL						
300 CONTRACTUAL		23.1	8.5	8.9	9.3	9.7
400 SUPPLIES		.6	.6	.7	.7	.7
500 EQUIPMENT		7.8				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		111.9	93.6	98.3	103.1	108.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		111.9	93.6	98.3	103.1	108.2
FEDERAL FUNDS						
OTHER						
TOTAL		111.9	93.6	98.3	103.1	108.2

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached.

Prepared By: Bill Brown BB Phone: 465-4335

Division: Motor Vehicles Date: 4-22-85

Approved by Commissioner: [signature] Date: 4/29/85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

DETAIL

100	Personal Services			
	One Document Processing Clerk II		27.7	
	Two Document Processing Clerk I's		52.7	
				80.4
300	Contractual			
310	Postage		1.2	
360	1 CRT terminal @206 per month		2.5	
380	Professional Services DP Programming		15.0*	
382a	DP line charges - 1CRT		2.0	
	DP data circuit - 1CRT		1.5	
	Maintenance - 1CRT		.9	
				23.1
400	Commodities			
480	Normal office supplies		.6	
				.6
500	Equipment			
3	typewriters @1,242		3.7	
3	chairs @576		1.7	
4	accoustical panels		1.6	
				7.8
		TOTAL		111.9

* intitial programming charge - first year only

ASSUMPTIONS:

Effective date of July 1, 1985.
Five percent inflation factor used for FY87 and subsequent years.

In the position paper, it was recommended driver's license fees (AS 28.15.271) be increased to pay for the cost of the program. If fees were doubled, revenues would increase approximately $550,000. On a cost per year basis, the Alaska driver's license costs less now than in 1961 because when the duration of a license increased from three to five years in 1978, there was no increase in fees. On a cost per year basis, only Wyoming charges less than Alaska for a driver's license.

1.	POSITION TITLE: Document Processing Clerk I			RANGE/STEP: 7b	BARG. UNIT: GGU	PAGE/LINE	GOV.	APPROV. / DISAPP.
2.	TYPE OF POSITION: PFT	STAFF MONTHS: 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION: Juneau	ELECTION DISTRICT: 4	LEG.
3.	CONTINUATION LEVEL		ADDITION					

4.	TYPE OF EXPENDITURE	2	AMOUNT 3
	PERSONAL SERVICES		
5.	Salary	19,032	
6.	Benefits	3,436	
7.	Supplemental Benefits	1,167	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	26,032
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	100
13.	Equipment	05	2,090
14.	Other		
15.	TOTAL COST		28,557

	RECEIPT CODE	FUNDING SOURCE		
16.		Federal Receipts	1002	
17.		G.F. Match	1003	
18.		General Funds	1004	28,557
19.		I-A Receipts	1005	
20.		Program Receipts	1028	
21.		Other		

FOR B&N USE ONLY
KEY NUMBER __ __ - __ __ - __ __ - __ __ - __ __

JUSTIFICATION

This person would enter data into the computer when an Alaska license is returned from another state when the licensee becomes licensed in that state.

A driving record would then be generated and mailed to the new licensing state.

Answer inquiries received from other states concerning an Alaska driving record.

Enter data from out-of-state driving records and convictions into microfilm retrieval system.

Equipment breakdown for this position is as follows:

Typewriter - 1,242
Desk - 576
Chair - 272

REQUEST FOR NEW POSITION

AGENCY Department of Public Safety

PROGRAM Life and Property Protection

BRU Motor Vehicles

COMPONENT Driver Services

Page of

Revised Date

FY 86

01-1136 (7/82) - 13

1.	POSITION TITLE: Document Processing Clerk I			RANGE/STEP: 7b	BARG. UNIT: GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION: PFT	STAFF MONTHS: 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION: Juneau	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL		ADDITION						

	TYPE OF EXPENDITURE	1	2	AMOUNT 3
	PERSONAL SERVICES			
5.	Salary		19,032	
6.	Benefits		3,436	
7.	Supplemental Benefits		1,167	
8.	Fixed Benefits		2,732	
9.	TOTAL PERSONAL SERVICES	01		26,367
10.	Travel	02		
11.	Contractual	03		
12.	Commodities	04		100
13.	Equipment	05		2,090
14.	Other			
15.	TOTAL COST			28,557

	RECEIPT CODE	FUNDING SOURCE		
16.		Federal Receipts	1002	
17.		G.F. Match	1003	
18.		General Funds	1004	28,557
19.		I-A Receipts	1005	
20.		Program Receipts	1028	
21.		Other		

FOR B&M USE ONLY
KEY NUMBER __ __ - __ __ - __ __ - __ __ - __ __

JUSTIFICATION

This person would be responsible to mail surrendered out-of-state licenses to the state of issuance and send an inquiry if applicant did not have the license in possession, to obtain the licensee's previous driving record. Also send notices to violator's home state when individual licensed in another jurisdiction is convicted of, or suspended/revoked for, a traffic offense in Alaska.

Review driving records received from other states, decode, and determine if they are to be added to the Alaska driving record. For those which can, code and enter on computer.

After out-of-state driving records have been microfilmed, enter data into microfilm retrieval system.

Equipment breakdown for this position is as follows:

Typewriter - 1,242
Desk - 576
Chair - 272

REQUEST FOR NEW POSITION

AGENCY: Department of Public Safety

PROGRAM: Life and Propery Protection

BRU: Motor Vehicles

COMPONENT: Driver Services

Page of

Revised Date

FY 86

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1.	POSITION TITLE: Document Processing Clerk II			RANGE/STEP: 8b	BARG. UNIT: GGU	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION: PFT	STAFF MONTHS: 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION: Juneau	ELECTION DISTRICT: 4	LEG.		

3. CONTINUATION LEVEL ____ ADDITION ____

4. TYPE OF EXPENDITURE	1	2	AMOUNT 3
	PERSONAL SERVICES		
5.	Salary	20,136	
6.	Benefits	3,636	
7.	Supplemental Benefits	1,234	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	27,738
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	100
13.	Equipment	05	2,090
14.	Other		
15.	TOTAL COST		29,928

	RECEIPT CODE	FUNDING SOURCE		
16.		Federal Receipts	1002	
17.		G.F. Match	1003	
18.		General Funds	1004	29,928
19.		I-A Receipts	1005	
20.		Program Receipts	1028	
21.		Other		

FOR B&M USE ONLY
KEY NUMBER __ __ - __ __ - __ __ - __ __ - __ __

JUSTIFICATION

Upon receipt of out-of-state driving records and license actions, this person would determine whether or not the licensee is eligible to be licensed in Alaska. If not, would take appropriate action to cancel driver's license.

Enter any license actions into computer, prepare certified copies for prosecutors, courts, etc., when necessary.

Decode driving records from other states and determine if they can be added to Alaska driving record. Add appropriate records to computer system.

Equipment breakdown for this position is as follows:

Typewriter - 1,242
Desk - 576
Chair - 272

REQUEST FOR NEW POSITION

AGENCY: Department of Public Safety
PROGRAM: Life and Property Protection
BRU: Motor Vehicles
COMPONENT: Driver Services

Page ____ of ____
Revised Date ____

FY 86

01-1136 (7/82) - 13

SB 278 - Driver License Compact

Currently it is possible for a negligent driver to lose his/her driver's license in another state, move to Alaska and get an Alaska driver's license. This bill would stop that practice by allowing Alaska to exchange information on traffic convictions and license suspensions with other states.

There are 29 states currently in the compact program.

Sectional Analysis

ARTICLE 1 General provisions

ARTICLE 2

Section 28.37.110. Findings and Policy

Section 28.37.120. Definitions

Section 28.37.130. Reporting Convictions.

Licensing authorities of participating states are to exchange reports of convictions. The report should identify the person convicted, the violation, the court, the plea or forfeiture of bail/bond.

Section 28.37.140 Effect of Conviction

The home state is to treat the conviction as it would if the conviction were to have occurred in the home state.

Section 28.37.150 REFUSAL TO ISSUE LICENSE

Participating states may not issue licenses to drivers from other participating states if:

1) the license has been suspended due to violation and the suspension has not terminated

2) the license has been revoked due to violation and the revocation has not terminated

Section 28.37.160. DOES NOT AFFECT APPLICATION OF OTHER STATE LAWS

Section 28.37.170. ADMINISTERING THE COMPACT

Section 28.37.180. HOW STATES MAY WITHDRAW

Section 28.37.190. CONSTRUCTION AND VALIDITY. SEVERABILITY

Provisions of the compact are severable.

SECOND DRAFT

THE DRIVER LICENSE COMPACT

OPERATIONS MANUAL

Prepared by the
Executive Committee of the
Driver License Compact Commission
with the support of the
American Association of
Motor Vehicle Administrators

August, 1984

D R I V E R L I C E N S E C O M P A C T C O M M I S S I O N
1201 Connecticut Avenue, N.W.; Suite 910; Washington, D.C. 20036
Telephone 202/296-1955

TO: All Chief Motor Vehicle Administrators and Driver License Administrators

FROM: Larry Majerus, Chairman Driver License Compact Commission

SUBJECT: Operations Manual - Driver License Compact

Enclosed for your information and review is a DRAFT copy of the Operations Manual that is being developed for use by those states that are members of the Driver License Compact. Even if your jurisdiction is not yet a member of the compact, your review and input would be of considerable assistance in the development of this manual.

This Operations Manual is intended to be "recommended guidelines," rather than hard and fast procedures. It is not necessarily limited to compact provisions so that it could be used, in total or in part, by all jurisdictions - not just compact members. Hopefully, requests for driver records and the forwarding of conviction records to the resident state can be accomplished whether or not a state is a member of the compact.

After review, if you have any comments or suggestions, please forward them to my attention at the following address: Motor Vehicle Division; 303 N. Roberts; Helena, Montana 59620.

I would also like to extend a personal invitation for you to attend the next meeting of the Driver License Compact Commission. It will be held in conjunction with the Driver License Committee Meeting at the AAMVA International Conference in Des Moines, Iowa on Tuesday, October 2, 1984 at 9:00 a.m.

L Majerus

L.G.M.

cc: Commission Members
Secretariat

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I.

EXECUTIVE SUMMARY

Unsafe drivers have always been a major threat to traffic safety, and every state in the United States has developed some procedure for limiting or withdrawing the driving privilege of those with a history of negligent driving. Without a system of communication among the states, however, it has become possible for negligent drivers to accrue numerous violations in other jurisdictions without their home state's knowledge, or to hold multiple driver licenses. Because of this, the states found it necessary to develop a system whereby a driver's complete record--including convictions in other states--is known to the home state licensing agency, and follows the driver from state to state.

The Driver License Compact was authorized by Congress and formed in 1961 to give states a means for cooperative action to control problem drivers. The DLC is an interstate compact designed to advance highway traffic safety through the use of consistent reporting procedures and the exchange of information on driver records. There are currently twenty-nine states in the DLC, and several other states comply with its major provisions.

In 1958, the Congress of the United States enacted a law reaffirming the principle that the states should bear primary responsibility for traffic safety. The law suggested the use of interstate compacts as a means of achieving cooperation and uniformity, and granted--in advance--Congressional consent to interstate compacts designed to promote safety on the highways.

The DLC contains four major provisions, which member-states are committed to uphold. These are:

1. the "one driver license" concept, which requires the surrender of an out-of-state driver license when application for a new license is made;

2. the "one driver record" concept, which maintains the necessity of one complete driving record (which moves with a driver from state to state) to determine driving eligibility in both the home state and other jurisdictions;

3. the "exchange of information" or reports of certain traffic convictions and license suspensions or revocations of out-of-state drivers with the home state licensing agency, as well as other appropriate information; and

4. the insurance of "uniform and predictable treatment" of drivers by treating offenses committed in another state by a home-state driver in the same manner as an in-state violation would be treated.

The DLC uses several procedures for meeting these four provisions. State-members make use of the National Driver Register (NDR), an information system administered by the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA). States voluntarily contribute information on driver license revocations and suspensions to the NDR, which is currently being converted to an automated, on-line mode.

Other procedures include reporting convictions for major moving violations to a driver's home state, and requiring the surrender of another state's driver license before issuance of a new license.

The DLC continues to be a viable mechanism for promoting traffic safety by providing an effective means of determining a driver's nationwide driving record. In 1983, a Driver License Compact Commission was formed to address issues related to the DLC, and to encourage participation among non-member states.

II.

DRIVER LICENSE COMPACT MEMBERSHIP

The twenty-nine states currently participating in the DLC, with their effective dates, are:

Alabama (1966)
Arizona (1963)
Arkansas (1969)
California (1963)
Colorado (1965)
Delaware (1964)
Florida (1967)
Hawaii (1971)
Idaho (1963)
Illinois (1963)
Indiana (1967)
Iowa (1965)
Kansas (1965)
Louisiana (1968)
Maine (1963)
Mississippi (1962)
Montana (1963)
Nebraska (1963)
Nevada (1961)
New Jersey (1966)
New Mexico (1963)
New York (1965)
Oklahoma (1967)
Oregon (1963)
Tennessee (1965)
Utah (1965)
Virginia (1963)
Washington (1963)
West Virginia (1971)

Each state in the compact has a statute which embodies the language and the provisions of the Driver License Compact.

III.

HISTORY OF THE DRIVER LICENSE COMPACT

An interstate compact is a formal and contractual agreement between two or more states and may include the United States government as a party. It originated in the colonial period, and is authorized by the Constitution. Interstate compacts usually require the consent of Congress, and Congress always has the authority to forbid a compact by specific enactment. The Supreme Court of the United States enforces interstate compacts, and recognizes them as taking preeminence over any other ordinary and/or conflicting state statute. Interstate compacts are enacted into state law in each participating jurisdiction, usually with identical wording.

Highway safety compacts are agreements entered into by states for the expressed purpose of resolving mutual problems in interstate highway traffic. It is generally recognized that interstate motor carrier travel presents a number of complex problems for the states that need close cooperation and can often be successfully addressed by interstate agreements.

In 1958, Congress adopted the Beamer Resolution (Public Law 85-684), which granted congressional approval in advance to interstate compacts to further highway traffic safety.

The first major response to the Beamer Resolution came in 1960, when resolutions urging the formation of the agreement were passed by the Western Interstate Committee on Highway Policy Problems and the Western Governors' Conference. The Council of State Governments then began drafting what would become the Driver License Compact, in close cooperation with state motor vehicle administrators, the International Association of Chiefs of Police (IACP), and the American Association of Motor Vehicle Administrators (AAMVA). Assistance and comments on subsequent drafts were provided by legislators from a variety of states and from the Interstate Compact Committee of the National Conference of Commissioners on Uniform State Laws.

The Driver License Compact became a reality in 1961, when Nevada became the first state to adopt it. Mississippi approved entry into the DLC in 1962 and put the Compact into effect. Ten additional states joined in 1963, and the number grew to twenty by 1966.

In March 1965, the Board of Directors of the American Association of Motor Vehicle Administrators approved a recommendation that AAMVA serve as the Secretariat for states participating in the Compact. The Compact states ratified this action.

A Driver License Compact Commission (DLCC), made up of motor vehicle administrators from Compact states, was established in 1983 to administer the DLC and develop a long-term plan to increase membership and service. AAMVA also serves as Secretariat of this organization.

DEFINITIONS APPLICABLE TO THE

DRIVER LICENSE COMPACT

AAMVA.....	American Association of Motor Vehicle Administrators, an organization of state and provincial officials in the U.S. and Canada, responsible for the administration and enforcement of laws pertaining to the motor vehicle and its use.
Conviction.....	an forfeiture of bail deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic violation charge.
Highway safety compact..	agreement entered into by states for the expressed purpose of resolving mutual problems in interstate highway traffic.
Home state.....	state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.
Interstate compact.....	a formal and contractual agreement between two or more states that may include the United States government as a party; authorized by the Constitution; usually requires the consent of Congress; enforced by the Supreme Court of the United States; recognized as taking preeminence over any other ordinary and/or conflicting state statute.
License revocation.....	the cancellation of a person's driver license, not subject to renewal or restoration except upon application for a new license and action by the motor vehicle department after the expiration of the applicable period of time.
License suspension.....	the temporary withdrawal of a person's driver license, for a specific period of time designated by the motor vehicle department.

NDR..... National Driver Register, a nation-wide file of information provided voluntarily by the states on drivers with licensing sanctions for drunk driving and other serious traffic violations, that provides state licensing officials with a central index; administered by the Department of Transportation's National Highway Traffic Safety Administration; currently being updated to an automated, on-line service that will allow for the exchange of information within minutes.

Restoration..... reinstatement of the driving privilege following a suspension or revocation.

Specified offenses..... offenses specified in the Compact as universally recognized as extremely dangerous and subject to the provisions of the DLC:
(1) manslaughter or negligent homicide;
(2) driving while intoxicated;
(3) conviction of a felony in which a motor vehicle was used; and
(4) conviction of failure to stop and render aid in an accident resulting in death or personal injury (hit and run).

State..... state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Withdrawal..... suspension or revocation of the driving privilege.

V.

IMPLEMENTING THE DRIVER LICENSE COMPACT

Procedures applicable to modern and professional licensing standards have been developed and included in this operations manual. These procedures extend beyond the provisions of the Driver License Compact. The Executive Board of the DLC Commission strongly urges all states to consider immplementation of these procedures to insure standardization and compatibility in driver licensing operations throughout the United States.

The DLC sets up uniform interstate procedures that are designed to prevent multiple licensing by drivers attempting to circumvent the law. The Compact provides the means for states to overcome jurisdictional limitations through cooperation and the exchange of information. The Compact cannot accomplish its purpose unless each member state uniformly adheres to its provisions.

It is extremely important that individual member states develop internal procedures that insure compliance with the four major provisions of the DLC. Procedural steps that provide for uniformity of operation and compliance by departmental employees have been established, and are recommended for all Compact participants.

The following information addresses each of the four major provisions of the Compact by providing the rationale--an explanation--of the provision and a description of recommended procedures for meeting its requirements.

A. One Driver License Concept

1. Rationale: The goal of this first objective is to prevent individual drivers from obtaining multiple driver licenses. Some negligent drivers use multiple licenses to retain driving privileges despite repeated violations warranting suspension or revocation.

Under the Compact, an individual is allowed only one valid driver license, to be issued and controlled by the state in which the driver resides. Any driving done in other states is to be done by reciprocity based on the status of the home state license. Under the Compact, such a driver is not eligible to receive a license from another state until his existing license is surrendered.

2. Recommended Procedures: Each state application for a driver license should contain a question(s) concerning any driver licenses held by the applicant within the last four years, issued by any other state(s), and should indicate that a record check will be made through the National Driver Register.

Applicants older than the minimum legal driving age who state that they have not been previously licensed should be questioned as to prior state residency. Most states have laws prohibiting false statements on driver license applications. Persons of driving age denying that they have ever previously been issued a driver license should be asked to sign a non-driving affidavit. Such an affidavit should clearly state to the applicant the penalty for providing false information.

Suggested procedures for processing original driver applications include:

- o applicant completes driver license application
- o license examiner administers appropriate test(s)
- o applicant successfully completes required test(s)
- o applicant surrenders driver license from another state <u>before license is issued</u> (if applicant was previously licensed)
- o applicant pays required fee
- o license/permit is produced and given to applicant
- o license examiner forwards application and surrendered license to licensing agency headquarters.

B. One Driver Record Concept

1. Rationale: The second major goal of the DLC is to insure that an individual's complete driving record, including convictions in all states in which he has driven, is used to determine driving eligibility in all states. Ideally, this complete driving record would follow the driver from state to state. Under the Compact, a driver's complete record is on file in his home state, and is made available to other states upon a change in residency and/or licensing.

2. Recommended Procedures: The application for an original driver license in any state should be used as the basis for establishment of the driving record.

In addition to the basic information such as name, date of birth, address, physical description, test results and license restrictions, the driver record should include information relating to any previous out-of-state driver license held. This should include driver record information regarding any convictions, accidents, driver improvement actions, and any suspensions or revocations.

Suggested procedures for establishment of the driver record are:

- o applications for original driver licenses are reviewed for surrendered out-of-state licenses and non-driving affidavits
- o surrendered out-of-state licenses and non-driving affidavits are forwarded to issuing/resident state with a request for driver records and supporting documents
- o upon return of requested information, the data is reviewed to determine if withdrawal of the issued license is necessary
- o driver information received from out-of-state is incorporated into the driver record in the home state.

C. Exchange of Information

1. Rationale: The "one license" and "one record" concepts constitute the heart of the Driver License Compact. Implementation of these concepts is an important step toward establishing uniformity of driver control. However, this goal can be met only through the dedicated and determined compliance with the DLC provision calling for the exchange of information among the states. The quality, uniformity and completeness of information contained in the driver record depends on the extent to which the states comply with this provision. Without it, the other provisions are virtually useless.

2. Recommended Procedures: The information contained within the National Driver Register (NDR) should be checked to verify the issuance of all original licenses. In addition, the NDR should be notified of all license withdrawals (suspensions or revocations) and license restorations (reinstatements). Suggested procedures include:

- o tapes/requests prepared and forwarded daily to the NDR on original licenses issued, license withdrawals and license restorations
- o NDR processes state tapes/requests against their files
- o NDR provides state with Form HS 1054 in the following instances:

  (1) license issued is a possible match with a license issued or withdrawal by another state

  (2) withdrawal is a possible match with a license issued or withdrawn by another state
- o returned Forms HS 1054 are reviewed and driver records and supporting documents are requested on all suspensions or revocations.

All convictions or withdrawals for traffic offenses by non-residents require that notification be sent to the residence or licensing state.

The state which issued the license is provided with a copy of the abstract of conviction and/or the order of withdrawal. The license is also sent to the issuing state if it was surrendered and forwarded to the department.

When requests for driver record information are received from another state, the recommended procedures are:

- o produce transcript of record
- o review transcript for accuracy; it is not necessary to forward transcripts with no record of conviction, accident, or administrative action
- o forward transcript to the requesting state

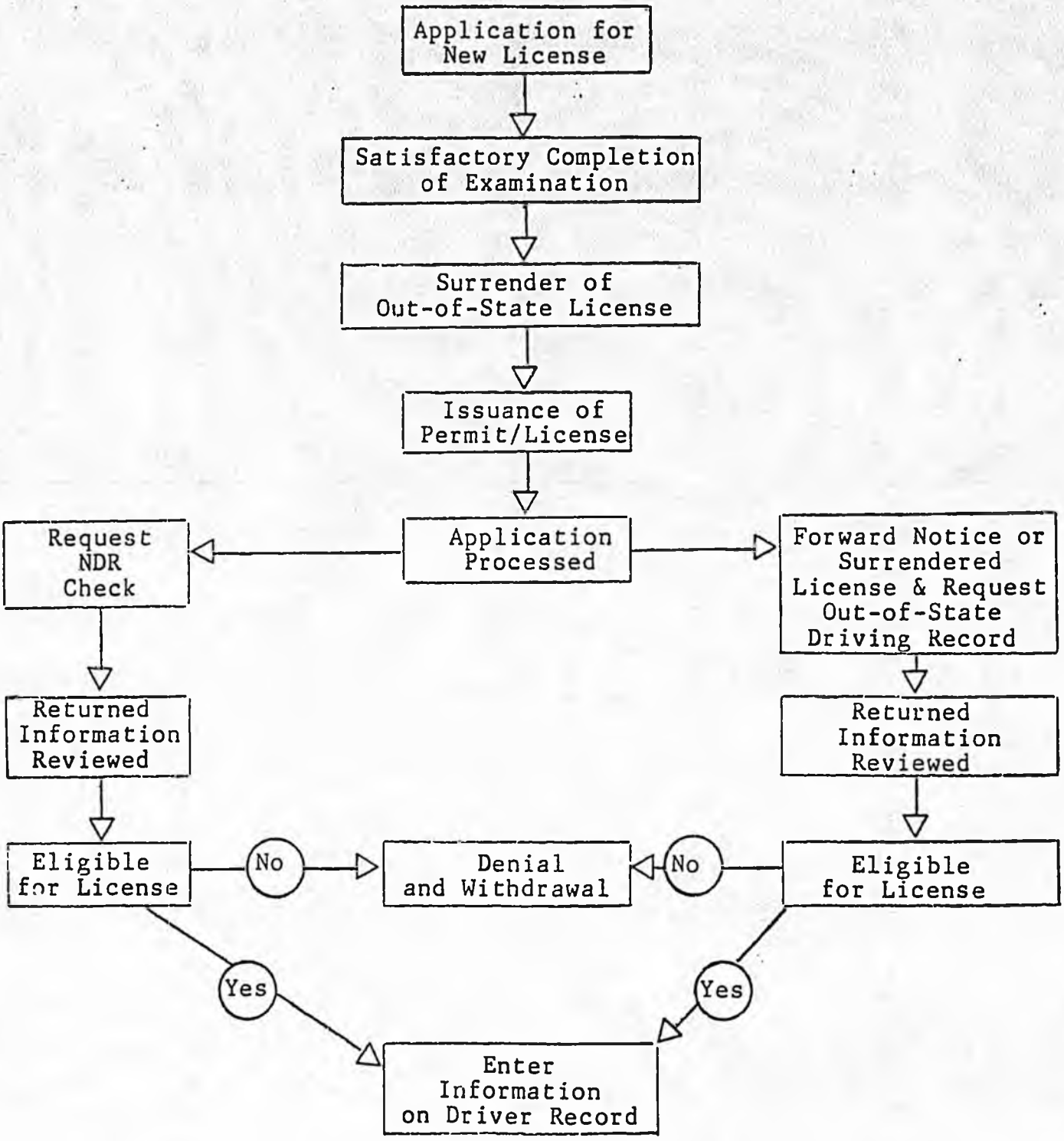
D. Uniform and Predictable Treatment

1. Rationale: The DLC seeks to insure uniform and predictable treatment of drivers convicted of serious traffic offenses wherever the offense and conviction occur. It is important to note that action taken pursuant to the Compact occurs in the home state, and is based upon the home state law. The laws and policies of the state where the offense(s) occurred are not considered. The state where an offense occurred can take unilateral action against the out-of-state driver's privilege to drive there, but action against the home state privileges remain the responsibility of the home state.

2. Recommended Procedures: Conviction for an offense committed in another state by a resident driver should be handled as if the violation occurred in the home state. Each conviction should be reviewed and the offense interpreted in relation to the home state's statutes. Based upon this type of review and interpretation, the suggested procedures are:

- o conviction data is entered to the subject's home state driving record
- o required administrative action is taken, such as license withdrawal for mandatory convictions, or the assignment of demerit points against the driver license (demerit points must be assessed in the same manner as if the conviction occured in the home state)

E. Flow Chart--Processing of Applications



VI.

CONCLUSION

The Driver License Compact is an immensely valuable tool in traffic safety efforts. Drivers who are convicted of serious traffic law violations when away from home should not escape corrective action by the state in which they are licensed. Nor should they be able to hold licenses in more than one jurisdiction and be able to "spread out" violations among them to escape the consequences of dangerous driving practices.

States traditionally have had the responsibility for licensing and controlling motor vehicle drivers, yet are limited in dealing with drivers who accumulate a record of serious moving traffic convictions in other jurisdictions. The DLC gives the party states an opportunity to enhance their ability to deal with resident drivers who have been convicted of traffic violations in other party states.

Each state stands to gain through participation in the DLC--they not only have a method to gather information on their own licensed drivers' activities in other states, but they can also be reasonably assured that violators of traffic laws cannot move to their state, apply for a driver license, and create a "clean slate." The DLC makes it difficult for drivers with bad records to maintain multiple records in order to avoid prosecution, conviction or license suspension. And everyone who uses America's roads is a little safer because of it.

APPENDIX A

Model Enabling Legislation

The purpose of the enabling act is to fit the Compact into the existing pattern of law in the party state. Except for the text of the Compact, which should be identical in all states, the language of the enabling act may be varied by each enacting state to fit its own law and policy. Some provision should be made for all matters covered in the model act; other provisions may be added if they are needed. Material enclosed in brackets should be replaced by specific language which will accomplish the purpose.

Suggested Legislation
[Title should conform to state requirements]

Section 1. The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DRIVER LICENSE COMPACT

(At this point insert the exact text of the Driver License Compact as set forth in Appendix B. The text of the Compact should be enacted in identical language by all ratifying states.)

Section 2. As used in the Compact, the term "licensing authority" with reference to this state, shall mean the [name of appropriate state agency]. Said [agency] shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the Compact. [If provisions of existing law restrict the furnishing of any such materials, sufficient amendment to them should be made to permit compliance with the letter and spirit of the Compact.]

Section 3. The Compact administrator provided for in Article VII of the Compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

Section 4. As used in the Compact, with reference to this state, the term "executive head" shall mean the governor.

Section 5. Any court or any other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the [state driver license authority] within [five] days on forms [furnished by] [approved by] the [state driver license authority].

Section 6. [Use this section to identify specifically those provisions of statute to which the four items enumerated in Article IV (a) are equivalent and which will be given effect within the purpose of Article IV (a) and (c). Also use this section to add additional offenses or violations, if any, to be given effect under Article IV (b).]

Section 7. [This section may be used if it is necessary to amend other statutes to avoid possible conflicts with subdivision (3) of Article V.]*

Section 8. [Insert effective date.]

* Subdivision (3) of Article V applies the "one license principle" to the issuance of new licenses to applicants from other party states. It provides that a person who holds a valid license in one party state must turn it in before he may be issued a license by another party state. Problems may arise unless suitable changes are made in other statutes which might conflict with this subdivision. For example, a person may <u>reside</u> in Party State A and be <u>gainfully employed</u> in Party State B. Under the Compact, he may not hold licenses from both states at the same time. In this situation, a problem would arise if the other statutes of the two party states required both <u>residents</u> and <u>gainfully employed persons</u> to be licensed.

APPENDIX B

The Driver License Compact

ARTICLE I

Findings and Declaration Of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

As used in this Compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Reports of Convictions

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this Compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported persuant to Article III, the licensing authority in the home state shall give such effect to the conduct as provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in the subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this Compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this Compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this Compact.

ARTICLE VIII

Entry Into Force and Withdrawal

(a) This Compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the Compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

APPENDIX C

The Driver License Compact

NOTICE OF CONFIRMATION

WHEREAS, The Driver License Compact was formed to provide a means through which the several jurisdictions may participate in a reciprocal program to effectuate the stated policies and purposes of the Compact, and

WHEREAS, authority to enter the Compact is contained in Public Law 85-684 (The Beamer Resolution), and

WHEREAS, the Compact will serve to mutually benefit the residents and the operation of government in the party jurisdictions.

NOW THEREFORE, in consideration of the mutual and reciprocal benefits to flow therefrom, and pursuant to the authority contained in (insert statutory cite of authority) the "Driver License Compact" is hereby confirmed.

FURTHER PROVIDED that the desired date of entry is */was ___, 19__, and

FURTHER PROVIDED that this jurisdiction agrees to comply with the terms and provisions of the Compact.

Authority for Administration of this Compact within this jurisdiction is vested in the office of _____

_____.

DATED: _____ 19__

For the State/Province of _____

NAME_____

TITLE _____

SIGNATURE _____

*EFFECTIVE DATE OF ENTRY MUST BE AT LEAST 60 DAYS AFTER NOTIFICATION IS GIVEN TO OTHER COMPACT MEMBERS BY THE SECRETARIAT.

For Secretariat Use:
Notice Received _____(date)
Notice sent to Compact members _____(date)

APPENDIX D

Suggested Information For Use on Forms

(Suggested Language Will Be Included Upon Development)

APPENDIX E

Endorsements of the Driver License Compact

The following organizations endorse the Driver License Compact:

American Association of Motor Vehicle Administrators

Council of State Governments

International Association of Chiefs of Police

National Association of Attorneys General

National Governors' Association

National Grange

National Highway Users' Conference, Inc.

National Safety Council

President's Committee for Traffic Safety

APPENDIX F

Bylaws of the Driver License Compact Commission

ARTICLE I
NAME

The name of this organization shall be the Driver License Compact Commission, hereafter referred to as the Commission.

ARTICLE II
MEMBERSHIP

The membership of the Commission shall consist of the Compact Administrator, or his designee, from each jurisdiction which is party to the Driver License Compact.

ARTICLE III
PURPOSES

The purposes for which the Commission is organized, and for which it shall be perpetuated, are:

(1) to administer the provisions of the Driver License Compact, hereafter referred to as the Compact;

(2) to serve as the governing body for the administration and resolution of all matters relating to the operatin of this Compact;

(3) to recommend revisions to the Compact that will enhance its objectives, goals, and benefits;

(4) to publish, maintain, and amend an operations manual for the Compact;

(5) to provide and promote a reasonable and uniform reporting system among member jurisdictions;

(6) to promote closer contacts between member jurisdictions for exchange of information and solution of mutual problems;

(7) to expand the Compact's membership;

(8) to assist non-participating jurisdictions with matters relating to the Compact, including obtaining membership therein;

(9) to designate a Secretariat for the Compact.

ARTICLE IV
OFFICERS

Section 1. The officers of the Commission shall consist of a chairman and a vice chairman, each elected by the Commission membership, and a representative of each of the four regions as defined by the American Association of Motor Vehicle Administrators, each elected by the Commission members of the respective regions. These six officers collectively shall comprise the Commission's Executive Committee.

Section 2. These officers shall hold office for two years, and any replacements shall serve the remainder of the unexpired term.

Section 3. Officers of the Commission shall be compact Administrators.

ARTICLE V
ELECTION OF OFFICERS

Section 1. Election of officers shall be at an annual meeting of the Commission.

Section 2. The chairman and vice chairman shall be elected by the Commission members in attendance at an annual meeting. Nominations for chairman and vice chairman shall be made by committee appointed by the outgoing chairman. Additional nominations may be made from the floor by any Compact Administrator or his designee.

Section 3. Regional representatives shall be nominated by Commission members of the respective regions and elected by regional Commission members in attendance at an annual meeting.

ARTICLE VI
VACANCIES

Section 1. The vice chairman shall fill any vacancy in the office of chairman. The Executive Committee shall then select a new vice chairman to serve the remainder of the unexpired term. The new vice chairman shall be from a region other than that of the chairman.

Section 2. In event of vacancy in the office of regional representative, the chairman shall consult with the Commission members of that region and shall appoint an acting regional representative from that region to serve until the next annual meeting at which regional Commission members shall elect a regional representative to serve the remainder of the unexpired term.

ARTICLE VII
OFFICERS' DUTIES

Section 1. The chairman shall be the Commission's chief executive officer and shall carry out the following duties:

(a) call and preside at all meeting of the commission;
(b) call and preside at all meetings of the Executive Committee;
(c) create, appoint, and provide direction to all committees;
(d) consult with regional members before appointing interim regional representatives to existing vacancies;
(e) serve as official spokesman for the Commission, represent the Commission at official meetings and conferences, and conduct business on behalf of the Commission;
(f) guide the Secretariat's work in support of the Commission;
(g) perform such other duties as may be authorized and appropriate; and
(h) provide the Commission an annual report concerning his activities and perspectives as chairman.

Section 2. The vice chairman shall assist the chairman in discharging his duties.

Section 3. The regional representatives shall maintain liaison with members of their respective regions, facilitate effective communications with them, and insure that the interests and views of regional members are known and considered as the Executive Committee conducts business on behalf of the Commission.

Section 4. The chairman, vice chairman, and regional representatives shall comprise the Executive Committee of the Driver License Compact Commission.

ARTICLE VIII
EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall be the executive body of this Commission. As such, the Executive Committee shall direct and supervise the affairs, committees, and publications of the Commission; promote its objectives; and supervise disbursement of its funds. The Executive Committee may adopt such rules and regulations for the conduct of its business as shall be deemed appropriate. Specifically, the Executive Committee shall carry out the following duties:

(a) conduct the business of the Commission between meetings of the Commission;

(b) determine general policies during periods between annual meetings, such policies to be subject to Commission confirmation at its next annual meeting:

(c) authorize purposes and amounts for which funds of the Commission may be expended;

(d) define the duties and authorize the compensation of the Secretariat for the Commission;

(e) authorize solicitation for, and receipt of, grants, endowments, gifts, and all other offers of assistance and cooperaton from appropriate sources;

(f) employ an auditor annually to audit all acounts of receipts and expenditures of funds of the Commission, such auditor to provide copies of the report to the Secretariat and Executive Committee members;

(g) act as necessary and appropriate to implement all resolutions and recommendations adopted by the Commission at its meetings.

Section 2. The Executive Committee shall meet at least once each calendar year, with other meetings at such times and places as the chairman may direct. The meetings shall be held in accordance with the following rules:

(a) the chairman shall give reasonable notice of all meetings called;

(b) a majority of members shall constitute a quorum for the transaction of business; proxies shall not be used to constitute a quorum;

(c) voting shall be by members present; an alternate representing an absent member may participate in discussion but may not vote; and

(d) members may vote by mail or telephone conference if the chairman determines that an issue must be resolved without delay between meetings; mailing and counting ballots shall be the chairman's responsibility or that of the Secretariat, if so directed by the chairman.

ARTICLE IX
SECRETARIAT

The Secretariat shall perform administrative and secretarial duties for the Commission. As authorized by the Commission, the Secretariat will conduct routine business; collect and analyze data; prepare and distribute materials and information; and prepare and distribute an annual report of the Commission's previous year's activites, business, and financial status. The Secretariat shall undertake other duties as may be specified by the Commission or its Executive Committee or Chairman.

ARTICLE X
COMMISSION MEETINGS

Section 1. The Commission shall conduct a regular annual meeting in conjunction with the annual international conference of the American Association of Motor Vehicle Administrators. It may conduct other meetings, if appropriate.

Section 2. The Secretariat shall notify each member jurisdiction of the time and place of all meetings of the Commission at least thirty (30) days in advance, using first class mail.

Section 3. The following rules govern voting:

(a) each member jurisdiction shall have one vote to be cast either by the Compact Administrator or his designee from the same jurisdiction;

(b) whenever the subject to be voted pertains to financial assessments or dues or amendments to the Commission's bylaws, two-thirds of member jurisdictions shall constitute a quorum;

(c) whenever subjects to be voted are other than in (b) above, a simple majority of member jurisdictions shall constitute a quorum; and

(d) a quorum having been gathered, a simple majority vote is decisive on any issue.

ARTICLE XI
PARLIAMENTARY PROCEDURE

The rules of parliamentary practice, as set forth in Robert's Rules of Order, shall govern procedures of all meetings of the Commission, the Executive Committee, or other committees.

ARTICLE XII
FUNDS

Funds for operation of the Commission shall be derived from dues, fees, or other revenue sources as authorized by the Commission and directed by the Executive Committee.

ARTICLE XIII
AMENDMENTS TO BYLAWS

The bylaws may be amended at any annual conference of the Commission provided that, ninety (90) days prior to the annual conference of the Commission, written notice of the proposed amendment or amendments, and the text thereof, are filed with the Chairman, the Vice Chairman, and the Secretariat. Such proposed amendment or amendments shall be submitted by the Secretariat in writing to the member jurisdictions at least sixty (60) days prior to any annual conference of the Commission. Should the Executive Committee determine that such amendment or amendments must be resolved without delay between annual conferences of the Commission, the members of the Commission may vote by mail ballot. The ballots, after the result is announced by the Secretariat or the Executive Committee, shall be filed as a part of the permanent records of the Commission.

ARTICLE XIV
DISSOLUTION

In the event the Commission is dissolved, unexpended and unobligated funds provided by member jurisdictions shall be returned to them in proportion to their contributions. Any remaining funds from other sources will be given to a non-profit or charitable organization or organizations having aims and objectives similar to those of the Commission, as determined by the Executive Committee at that time.

Adopted this the 4th day of October, 1983 by the membership of the Commission at its Annual Conference in Newport, Rhode Island.

Sidney B. Berry, Mississippi
Chairman

Virginia Roberts, West Virginia
Region Two Representative

Larry G. Majerus, Montana
Vice Chairman

Joseph P. Rockford, Illinois
Region Three Representative

Linwood F. Ross, Maine
Region One Representative

Howard Hill, Idaho
Region Four Representative

SB

302

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 302

SUPPORT

January 9, 1986

SB 302 - "An act relating to the powers of the violent crimes compensation board and placing the executive director in the partially exempt service."

At this time the Administrator of the Violent Crimes Compensation Board is a classified employee in the supervisory category of the state personnel system. The intent of this legislation is to make the administrator an executive director in a partially exempt position with the members of the Violent Crimes Compensation Board able to appoint or dismiss the director.

The members of the Violent Crimes Compensation Board are the persons who are knowledgable about the duties of the executive director and who are aware whether the director is carrying out the instructions of the Board. They need to have the authority to appoint a person they feel will perform the duties and carry out the functions of the Board and if this person is not competent at the duties, the Board should have the authority to dismiss and appoint another person.

This position is critical to the efficient functioning of the Board. The Board is composed of persons in private practice who do not have the time to oversee the day to day duties of the staff. It is up to the executive director to carry out the necessary functions and wishes of the Board and to do so with a minimum involvement by the Board. The Board is ultimately responsible if the director is remiss in his or her duty and the Board must be able to replace a director in a reasonable amount of time if they note failure to carry out the functions of the Board. The Board should be able to interview and appoint a person it feels is the most qualified for the job and only the Board knows what experience and knowledge the director should have.

At the present time, if the Board becomes aware of problems in the functioning of the staff, and is unable to resolve these problems and felt it necessary to replace the director, it would require a great deal of time to replace the employee who is protected by the personnel system and union.

There are no problems at the present time, according to the Board, but it needs the authority to act in a responsible and expeditious manner, if the need arises.

The Violent Crimes Compensation Board is placed in the Department of Public Safety for administrative purposes. The title change from Administrator to Executive Director and the corresponding range difference puts this position in line with the other executive directors who serve boards and commissions, such as the executive director of the Council on Domestic Violence and Sexual Assault, and the executive director of the Parole Board.

Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 302
Title :"An Act relating to the powers of the VCCB and placing the executive director in the partially exempt service."
Sponsor : Senator Josephson
Requestor : Senate State Affairs
Date of Request : 2/07/86

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Violent Crimes Compensation Board
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		6.5	6.8	7.2	7.5	7.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		6.5	6.8	7.2	7.5	7.9
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		6.5	6.8	7.2	7.5	7.9
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary The fiscal note reflects the change from Administrator at Range 20K to an Executive Director at a Range 24B. This would be an increase of $4,785.00 (including benefits) per year. The Clerk Typist III position at Range 8C would change to a Secretary I at a Range 10A. This would be an increase of $1,654 (including benefits) per year. Inflation is figured at 5% annually.

Prepared by : Kathy Niles Kathy Niles, Admin. Assistant — Phone : 465-4336
Division : Commissioner's Office — Date : 2/07/86

Approved by Commissioner : for Innis — Date : 2/7/86
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

SB

310

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

5/6/85

Date 2/26/84

Mr. President

The Committee on STATE AFFAIRS considered SB 310

establishing the Alaska Natural Hazards Safety Commission.

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

[✓] do pass

[ ] do pass with attached amendment(s)

[✓] replace with/or adopt CS for SB 310 (SA)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING DO PASS	MEMBERS HAVING OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

GEOLOGIC-HAZARDS MITIGATION IN ALASKA

A Review of Federal, State, and Local Policies

By R.A. Combellick

Division of Geological & Geophysical Surveys
Special Report 35

Fairbanks, Alaska
1986

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GEOLOGIC-HAZARDS MITIGATION IN ALASKA

A Review of Federal, State, and Local Policies

By
R.A. Combellick[1]

EXECUTIVE SUMMARY

Earthquakes and volcanic eruptions occur frequently in Alaska. Because the climate is dynamic, topographic variation is extreme, and thousands of miles of coastline are exposed to the open ocean, Alaska will continue to to be affected by these and other natural phenomena such as landslides, snow avalanches, floods, tsunamis, and many localized or chronic events that may be as costly over the long term as major events. Because development is rapidly expanding into areas where geologic hazards once had little effect, the same events may now cause major property damage.

Technology is available to identify natural hazards, determine their probable severity, and reduce their potential effects on people and property. On the basis of this review of national and state policies, 10 issues were identified in which possible improvements could substantially benefit public safety from natural hazards in Alaska:

1. Policy guidance and coordination of state and local hazard-mitigation programs.
2. Availability of basic technical information on hazards for land-use planning and construction.
3. Continuation of many federally funded hazards studies in Alaska that are being terminated or substantially reduced.
4. Incentives and guidelines to consider geologic hazards in local plans and ordinances.
5. Hazard mitigation in siting, design, and construction of critical facilities.
6. Hazard mitigation in siting, design, and construction of many state-funded public facilities.
7. The relationship between hazard mitigation and eligibility for disaster-relief funds.
8. Capability of state agencies to provide adequate technical services, assistance, and project reviews on geologic hazards for other agencies and local governments.
9. Standards of experience and education for geologists who prepare reports required by state or local laws for siting or designing facilities.
10. State capability to issue formal state notices of serious geologic hazards and coordinate the response by state and local agencies.

A comprehensive review of existing programs in California, Colorado, and the federal government suggests that some common attributes are responsible for the success and public acceptance of many hazard-mitigation programs. These attributes include central policy guidance and coordination; availability of current technical information; incentives and guidelines to consider geologic hazards in local ordinances; immunization of local governments from hazards-related liability under certain circumstances; availability of guidelines and state assistance to recognize and mitigate hazards at the local level; centralized review of design and construction plans for critical and public facilities; appropriate standards for design and construction of facilities that are subject to review for hazard safety; adequate training and experience for reviewers; incentives for hazard mitigation as part of disaster-relief programs; and the ability of programs to be self-supporting through special revenue programs.

The 10 policy issues listed above were discussed by participants at a workshop entitled "Evaluation of regional and urban earthquake hazards and risk in Alaska." The workshop was organized by the U.S. Geological Survey and took place September 5-7, 1985, in Anchorage. Participants included seismologists, geologists, engineers, planners, emergency coordinators, policymakers, and educators that represented levels of government, the private sector, and academia. The participants unanimously adopted nine recommendations for improvements in state policy:

1. Establishment of an Alaska Natural Hazards Safety Commission to provide policy guidance for the Governor and Legislature and to help coordinate agency programs in natural hazards.
2. Development of state policies for hazard mitigation in Alaska that establish long-term commitments and goals.
3. Establishment of a hazard-monitoring program that ensures availability of basic data needed to evaluate hazards.
4. Amendments to the municipal code and other

[1] Alaska Division of Geological and Geophysical Surveys, 794 University Ave. (Basement), Fairbanks, Alaska 99709

statutes to promote local-government action in hazard mitigation.

5. State regulation of construction and major alterations of critical facilities to ensure that they are reasonably protected from natural disasters.
6. Establishment of hazard-mitigation requirements for certain capital-construction projects financed by the State.
7. Establishment of incentives or requirements for local governments to implement hazard-mitigation measures as a condition for receiving disaster-relief funds.
8. Improvement in capabilities of state agencies to participate in reviews and to assist other agencies and local governments in problems that relate to hazard mitigation and disaster preparedness.
9. Establishment of a state hazard-notification system to supplement that of the U.S. Geological Survey and help coordinate responses by state and local agencies.

INTRODUCTION

Many processes that are responsible for Alaska's scenic beauty and abundant resources are also responsible for the wide variety of physical conditions and natural hazards that challenge the human presence. Earthquakes and volcanoes are as active in Alaska as anywhere else in the world, the climate is severe, topographic variation is extreme, and thousands of miles of coastline are exposed to the open ocean. Thus, Alaska is subject to major earthquakes, volcanic eruptions, landslides, snow avalanches, floods, tsunamis, and many local or chronic hazards, such as permafrost, that can be costly for property owners over a long period of time. Effective mitigation efforts have greatly reduced these costs in other states.

Although the number of major natural events in the recent past is high, few events have significantly affected the general public because of Alaska's relatively sparse population and vast, thinly inhabited areas. Major events will continue to occur intermittently as in the recent geologic past, and with increasing development, the probability will increase that people, businesses, property, and critical facilities will be affected.

Experience in other states demonstrates that local ordinances are among the most effective means of mitigating natural hazards. State governments generally provide guidelines, technical information, and the requirement or incentives for local adoption of risk-reduction measures. All municipalities in Alaska have zoning authority that can incorporate hazard-mitigation measures. Flood-plain-management ordinances have been adopted in at least 20 cities and boroughs. Other hazards have been only generally addressed. A few local governments have recently begun to independently act on specific issues of local concern. Most major municipalities have adopted the Uniform Building Code published in 1982 by the International Conference of Building Officials (ICBO). Although this code provides detailed requirements for earthquake-resistant design and construction, it does not provide comprehensive construction and siting requirements for other hazards.

The purposes of this report are fourfold: 1) review geologic-hazard issues in Alaska from an historical perspective; 2) discuss various approaches to hazard mitigation; 3) evaluate hazard-mitigation programs in other states (their strengths, weaknesses, and applicability in Alaska); and 4) review existing state, federal, and local programs dealing with hazards in Alaska. This report also includes a summary of policy recommendations developed in September 1985 during an interagency workshop on earthquake hazards in Alaska. Because major programs of disaster preparedness and response already exist and operate under the Division of Emergency Services and local agencies, these activities are not discussed in detail. This report focuses primarily on activities that reduce the likelihood of injury or damage from natural hazards. Greater emphasis on knowledge of the hazards, public awareness, and effective mitigation measures will reduce vulnerability to hazards and consequently reduce dependence on post-disaster response and relief.

NATURAL DISASTERS IN ALASKA

From 1964 to 1981, there were seven presidential declarations of disaster in Alaska, an average of one every 2.5 yr. These natural disasters included one major earthquake, three floods, one heavy rain and landslide, one severe freeze, and a major fire during a severe freeze. Although a total of about $76 million in federal aid was provided, it was far short of the total estimated damages. For example, of the $350 million estimated damages that resulted from the 1964 Great Alaska Earthquake in 1964, about $56 million in federal aid was provided. Except for restoration work performed directly by the U.S. Army Corps of Engineers, the remaining burden fell on state and local governments, private businesses, and individuals. Following the Chena River flood in Fairbanks in August 1967 (fig. 1), which resulted in damages that totalled about $84 million (Pewe, 1982), the federal government provided $7.3 million in direct financial aid (Federal Emergency Management Agency, 1982).

In addition to disaster declarations by the President, for which federal relief funds are available, the Governor of Alaska is authorized to make disaster declarations for which state relief funds are provided, generally through the Alaska Division of Emergency Services (ADES). State funds may supplement federal-relief funds for presidentially declared disasters, but more often are used to provide relief after events that are not declared disasters at the federal level. From January 1978 to February 1982, no disasters were declared in Alaska by

11DEC 00

Opinion

Anchorage Daily News

Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly
Publisher

Howard Weaver
Managing Editor

Suzan Nightingale
Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

Learn from lesson of 1964 earthquake

If experience is the best teacher, it's difficult to understand why Anchorage has not learned more from the catastrophic 1964 earthquake. The Good Friday quake destroyed a multitude of homes and businesses before its destructive powers were spent. Yet seismic experts believe Anchorage has left important work undone to prepare for another major earthquake — and they are certain another large quake will come.

Alaska is the most active earthquake area in the United States. Quakes are routine here. But in the past 36 years Anchorage buildings have been constructed on sites known to be earthquake risks, such as unstable landslide areas or clay soil that could liquify during a quake. Furthermore, while Anchorage has adopted a Comprehensive Development Plan and numerous zoning ordinances, pressure has grown — not diminished — to build on unstable areas along the shoreline.

During the past few months, the municipality has initiated an earthquake safety study to analyze hazard data, and asked for a Geotechnical Advisory Commission review of projects in high risk zones. Both measures are commendable. But information gathering must be backed by political will — and the voices of an informed public demanding protection from earthquake hazards. The Planning and Zoning Commission recently ruled that proposed construction in earthquake-scarred Turnagain Heights must conform to stringent geotechnic safety measures before it will be approved; that decision is now being appealed to the Anchorage Assembly, where political pressures will be brought to bear.

Seismic experts already recognize that the vagaries of politics can be more of an impediment to earthquake safety than inadequate information. The assembly, though, should support the Planning and Zoning Commission's ruling — not just in Turnagain Heights, but in any area where the burden of safety hasn't been met. Turnagain's dramatic history only demonstrates a threat that can be found in varying degrees around the Anchorage bowl.

laska less prepared for an earthquake than in 1964

IIA SELKREGG

evaluation of current disaster mitiga- practices in Alaska, part of a study ed by the National Science Foundation repared by faculty of the University of a, shows that in terms of the number of e, the amount of property, and the l economic facilities exposed to risk, a is more vulnerable today than it was ecades ago.

major earthquake were to occur today, ate would be no better prepared than on 27, 1964. In fact, as a result of increased ation and development in upper Cook many scientists, planners and adminis- s believe that another earthquake would even greater impact on commerce and e than in 1964. Destruction of transporta- ystems and commerce in Anchorage, the s major city and distribution center, affect the entire state economy.

asures which were recommended to re- the damage from earthquake and tsun- after the March 27, 1964 earthquake have een instituted and lands designated as risk" after the earthquake have, in instances, been developed for industrial, ercial and residential use.

hough the overall technical expertise to safe development in earthquake prone s has been refined since 1964, many of the technicians and policy-makers interviewed in several communities in Southcentral Alaska are pessimistic about the prospect of improved risk mitigation efforts. They often cite fragmentation of responsibility, lack of support from the general public and interest groups, inadequate commitment of financial and human resources, exaggerated social and public policy commitment to private property and personal rights, uncertainty about the level of risk and potential of social and economic loss, and an overall weakness in the planning and implementation process at the local, state and federal levels.

Many recommendations related to seismic risk have been offered over the last 21 years. They cover all disciplines from geology and engineering to planning and political science. The recommendations in the recently completed report — called "Seismic Hazard Mitigation: Planning and Policy Implementation — An Alaska Case" — are new only in the sense that they are made within the context of a comprehensive planning and administrative process. This model provides federal, state and local goverments a framework within which the public and private sectors can include risk mitigation as part of a comprehensive planning development process.

The model implies that effective risk mitigation planning must take place before di- ter strikes. It proposes that risk mitigation studies become an integral part of the data base evaluated as part of the comprehensive planning process, ensuring that mitigation is integrated into future urban and regional development plans and projects.

If a planning process is to be successful, it must include: 1) development of comprehensive goals and objectives based on the understanding of the physical, social and economic makeup of the regional/urban system; and 2) development of a master plan for implementation through team building.

Any plan including seismic risk mitigation must reflect shared responsibility among all levels of goverment and must be based on a strong pulbic commitment to public safety. So far the public has not shown concern for seismic risk. This is reflected in the lack of citizen participation at public hearings related to redevelopment of "high risk" areas. Even the experts whose recommendations we should implement have not testified at public hearings in the past. The public has neglected this issue — complacent and sure that an earthquake will not happen again, at least not in our lifetime.

The Great Alaska Earthquake of March 27, 1964, tells us that an earthquake can affect everyone, not just the people who live in specific districts. Utilities, transportation, ports, airports and human services are affected when disasters occur. The economy of the entire state is impacted — and everyone suffers.

Now is the time to chart a course of action to guide future seismic planning efforts. Public and legislative commitments should be directed to 1) research of seismic risk causes and effects; 2) effective emergency preparedness and public education; and 3) application of risk mitigation technology to urban regional growth and development.

☐ Lidia Selkregg is professor of resource economics and planning at the University of Alaska, Anchorage, and a former member of the Anchorage Assembly. She was principal investigator for "Seismic Hazards Mitigation: Planning and Policy Implementation — An Alaska Case."

By: Sandra Stringer
Chris Birch
Introduced 11.07.85

RESOLUTION NO. 85-080

A RESOLUTION IN SUPPORT OF THE ESTABLISHMENT OF AN ALASKA NATURAL HAZARDS SAFETY COMMISSION

WHEREAS, natural processes will continue to cause potentially damaging events in Alaska, such as earthquakes, floods, volcanic eruptions, tsunamis, and landslides, and

WHEREAS, CONTINUED POPULATION GROWTH AND DEVELOPMENT IN Alaska increase the likelihood that people and property will be adversely affected by these events; and

WHEREAS, technology is available to identify natural hazards, determine their probable severity, and reduce their adverse effects on people and property; and

WHEREAS, public safety and economic security from natural hazards in Alaska would benefit substantially from improvements in state and local policies to mitigate hazards through proper land-use and construction practices; and

WHEREAS, numerous federal, state, local, academic, and private organizations perform research or have other responsibilities related to hazard mitigation or disaster preparedness in Alaska without an established means of coordination; and

WHEREAS, there exists a general lack of public awareness of natural hazards in Alaska and a lack of understanding of means to alleviate their adverse effects; and

WHEREAS, improved policy guidance, coordination of activities, and promotion of public education in hazard mitigation and disaster preparedness are best accomplished through a state-level commission composed of members from the public and private sectors,

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough supports enactment of Senate Bill 310 (1985), "An Act establishing the Alaska Natural Hazards Safety Commission", and

BE IT FURTHER RESOLVED that this resolution be offered to the 1985 Alaska Municipal League convention for further support.

PASSED AND APPROVED THIS ____ DAY OF NOVEMBER, 1985.

Presiding Officer

ATTEST:

Clerk of the Assembly

MUNICIPALITY OF ANCHORAGE
GEOTECHNICAL ADVISORY COMMISSION RESOLUTION
NOVEMBER 21, 1985

A RESOLUTION IN SUPPORT OF SENATE BILL 310 (1985): "AN ACT ESTABLISHING THE ALASKA NATURAL HAZARDS SAFETY COMMISSION".

WHEREAS, natural processes will continue to cause potentially damaging events in Alaska, such as earthquakes, floods, volcanic eruptions, tsunamis, and landslides, and

WHEREAS, continued population growth and development in Alaska increase the likelihood that people and property will be adversely affected by these events, and

WHEREAS, technology is available to identify natural hazards, determine their probable severity, and reduce their adverse effects on people and property, and

WHEREAS, public safety and economic security from natural hazards in Alaska would benefit substantially from improvements in state and local policies to mitigate hazards through proper land-use and construction practices, and

WHEREAS, numerous federal, state, local, academic, and private organizations perform research or have other responsibilities related to hazard mitigation or disaster preparedness in Alaska without an established means of coordination, and

WHEREAS, there exists a general lack of public awareness of natural hazards in Alaska and a lack of understanding of means to alleviate their adverse effects, and

WHEREAS, improved policy guidance, coordination of activities, and promotion of public education in hazard mitigation and disaster preparedness are best accomplished through a state-level commission composed of members from the public and private sectors.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Geotechnical Advisory Commission that the Commission supports enactment of Senate Bill 210 (1985), "An Act establishing the Alaska Natural Hazards Safety Commission".

PASSED AND APPROVED by the Municipal Geotechnical Advisory Commission this 21st day of November, 1985.

David A. Cole, Chairman
Don Bruggers
Lidia Selkregg
John Aho
Tom Smith
Alan Krause
John Lambe
Rupert Tart
Alex Sisson

lb2/br5

AMERICAN INSTITUTE OF PROFESSIONAL GEOLOGISTS

December 17, 1985 Our ref: A/85/163

Senator Arliss Sturgulewski
Chairman, Senate Resource Committee
2957 Sheldon Jackson Street
Anchorage, Alaska 99501

RE: SENATE BILL NUMBER SD 310 (1985)
ACT ESTABLISHING A COMMITTEE ON NATURAL HAZARDS

Dear Senator:

On behalf of the Alaska Section of the American Institute of Professional Geologists (AIPG) I would like to express our organization's support for the above referenced Senate bill. A professional organization which represents over 100 registered geologists in Alaska, AIPG believes the formation of a commission on natural hazards is a positive first step in providing state and local governments with valuable information regarding planning and development in potentially hazardous areas across the state. If this bill is successfully passed, the Alaska section of AIPG urges the selection of professional geologists to the commission to provide input in areas such as earthquakes, landsliding, avalanches, geohydrology, subsidence, volcanic eruptions, etc...

While the population of Alaska is small in comparison to the vast size of the State, the major population centers are situated in areas which have in the past experienced devastating disasters precipitated by natural hazards. The formation of a natural hazard commission will be an important step in addressing state-wide natural hazards with the goal of reducing future loss of property and life.

Respectfully submitted,

AMERICAN INSTITUTE OF PROFESSIONAL GEOLOGISTS

Alan J. Krause

Alan J. Krause, P.G.
President, Alaska Section

cc: Rod Combellick, DGGS

AJK:bb

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M February 25, 1986

SUBJECT: CSSB 310 (State Affairs)
(Alaska Natural Hazards Commission)

TO: Senator Mitch Abood
Chairman, State Affairs Committee

FROM: Teresa B. Cramer TBC
Legislative Counsel

Enclosed is the draft Committee Substitute for CSSB 310. After conferring with your staff, I have the following comments.

1. Appointment of the Director of Geological and Geophysical Services to the Commission.

It is not customary to appoint division directors to membership on commissions in the statutes. If the governor were to exercise the power granted under Article III, Section 23 of the state Constitution and reorganize the department, the division might cease to exist. The question of who was to represent the department on the commission would then be unclear. If your committee wishes, we can specify that the representative to the commission from the Department of Natural Resources is the director of geological and geophysical services.

2. Appointment of representatives from departments.

It is more usual to appoint the commissioner of the department to serve on a commission or board and then to permit the commissioner to delegate membership should that be desirable. This is a matter of choice for the committee.

3. Changes to commission membership.

In making the changes to the membership of the commission, the substitution of the representative from the Department

of Community and Regional Affairs for a representative from local government does not reduce the number of public members. The representative from local government was not treated as a public member in SB 310. The addition of the representative from the Department of Public Facilities and Transportation does reduce the number of public members from six to five.

4. Initial terms for public members.

I have redrafted section 4 of the bill to limit its application to public members and to specifically refer to members who serve the statutory term of three years as well as those who serve a term of different length. Since the departmental representatives are not named as the commissioners, it might be appropriate to stagger their terms as well.

If I may be of further assistance, please advise.

TC:mkr
m3/076

Enclosure

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

February 20, 1986

The Honorable Mitch Abood
Alaska State Senate
Juneau, Alaska 99810

Dear Senator Abood:

I am writing with regard to SB 310, establishing the Alaska Natural Hazards Commission, which is in the State Affairs Committee for hearing today.

The Department recognizes the great importance of understanding and preparing against natural hazards in Alaska. Our history is replete with examples of natural disasters with loss of life and property in many areas of the state. Fortunately there appears to be growing awareness of the threat of natural hazards in many of our communities and to some degree we are able to plan appropriately against future losses.

The commendable intent of SB 310 is to increase understanding and preparedness for natural hazards. However, the creation of a new commission is recommended at a time when the Legislature and the Governor have been attempting to reduce the number of State boards.

Whether or not the Legislature decides to establish the new commission, our department will continue to attempt to provide natural hazards information and coordination for the public, as our budget will allow.

The Department has no changes to recommend in the body of the bill. A fiscal note is attached.

Sincerely,

RD Arnold

Robert D. Arnold
Deputy Commissioner

cc: Senator Arliss Sturgulewski
Senator Vic Fischer
Senator Fred Zharoff

10-J9LH

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 310
Title : Natural Hazards Safey Comm.

Sponsor : Senator Sturgulewski
Requestor : Senate Resources
Date of Request : 02-18-86

FISCAL DETAIL

Agency Affected : Natural Resources
BRU : Resource Appraisal

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		6.0	6.0	7.0	7.0	7.0
CONTRACTUAL						
SUPPLIES		1.0	1.0	1.5	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		7.0	7.0	8.5	8.5	8.5
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		7.0	7.0	8.5	8.5	8.5
FEDERAL FUNDS						
OTHER						
TOTAL		7.0	7.0	8.5	8.5	8.5

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Fiscal note calculations assume an eleven member board with three meetings per year in Anchorage.

Prepared by : Rodney Combellick
Division : Geological & Geophysical Surveys
Phone : 474-7147
Date : 02-19-86

Approved by Commissioner : Norman D Arnold
Agency : Natural Resources
Date : _____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

MEMORANDUM

TO: The Honorable Mitch Abood
Alaska State Legislature
Senate

DATE: February 21, 1986

FROM: Barbara A. Dale
Special Staff Assistant
to the Governor
Boards and Commissions

SUBJECT: SB 310

It is the long standing policy of the Governor's office of Boards and Commissions not to support the creation of new boards or commissions. Governor Sheffield's policy of not supporting the creation of new boards and commissions is primarily based on budget considerations.

There are currently over 140 official boards, commissions, councils, and task forces which accommodate in excess of 1,245 participants.

Cramer
2/25/86 ✓

Original sponsors: Sturgulewski, V. Fischer,
Rodey and Zharoff

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 310 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act establishing the Alaska Natural Hazards Safety Commission."

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

* Section 1. FINDINGS. The legislature finds that

(1) there is a pressing need to provide a consistent policy framework and a means for continuing coordination of hazard-related programs and public safety practices at all governmental levels and in the private sector; this need is not being addressed by any continuing state government organization;

(2) through concerted efforts coordinated by a Natural Hazards Safety Commission, the state can make long-term progress toward mitigating the effects of natural hazards on persons and property, thereby reducing the costs of responding to and recovering from natural hazards.

* Sec. 2. AS 44.37 is amended by adding new sections to read:

ARTICLE 2. ALASKA NATURAL HAZARDS SAFETY COMMISSION.

Sec. 44.37.200. COMMISSION ESTABLISHED. The Alaska Natural Hazards Safety Commission is established in the Department of Natural Resources.

Sec. 44.37.210. MEMBERSHIP. (a) The commission is composed of 11 members appointed by the governor for terms of three years. A member holds office until a successor is appointed and confirmed. A vacancy is filled for the unexpired term. The governor shall appoint to the commission a representative from the University of Alaska, a representative from the Department of Community and Regional Affairs,

a representative from the Department of Natural Resources, a representative from the Department of Military and Veterans' Affairs, a representative from the Department of Transportation and Public Facilities, a representative from an appropriate federal agency and shall appoint the remaining five members from members of the public who are knowledgeable in the fields of geology, seismology, hydrology, geotechnical engineering, structural engineering, emergency services, or planning. In making appointments to the commission, the governor shall consider the need for representation from all parts of the state.

(b) The commission shall elect annually from its members a chairman and vice-chairman. A majority of the commission may vote to replace an officer of the commission.

(c) Six members constitute a quorum.

(d) Commission members receive no compensation but are entitled to travel and per diem authorized for boards and commissions under AS 39.20.180.

Sec. 44.37.220. POWERS AND DUTIES. (a) The commission shall

(1) recommend goals and priorities for hazard mitigation to the public and private sectors;

(2) annually recommend policies to the governor and the legislature, including needed research, mapping, and monitoring programs;

(3) offer advice on coordinating disaster preparedness and hazard-mitigation activities of government at all levels, review the practices for recovery and reconstruction after a natural disaster, and recommend improvements to mitigate losses from similar future events;

(4) gather, analyze, and disseminate information of general

interest on hazard mitigation;

(5) establish and maintain necessary working relationships with other public and private agencies;

(6) review predictions and warnings issued by the federal government, research institutions, and other organizations and persons and suggest appropriate responses at the state and local level; and

(7) review proposed hazard notifications and supporting information from state agencies, evaluate possible socioeconomic consequences, recommend that the governor issue formal hazard notifications when appropriate, and advise state and local agencies of appropriate responses.

(b) The commission may

(1) advise the governor and the legislature on disaster preparedness and hazard mitigation and on budgets for those activities, and recommend legislation or policies to improve disaster preparedness or hazard mitigation;

(2) conduct public hearings;

(3) appoint committees from its membership and appoint external advisory committees of ex-officio members; and

(4) accept grants, contributions, and appropriations from public agencies, private foundations, and individuals.

Sec. 44.37.230. DEFINITIONS. In AS 44.37.200 - 44.37.230

(1) "commission" means the Alaska Natural Hazards Safety Commission;

(2) "disaster preparedness" means establishing plans and programs for responding to and distributing funds to alleviate losses from a disaster as defined in AS 26.23.230;

(3) "hazard mitigation" or "mitigation" mean activities that prevent or alleviate the harmful effects of natural hazards to

persons and property, including identification and evaluation of the hazards, assessment of the risks, and implementation of measures to reduce potential losses before a damaging event occurs.

* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:

(13) Alaska Natural Hazards Safety Commission (AS 44.37.200) -- June 30, 1990.

* Sec. 4. Notwithstanding AS 44.37.210 enacted by sec. 2 of this Act, two of the initial public members of the Alaska Natural Hazards Safety Commission shall serve terms of two years, two initial public members of the commission shall serve terms of three years and one initial public member shall serve a term of four years.

* Sec. 5. Nothing in this Act is intended to transfer to the commission the authorities and responsibilities of other state agencies, boards, councils, or commissions or of local governments.

Alaska State Legislature

SENATOR
ARLISS STURGULEWSKI
Chairman, Senate Resources Committee
Vice Chairman, Senate Health, Education and Social Services Committee
Member, Senate Community and Regional Affairs Committee

295 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99501

State Capitol
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

M E M O R A N D U M

19 February 1986

TO: Senate State Affairs Committee

FROM: Senator Arliss Sturgulewski

RE: Senate Bill 310, Natural Hazards Safety Commission

Senate Bill 310 creates a commission to provide policy advice to the governor regarding hazard-related programs and public safety practices and is designed to fill a gap in public safety services in Alaska.

As the bill is currently drafted, the 11 members of the commission are appointed by the Governor, and include a representative from the University of Alaska, a representative from local government, a representative from the Department of Military Affairs, and a representative from an appropriate federal agency. The remaining six members are public members knowledgeable in the fields of geology, seismology, hydrology, geotechnical engineering, structural engineering, emergency services, or planning.

Earthquake Hazard Mitigation, Planning and Policy Implementation, the Alaska Case, completed in 1984 by the University of Alaska, Anchorage and Urban Regional Research, is a major report designed to look at progress made since the 1964 Earthquake regarding natural hazard risk mitigation. Among the recommendations included in the study are:

1. Develop and institute programs of public education, information, and disclosure to obtain a social commitment to seismic risk mitigation.

2. Renewed commitment at all levels of government to evaluate risk and its effects by supporting the continued development of socioeconomic and physical-biological data bases.

3. Government should support the integration of risk into the comprehensive planning process.

4. Develop guidelines for defining high seismic risk areas as standard for state and local earthquake zoning and for land use decision processes.

5. Establish local, state, and federal institutions to provide for an administrative mandate, intra- and inter-governmental relations, and focus public and governmental attention on seismic risk.

Powers and duties of the commission include:

1. Recommend goals and priorities for hazard mitigation to the public and private sectors.

2. recommend policies to the governor and legislature, including needed research, mapping, and monitoring programs.

3. offer advice on coordinating disaster preparedness and hazard-mitigation activities of government at all levels, review practices for recovery and reconstruction after a natural disaster, and recommend improvements to mitigate losses from similar future events.

4. gather, analyze and disseminate information of general interest on hazard mitigation.

5. establish and maintain necessary working relationships with other public and private agencies.

6. review predictions and warnings issued by the federal government, research institutions, and other organizations and persons and suggest appropriate responses at the state and local level.

7. review proposed hazard notifications and supporting information from state agencies, evaluate possible socioeconomic consequences, recommend that the governor issue formal hazard notifications when appropriate, and advise state and local agencies of appropriate responses.

We have received suggestions from the Administration which would include a representative from the Department of Transportation and Public Facilities and a representative from the Department of Community and Regional Affairs. This would change the number of public members rrom six to four.

It has been suggested that the quorum requirement of eight members be changed to six members for a quorum.

Also suggested is that the list of fields in which public members are knowledgeable be expanded to include business.

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 18, 1986

The Honorable Arliss Sturgulewski
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

I have reviewed Senate Bill 310 and agree with the intent. In an article by R.A. Combellick of the Alaska Department of Natural Resources, reference is made to a recent workshop organized by the U.S. Geological Survey in Anchorage September 5-7, 1985. Recommendations from the workshop were unanimously adopted and are as follows:

1. Establishment of an Alaska Natural Hazards Safety Commission to provide policy guidance for the Governor and Legislature and to help coordinate agency programs in natural hazards.

2. Development of state policies for hazard mitigation in Alaska that establish long-term commitments and goals.

3. Establishment of a hazard-monitoring program that ensures availability of basic data needed to evaluate hazards.

4. Amendments to the municipal code and other statutes to promote local-government action in hazard mitigation.

5. State regulation of construction and major alterations of critical facilities to ensure that they are reasonably protected from natural disasters.

6. Establishment of hazard-mitigation requirements for certain capital-construction projects financed by the State.

7. Establishment of incentives or requirements for local governments to implement hazard-mitigation measures as a condition for receiving disaster-relief funds.

8. Improvement in capabilities of state agencies to participate in reviews and to assist other agencies and local governments in problems that relate to hazard mitigation and disaster preparedness.

9. Establishment of a state hazard-notification system to supplement that of the U.S. Geological Survey and help coordinate responses by state and local agencies.

A copy of the article is enclosed for your information. (First two pages only as article is incomplete.)

The establishment of a Commission is good. My concern is though with the numbers. I don't believe that a Commission this size will be any more effective than a Commission of five (5).

Sincerely,

Richard A. Neve'
Senior Science Advisor

RAN:mac
Enclosure

GEOLOGIC-HAZARDS MITIGATION IN ALASKA

A Review of Federal, State, and Local Policies

By
R.A. Combellick[1]

EXECUTIVE SUMMARY

Earthquakes and volcanic eruptions occur frequently in Alaska. Because the climate is dynamic, topographic variation is extreme, and thousands of miles of coastline are exposed to the open ocean, Alaska will continue to to be affected by these and other natural phenomena such as landslides, snow avalanches, floods, tsunamis, and many localized or chronic events that may be as costly over the long term as major events. Because development is rapidly expanding into areas where geologic hazards once had little effect, the same events may now cause major property damage.

Technology is available to identify natural hazards, determine their probable severity, and reduce their potential effects on people and property. On the basis of this review of national and state policies, 10 issues were identified in which possible improvements could substantially benefit public safety from natural hazards in Alaska:

1. Policy guidance and coordination of state and local hazard-mitigation programs.
2. Availability of basic technical information on hazards for land-use planning and construction.
3. Continuation of many federally funded hazards studies in Alaska that are being terminated or substantially reduced.
4. Incentives and guidelines to consider geologic hazards in local plans and ordinances.
5. Hazard mitigation in siting, design, and construction of critical facilities.
6. Hazard mitigation in siting, design, and construction of many state-funded public facilities.
7. The relationship between hazard mitigation and eligibility for disaster-relief funds.
8. Capability of state agencies to provide adequate technical services, assistance, and project reviews on geologic hazards for other agencies and local governments.
9. Standards of experience and education for geologists who prepare reports required by state or local laws for siting or designing facilities.
10. State capability to issue formal state notices of serious geologic hazards and coordinate the response by state and local agencies.

A comprehensive review of existing programs in California, Colorado, and the federal government suggests that some common attributes are responsible for the success and public acceptance of many hazard-mitigation programs. These attributes include central policy guidance and coordination; availability of current technical information; incentives and guidelines to consider geologic hazards in local ordinances; immunization of local governments from hazards-related liability under certain circumstances; availability of guidelines and state assistance to recognize and mitigate hazards at the local level; centralized review of design and construction plans for critical and public facilities; appropriate standards for design and construction of facilities that are subject to review for hazard safety; adequate training and experience for reviewers; incentives for hazard mitigation as part of disaster-relief programs; and the ability of programs to be self-supporting through special revenue programs.

The 10 policy issues listed above were discussed by participants at a workshop entitled 'Evaluation of regional and urban earthquake hazards and risk in Alaska.' The workshop was organized by the U.S. Geological Survey and took place September 5-7, 1985 in Anchorage. Participants included seismologists, geologists, engineers, planners, emergency coordinators, policymakers, and educators that represented levels of government, the private sector, and academia. The participants unanimously adopted nine recommendations for improvements in state policy:

1. Establishment of an Alaska Natural Hazards Safety Commission to provide policy guidance for the Governor and Legislature and to help coordinate agency programs in natural hazards.
2. Development of state policies for hazard mitigation in Alaska that establish long-term commitments and goals.
3. Establishment of a hazard-monitoring program that ensures availability of basic data needed to evaluate hazards.
4. Amendments to the municipal code and other

[1] Alaska Division of Geological and Geophysical Surveys, 794 University Ave. (Basement), Fairbanks, Alaska 99709.

statutes to promote local-government action in hazard mitigation.

5. State regulation of construction and major alterations of critical facilities to ensure that they are reasonably protected from natural disasters.
6. Establishment of hazard-mitigation requirements for certain capital-construction projects financed by the State.
7. Establishment of incentives or requirements for local governments to implement hazard-mitigation measures as a condition for receiving disaster-relief funds.
8. Improvement in capabilities of state agencies to participate in reviews and to assist other agencies and local governments in problems that relate to hazard mitigation and disaster preparedness.
9. Establishment of a state hazard-notification system to supplement that of the U.S. Geological Survey and help coordinate responses by state and local agencies.

INTRODUCTION

Many processes that are responsible for Alaska's scenic beauty and abundant resources are also responsible for the wide variety of physical conditions and natural hazards that challenge the human presence. Earthquakes and volcanoes are as active in Alaska as anywhere else in the world, the climate is severe, topographic variation is extreme, and thousands of miles of coastline are exposed to the open ocean. Thus, Alaska is subject to major earthquakes, volcanic eruptions, landslides, snow avalanches, floods, tsunamis, and many local or chronic hazards, such as permafrost, that can be costly for property owners over a long period of time. Effective mitigation efforts have greatly reduced these costs in other states.

Although the number of major natural events in the recent past is high, few events have significantly affected the general public because of Alaska's relatively sparse population and vast, thinly inhabited areas. Major events will continue to occur intermittently as in the recent geologic past, and with increasing development, the probability will increase that people, businesses, property, and critical facilities will be affected.

Experience in other states demonstrates that local ordinances are among the most effective means of mitigating natural hazards. State governments generally provide guidelines, technical information, and the requirement or incentives for local adoption of risk-reduction measures. All municipalities in Alaska have zoning authority that can incorporate hazard-mitigation measures. Flood-plain-management ordinances have been adopted in at least 20 cities and boroughs. Other hazards have been only generally addressed. A few local governments have recently begun to independently act on specific issues of local concern. Most major municipalities have adopted the Uniform Building Code published in 1982 by the International Conference of Building Officials (ICBO). Although this code provides detailed requirements for earthquake-resistant design and construction, it does not provide comprehensive construction and siting requirements for other hazards.

The purposes of this report are fourfold: 1) review geologic-hazard issues in Alaska from an historical perspective; 2) discuss various approaches to hazard mitigation; 3) evaluate hazard-mitigation programs in other states (their strengths, weaknesses, and applicability in Alaska); and 4) review existing state, federal, and local programs dealing with hazards in Alaska. This report also includes a summary of policy recommendations developed in September 1985 during an interagency workshop on earthquake hazards in Alaska. Because major programs of disaster preparedness and response already exist and operate under the Division of Emergency Services and local agencies, these activities are not discussed in detail. This report focuses primarily on activities that reduce the likelihood of injury or damage from natural hazards. Greater emphasis on knowledge of the hazards, public awareness, and effective mitigation measures will reduce vulnerability to hazards and consequently reduce dependence on post-disaster response and relief.

NATURAL DISASTERS IN ALASKA

From 1964 to 1981, there were seven presidential declarations of disaster in Alaska, an average of one every 2.5 yr. These natural disasters included one major earthquake, three floods, one heavy rain and landslide, one severe freeze, and a major fire during a severe freeze. Although a total of about $76 million in federal aid was provided, it was far short of the total estimated damages. For example, of the $350 million estimated damages that resulted from the 1964 Great Alaska Earthquake in 1964, about $56 million in federal aid was provided. Except for restoration work performed directly by the U.S. Army Corps of Engineers, the remaining burden fell on state and local governments, private businesses, and individuals. Following the Chena River flood in Fairbanks in August 1967 (fig. 1), which resulted in damages that totalled about $84 million (Pewe, 1982), the federal government provided $7.3 million in direct financial aid (Federal Emergency Management Agency, 1982).

In addition to disaster declarations by the President, for which federal relief funds are available, the Governor of Alaska is authorized to make disaster declarations for which state relief funds are provided, generally through the Alaska Division of Emergency Services (ADES). State funds may supplement federal-relief funds for presidentially declared disasters, but more often are used to provide relief after events that are not declared disasters at the federal level. From January 1978 to February 1982, no disasters were declared in Alaska by

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 86-14

A RESOLUTION IN SUPPORT OF THE ESTABLISHMENT OF AN ALASKA NATURAL HAZARDS SAFETY COMMISSION.

WHEREAS, natural processes will continue to cause potentially damaging events in Alaska, such as earthquakes, floods, volcanic eruptions, tsunamis, and landslides, and

WHEREAS, continued population growth and development in Alaska increase the likelihood that people and property will be adversely affected by these events, and

WHEREAS, technology is available to identify natural hazards, determine their probable severity, and reduce their adverse effects on people and property, and

WHEREAS, public safety and economic security from natural hazards in Alaska would benefit substantially from improvements in state and local policies to mitigate hazards through proper land-use and construction practices, and

WHEREAS, numerous federal, state, local, academic, and private organizations perform research or have other responsibilities related to hazard mitigation or disaster preparedness in Alaska without an established means of coordination, and

WHEREAS, there exists a general lack of public awareness of natural hazards in Alaska and a lack of understanding of means to alleviate their adverse effects, and

WHEREAS, improved policy guidance, coordination of activities, and promotion of public education in hazard mitigation and disaster preparedness are best accomplished through a state-level commission composed of members from the public and private sectors;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League supports enactment of Senate Bill 310 (1985), "An Act establishing the Alaska Natural Hazards Safety Commission".

Adopted this 16th day of November 1985

LEO B. RASMUSSEN, President

ATTEST:

SCOTT A. BURGESS, Executive Director

By: Sandra Stringer
Chris Birch
Introduced: 11/07/85

RESOLUTION NO. 85-080

A RESOLUTION IN SUPPORT OF THE ESTABLISHMENT OF AN ALASKA NATURAL HAZARDS SAFETY COMMISSION

WHEREAS, natural processes will continue to cause potentially damaging events in Alaska, such as earthquakes, floods, volcanic eruptions, tsunamis, and landslides; and

WHEREAS, CONTINUED POPULATION GROWTH AND DEVELOPMENT IN Alaska increase the likelihood that people and property will be adversely affected by these events; and

WHEREAS, technology is available to identify natural hazards, determine their probable severity, and reduce their adverse effects on people and property; and

WHEREAS, public safety and economic security from natural hazards in Alaska would benefit substantially from improvements in state and local policies to mitigate hazards through proper land-use and construction practices; and

WHEREAS, numerous federal, state, local, academic, and private organizations perform research or have other responsibilities related to hazard mitigation or disaster preparedness in Alaska without an established means of coordination; and

WHEREAS, there exists a general lack of public awareness of natural hazards in Alaska and a lack of understanding of means to alleviate their adverse effects; and

WHEREAS, improved policy guidance, coordination of activities, and promotion of public education in hazard mitigation and disaster preparedness are best accomplished through a state-level commission composed of members from the public and private sectors,

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough supports enactment of Senate Bill 310 (1985), "An Act establishing the Alaska Natural Hazards Safety Commission", and

BE IT FURTHER RESOLVED that this resolution be offered to the 1985 Alaska Municipal League convention for further support.

PASSED AND APPROVED THIS ____ DAY OF NOVEMBER, 1985.

Presiding Officer

ATTEST:

Clerk of the Assembly

AMERICAN SOCIETY OF CIVIL ENGINEERS
ALASKA SECTION

Branches at
Anchorage
Fairbanks
Juneau

P.O. Box 73354
Fairbanks, AK 99707
January 24, 1986

Governor Bill Sheffield
State of Alaska
Pouch A
Juneau, Alaska 99811

Dear Gov. Sheffield:

Senate Bill 310 is for an act establishing the Alaska Natural Hazards Safety Commission. Believing that such a commission would help prevent destruction of life and property, the Fairbanks Branch of the American Society of Civil Engineers passed a resolution in favor of the act. We request your support for SB 310. A copy of the bill and our resolution are attached.

Yours truly,

Marilyn Olson

Marilyn Olson, P.E.
Fairbanks Branch President

RESOLUTION IN SUPPORT OF SENATE BILL 310 (1985):

"AN ACT ESTABLISHING THE
ALASKA NATURAL HAZARDS SAFETY COMMISSION"

WHEREAS, natural processes will continue to cause potentially damaging events in Alaska, such as earthquakes, floods, volcanic eruptions, tsunamis, and landslides; and

WHEREAS, continued population growth and development in Alaska increase the likelihood that people and property will be adversely affected by these events; and

WHEREAS, technology is available to identify natural hazards, determine their probable severity, and reduce their adverse effects on people and property; and

WHEREAS, public safety and economic security from natural hazards in Alaska would benefit substantially from improvements in state and local policies to mitigate hazards through proper land-use and construction practices; and

WHEREAS, numerous federal, state, local, academic, and private organizations perform research or have other responsibilities related to hazard mitigation or disaster preparedness in Alaska without an established means of coordination; and

WHEREAS, there exists a general lack of public awareness of natural hazards in Alaska and a lack of understanding of means to alleviate their adverse effects; and

WHEREAS, improved policy guidance, coordination of activities, and promotion of public education in hazard mitigation and disaster preparedness are best accomplished through a state-level commission composed of members from the public and private sectors;

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks Branch of the American Society of Civil Engineers strongly supports enactment of Senate Bill 310 (1985), "An Act establishing the Alaska Natural Hazards Safety Commission", and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Sheffield and all state legislators.

PASSED AND APPROVED THIS 20th DAY OF Dec., 1985.

Marilyn Olson
President

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

☐ POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

☐ 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

OFFICE OF THE COMMISSIONER

February 25, 1986

POSITION PAPER

RE: SB 310

SPONSORS: Senators Sturgulewski, Fischer, and Zharoff

Effects of Bill: This bill would establish a Natural Hazards Safety Commission composed of eleven members to address hazards mitigation and disaster preparedness issues.

Comments: The Department of Community and Regional Affairs supports the bill as a rational way to address the vital need to coordinate the activities of hazard-related programs and public safety practices at all governmental levels and in the private sector.

Flooding is one of the major natural hazards that regularly occurs in Alaska. Major rivers almost on an annual basis produce floods which cause significant property damage and threaten the health and safety of Alaskan residents. The Department of Community and Regional Affairs is the coordinating office of the National Flood Insurance Program. The potential flood hazard mitigation and post-disaster floodplain management duties of the proposed Commission would benefit greatly our Department's floodplain management community assistance program.

Because of the Department's interest and active involvement in the area of natural hazard mitigation and management, the Department believes SB 310 should be amended to provide for a representative from the Department of Community and Regional Affairs. Even though the existing bill provides for a local government representative, the addition of a DCRA representative would enhance the link between local governments and the hazard mitigation functions of the Natural Hazards Safety Commission.

Emil Notti, Commissioner

21-P1LH

SB

323

Introduced: 1/13/86
Referred: State Affairs
and Judiciary

IN THE SENATE BY RAY

SENATE BILL NO. 323

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to suspension and revocation of a minor's license to drive and the definition of driver's license; and providing for an effective date."

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

* Section 1. AS 28.15 is amended by adding a new section to read:

Sec. 28.15.163. ADMINISTRATIVE SUSPENSION OF A MINOR'S LICENSE. (a) In addition to any other authority in this chapter to cancel, suspend or revoke a driver's license, the department shall suspend a minor's license to drive upon receipt of a record of conviction or adjudication of a violation of an offense listed in AS 28.15.185(a). The department shall impose the suspension as follows:

(1) for a first conviction or adjudication, the suspension shall be for one year or until the person reaches 17 years of age, whichever is longer.

(2) for a second or subsequent conviction or adjudication, the suspension shall be for one year or until the person reaches 18 years of age, whichever is longer.

(b) If the department receives notice from a court that it has restored a minor's license to drive under AS 28.15.185(b), the department shall immediately reinstate a driver's license that has been suspended under this section.

* Sec. 2. AS 28.15 is amended by adding a new section to read:

Sec. 28.15.185. COURT REVOCATION OF A MINOR'S LICENSE TO DRIVE. (a) A person who is at least 13 years of age, but not older than 17

years of age who is convicted, or adjudicated by a juvenile court, of having committed one of the following offenses shall have the person's driver's license revoked:

(1) misconduct involving a controlled substance (AS 11.71);

(2) possession or consumption of alcohol (AS 04.16.050).

(b) Upon conviction or adjudication of an offense listed in (a) of this section the court may, upon petition of the person, review the revocation and may restore the driver's license, except a court may not restore the driver's license for a period of

(1) 90 days for the first conviction or adjudication;

(2) one year for second or subsequent convictions or adjudications.

* Sec. 3. AS 28.40.100(a)(5) is amended to read:

(5) "driver's license" or "license" when used in relation to driver licensing, means a license, permit or privilege <u>to obtain a driver's license</u>, whether or not a person holds a valid license issued in this or another jurisdiction, to drive a motor vehicle under the laws of this state;

* Sec. 4. AS 47.10.080(g) is amended to read:

(g) <u>Except for purposes of driver's licensing under AS 28.15.-163, an</u> [NO] adjudication under this chapter upon the status of a child may <u>not</u> operate to impose any of the civil disabilities ordinarily imposed by conviction upon a criminal charge, nor may a minor afterward be considered a criminal by the adjudication, nor may the adjudication be afterward deemed a conviction, nor may a minor be charged with or convicted of a crime in a court, except as provided in this chapter. The commitment and placement of a child and evidence given in the court are not admissible as evidence against the minor in a subsequent case or proceedings in any other court, nor does the

commitment and placement or evidence operate to disqualify a minor in a future civil service examination or appointment in the state.

* Sec. 5. AS 47.10.090(a) is amended to read:

(a) The court shall make and keep records of all cases brought before it. The court's official records may be inspected only with the court's permission and only by persons having a legitimate interest in them. All information and social records pertaining to a minor and prepared by an employee of the court or by a federal, state or city agency in the discharge of the employee's or agency's official duty, are privileged and may not be disclosed directly or indirectly to anyone without the court's permission. However, a state or city law-enforcement agency shall disclose information regarding a case which is needed by the person or agency charged with making a preliminary investigation for the information of the court. <u>The court shall forward a record of adjudication of a violation of an offense listed in AS 28.15.185(a) to the Department of Public Safety.</u> Within 30 days of the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which the court relinquishes jurisdiction over the minor, the court shall order sealed all the court's official records, information and social records pertaining to that minor, as well as records of all criminal proceedings against the minor and punishments assessed against the minor except for traffic offenses. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court.

* Sec. 6. This Act takes effect September 1, 1986.

Senate Bill 323

This bill is modeled after the State of Oregon law titled "Youth Substance Abuse and Driving Accident Prevention". A young person (between the ages of 13-17)is denied driving privileges for alcohol or controlled substance violations. Suspension for the first conviction or adjudication is one year or until the person reaches 17. Suspension for the second conviction or adjudication is one year or until the person reaches 18.

Section 1

Adds new language- after an adjudicative hearing (all minors do not go to court for violations) for specific violations, a minor's drivers license, permit, or privilege to obtain a license, will be suspended.

Section 2

Adds new language- the court can revoke a minor's drivers license, permit, or privilege to obtain a license for specific violations.

Section 3

Adds new language to the definition of driver's license or license. (Fixes a loophole in the definition a license, because of the successful lawsuit of Roberts vs the State of Alaska, the state could not suspend the right to drive if there is no license to suspend)

Section 4

Adds new language for consistency within the statute.

Section 5

Adds new language- that the Court can forward the names of juveniles who are adjudicated for certain violations to the Department of Public Safety

Section 6

Effective date clause

AK — (Good) Idea!

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

10002 Glacier Hwy., Rm. 201
Juneau, AK 99801 (907) 789-4889

September 11, 1985

Senator Bill Ray
Alaska State Capitol
Pouch Y
Juneau, AK 99811

Dear Senator Ray:

What can we do to help stop our youth from drinking and driving?

The state of Oregon has found the answer! In 1984 they adopted a law called "Youth Substance Abuse and Driving Accident Prevention". Since the law was adopted in September of 1984 the Division of Motor Vehicles of Oregon has denied driving privileges to more than 1,292 youths. (See attachments)

As supervisor of the local alcohol/drug abuse clinic I know there is an extremely high correlation between youths receiving minor consuming charges and a year or two later showing up at the clinic with a DWI. I feel this type of legislation has a twofold beneficial effect: it will initially make our roads safer and secondly it will help to impact the severity of drinking and driving on our youth.

Please give this legislation your careful attention!

If I can be of any assistance please call on me!

Sincerely,

WJ Platte

W J PLATTE
Clinical Supervisor

WJP/bjl

Mervy

Enrolled

House Bill 2975

Sponsored by Representatives LOMBARD, AGRONS, ANDERSON, BELLAMY, BROGOITTI, CALOURI, DeBOER, FARMER, FORD, HARPER, MARKHAM, MILLER, PARKINSON, VAN VLIET, VanLEEUWEN, YOUNG, ZAJONC, Senator THORNE, Representatives BURROWS, JOHNSON, D. JONES, Senators HANNON, HEARD (at the request of Wes Smith, Principal, Ashland Jr. High School)

CHAPTER.....

AN ACT

Relating to driving privileges; creating new provisions; and amending ORS 482.470.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years of age, is convicted of any offense described in this subsection or determined by a juvenile court to have committed one of the described offenses, the court in which the person is convicted shall prepare and send to the Motor Vehicles Division, within 24 hours of the conviction or determination, an order of denial of driving privileges for the person so convicted. This section applies to any crime, violation, infraction or other offense involving the possession, use or abuse of alcohol or controlled substances.

(2) If a court has issued an order of denial of driving privileges under this section, the court, upon petition of the person, may review the order and may withdraw the order at any time the court deems appropriate except as provided in the following:

(a) A court may not withdraw an order for a period of 90 days following the issuance of the order if it is the first such order issued with respect to the person.

(b) A court may not withdraw an order for a period of one year following the issuance of the order if it is the second or subsequent such order issued with respect to the person.

SECTION 2. Section 3 of this Act is added to and made a part of ORS chapter 482.

SECTION 3. (1) In addition to any other authority to suspend driving privileges under this chapter, the division shall suspend all driving privileges of any person upon receipt of an order of denial of driving privileges under section 1 of this 1983 Act: The suspension shall be imposed without hearing. The driving privileges of the person shall be suspended as provided in the following:

(a) Upon receipt of the first order denying driving privileges, the division shall impose a suspension for one year, or until the person so suspended reaches 17 years of age, whichever is longer.

(b) Upon receipt of a second or subsequent order denying driving privileges, the division shall suspend for one year or until the person reaches 18 years of age, whichever is longer.

(2) If the division receives notice from a court that it has withdrawn an order issued under section 1 of this 1983 Act, the division shall immediately reinstate any driving privileges that have been suspended under this section because of the issuance of the order.

SECTION 4. ORS 482.470 is amended to read:

482.470. (1) The division shall not suspend a license for a period of more than one year except:

(a) As provided in ORS 482.430 (3) and (4) and section 3 of this 1983 Act;

(b) As provided in ORS 482.440 in the case of offenses which, if committed by a driver under ORS 482.440, would result in mandatory suspension or revocation for more than one year;

(c) When the suspension results from failure to obtain medical clearance when requested to do so under ORS 482.260 (1)(d)(B);

(d) When the driver fails to complete reexamination as required under ORS 482.260 (4); or

(e) When the driver fails to complete a requirement of ORS 482.850.

(2) When the operator's or chauffeur's license of any person has been suspended, the division shall not issue an operator's or chauffeur's license to the person prior to the expiration of the suspension period, except as otherwise provided in this chapter.

(3) When any license is suspended or revoked it shall be surrendered to and retained by the division. Upon the conviction of any operator or chauffeur for any offense which by this chapter is cause for mandatory suspension or revocation, the court in which the conviction was had shall issue an order of suspension or revocation, take up the operator's or chauffeur's license and immediately forward the license and a copy of the order to the division. When necessary to give full effect to this section, the court shall issue a temporary operator's permit, on a form provided by the division, to the convicted person which shall be valid until midnight of the day of the conviction. At the end of the period of suspension upon a license so surrendered, it shall be returned to the licensee upon request being made to the division by the licensee. However, the division may require the licensee to furnish evidence to the effect that the licensee is qualified to continue as an operator or chauffeur under this chapter, before returning the license.

SECTION 5. Section 6 of this Act is added to and made a part of ORS chapter 482.

SECTION 6. Notwithstanding any suspension of driving privileges under section 3 of this 1983 Act, the division may issue a special temporary permit described under ORS 482.160 (2) to a person whose driving privileges are suspended under section 3 of this 1983 Act if the person qualifies for the special temporary permit. For purposes of this section an emergency situation that leaves the applicant with no alternative means to travel to and from school is an emergency for purposes of ORS 482.160 (2) in addition to other emergency situations.

SECTION 7. If House Bill 2965 becomes law, section 6 of this Act is repealed and section 8 of this Act is enacted in lieu thereof.

SECTION 8. Notwithstanding any suspension of driving privileges under section 3 of this 1983 Act or ORS 165.805 or 471.430, the division may issue a special temporary permit described under ORS 482.160 (2) to a person whose driving privileges are suspended under section 3 of this 1983 Act or under ORS 165.805 or 471.430 if the person qualifies for the special temporary permit. For purposes of this section an emergency situation that leaves the applicant with no alternative means to travel to and from school is an emergency for purposes of ORS 482.160 (2) in addition to other emergency situations.

Passed by House June 16, 1983

Repassed by House July 15, 1983

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate July 11, 1983

.....
President of Senate

Received by Governor:

..... M., ... 1983

Approved:

..... M., ... 1983

.....
Governor

Filed in Office of Secretary of State:

..... M., ... 1983

.....
Secretary of State

600 denied privileges

More than 600 Oregon youths between the ages of 13 and 17 were denied driving privileges during the first six months in 1985, according to Motor Vehicles Division.

Denials are based on court convictions involving alcohol or drug possession, use or abuse. Courts then order DMV to deny licenses.

Most of the 627 denials ordered during the first six months of this year were for alcohol offenses. Minors in possession of alcohol or drugs accounted for 577, or 92 percent of the total. Twenty-seven denials were for having an open container or drinking alcohol in a motor vehicle, and eight were for driving under the influence.

Fifteen denials were ordered for miscellaneous alcohol and drug offenses, such as theft, delivery or manufacturing of a controlled substance.

Males accounted for 74 percent of the 627 total.

Denials of driving privileges for first offenders is one year or until the person becomes 17, whichever is longer. Repeat offenders are suspended for a year or until the person becomes 18, whichever is longer.

DMV statistics show 62 second denials and four third denials (all males) during the first six months of 1985.

Licenses revoked

Myrtle Point, Oregon 10/31/84

Seventy-one young people were denied driving privileges by court order during September. Denials were based on violations of alcohol or drug laws by young people between the ages of 13 and 17.

Most of the young people (48) who were denied driving privileges last month were males. The most frequent reason for denial was "minor in possession of alcohol" which, alone, accounted for 76 percent (54) of the court ordered denials.

The Motor Vehicles Division's administrator, David P. Moomaw, said that the September figure brings the number of denials so far this year to 692. The law took effect late in 1983.

Other grounds for denial last month were minor in possession of drugs, 11; having an open container of an alcoholic beverage in a motor vehicle, 4; and intoxicated minor (not related to driving), 2.

Three denials were for 13-years olds. Five were 14 years old; 10 were 15 years old; 21 were 16 years old and 32 were 17 years old.

Under the law, denial means no license can be issued or a license already issued must be taken away for one year or until the person becomes 17, whichever is longer. Repeat offenders, however, are suspended or denied a license for one year or until the person becomes 18, whichever is longer.

700 P 2nd 815

...ness which they supply convey a certain impression of unreliability, and it is proper to demand that some evidence of their credibility and reliability be shown. One practical way of making such a showing is to point to accurate information which they have supplied in the past.

Erickson, 507 P.2d at 517 (footnote omitted).

[4] Somewhat surprisingly, courts faced with anonymous informants in contexts similar to this one have been willing to characterize the informant as a citizen informant. *See, e.g., Campbell v. State Department of Licensing*, 31 Wash.App. 523, 644 P.2d 1219, 1220 n. 1 (1982). Upon closer examination, however, the reason becomes clear. Informants from the criminal milieu are distrusted because they often give evidence against the defendant: (1) for pay; (2) for immunity from punishment; or (3) for personal advantage or vindication. *See Evans v. State*, 550 P.2d 830, 843 & n. 35 (Alaska 1976). Since the informant here is anonymous and his tip conveyed by phone through a police dispatcher, it is unlikely that he gave information in expectation of any one of these rewards. While the possibility of an anonymous informant's hostility to the defendant motivating a false claim is always present, it is of less significance in the context of a R.E.D.D.I. report than other considerations. A primary reason for distrusting anonymous informants is the fear that there will in fact be no informant and that the officer will utilize a fictional informant to account for information which in fact was illegally obtained or to justify a search or seizure based on an unsupported hunch that ultimately proved accurate. The court must always be sensitive to the risk that an alleged informant is fictitious. Where the circumstances reduce the risk that the police have fabricated an informant in order to base a search or seizure on illegally obtained evidence or to justify a successful hunch, courts are more likely to classify an anonymous informant as a "citizen informant." *See, e.g., Commonwealth v. An-*

...as follows:

[P]olice at the Boston Greyhound Bus terminal were summoned by a dispatcher and handed a note saying that there was a black man wearing a blue hat and carrying a brown paper bag who had a gun and narcotics on the bus from New York to Boston. The dispatcher explained that the note had been given him by a bus driver, who in turn received it from a man in a toll booth who said it had been thrown into the booth by someone on a New York to Boston bus, and who passed the other bus and arrived at the terminal ahead of it. The bus from which the note had been thrown then arrived, and the first passenger to exit was a black man with a blue hat carrying a brown paper bag, who walked briskly when he saw the police on the scene. In upholding the stop which was then made, the court properly emphasized (i) that the police could not be faulted for not having more details, and (ii) that there was no risk of fabrication.

LaFave then quotes from the case:

> In this case we are of the opinion that there exists indicia of reliability to sustain the police officer's actions. First, the inference could be drawn from the note that the informant was on the same bus as the defendant and very probably based his information on personal observations. The brevity and the lack of detail of the note are explainable by a need to act quickly in getting the message to the toll booth operator for the authorities. It is not unimportant that the message was in writing and was passed on by some disinterested citizen, thus eliminating the possibility of a police fabrication which is a principal concern in assessing the propriety of a threshold inquiry launched by an anonymous tip.

3 W. LaFave, *supra*, § 9.3, at 102-03, *quoting Anderson*, 318 N.E.2d at 838. The facts here are substantially similar to those in *Anderson*. The informant reported

...erence is that he observed Effenbeck ...onally and reached the conclusion that ...nbeck was intoxicated based on that ...ervation. The brevity and lack of detail ...the description are explainable by the ...rmant's need to act quickly to get the ...sage to the police so that they could ...ntercept Effenbeck before he injured ...someone. Finally, the circumstances virtually eliminate the possibility of police fabrication.

A further comment by Professor LaFave is apt:

> Finally, it must be acknowledged that stoppings for investigation are not all of one kind and that in some instances the need for immediate action may be so great that substantial doubts about the reliability of the informant or his information cannot be permitted to stand in the way of prompt police action. But the fact that this is so in certain extraordinary situations is not to suggest that the same sacrifice of reliability must be made across the board in stopping-for-investigation cases.

3 W. LaFave, *supra*, § 9.3, at 103. LaFave goes on to distinguish cases such as this one where police action is necessary to intercept and prevent injurious conduct and cases where an investigatory stop is made to seize drugs or gambling paraphernalia. *Id.* at 103-04. In Alaska, our supreme court has essentially limited investigatory stops to the first situation. *See Ebona v. State*, 577 P.2d 698, 700 (Alaska 1978); *Coleman v. State*, 553 P.2d 40, 43 (Alaska 1976). Given the information the officer got, corroborated in part by his observing Effenbeck leaving a bar parking lot, we are satisfied that the exigencies of this situation warranted the investigatory stop.

The judgment of the district court is AFFIRMED.

* Johnstone, Superior Court Judge, sitting by assignment made pursuant to article IV, section 16 of the Constitution of Alaska.

Roberts..

v.

STATE of Alaska, Appellee.

No. A-342.

Court of Appeals of Alaska.

May 31, 1985.

Defendant was convicted of driving while his license was suspended, and defendant filed motion for postconviction relief. The District Court, Third Judicial District, Anchorage, Natalie K. Finn, J., denied motion, and defendant appealed. The Court of Appeals, Bryner, C.J., held that defendant who did not have valid driver's license in any jurisdiction when State purported to suspend his privilege to drive could not be convicted of offense of driving while license was suspended.

Reversed.

Automobiles ⇐326

Defendant who did not have valid driver's license in any jurisdiction when State purported to suspend his privilege to drive could not be convicted of offense of driving while license was suspended. AS 28.15.011(a), 28.15.291, 28.35.230(b)(now AS 28.40.050(b).

James L. Johnston, Anchorage, for appellant.

Russell S. Babcock, Asst. Dist. Atty., Victor C. Krumm, Dist. Atty., Anchorage, and Norman C. Gorsuch, Atty. Gen., Juneau, for appellee.

OPINION

Before BRYNER, C.J., SINGLETON, J., and JOHNSTONE, Superior Court Judge.*

700 P.2d 815

[illegible] of driving while his license was suspended (DWLS), in violation of AS 28.15.291.[1] He later filed a motion for post-conviction relief, seeking to set aside his conviction based on this court's decision in *Francis v. Anchorage*, 641 P.2d 226 (Alaska App.1982). District Court Judge Natalie K. Finn denied the motion. Roberts has appealed, claiming that the District Court erred in failing to vacate his DWLS conviction. We reverse.

Roberts has apparently never had an Alaska driver's license. It is uncontested that his California driver's license expired sometime during or prior to 1981. In 1982 and 1983 the State of Alaska purported to suspend Roberts' driver's license or privilege to drive based on (1) a conviction for driving while intoxicated, (2) an accumulation of points, and (3) failure to provide proof of financial responsibility.

Subsequently, on June 8, 1983, Roberts was arrested for DWLS. After being convicted of that offense, Roberts moved to have the conviction vacated. He argued that, since he did not have a valid driver's license in any jurisdiction when the state purported to suspend his privilege to drive in 1982–1983, he had no license or driving privilege to suspend. Accordingly, Roberts the District Court of his post-conviction motion, Roberts appeals, reasserting the argument he raised below.[2]

In *Francis v. Anchorage*, 641 P.2d 225 (Alaska App.1982), we considered a claim which was similar to the one raised by Roberts. *Francis* involved a fifteen-year old driver who was convicted of DWLS under section 9.12.010(B) of the Anchorage Municipal Code.[3] Prior to Francis' DWLS arrest, the state had suspended his driving privilege for failure to furnish proof of financial responsibility following an accident. Francis argued that he could not properly be convicted of DWLS because, at the time the state purported to suspend his driving privilege, he had no license or privilege to suspend. In reversing Francis' conviction, we expressly ruled that a driver's license or privilege to drive cannot properly be suspended unless the driver was in fact licensed or otherwise actually privileged to drive a motor vehicle within the state. Specifically, we held:

> In the context of the municipal ordinances and the state's driver's licensing scheme, we conclude that "privilege to drive" must mean some kind of legal authorization to drive. The privilege in this sense *follows* issuance of a driver's

1. At the time of Roberts' offense, AS 28.15.291 provided in relevant part:

> *Driving while license cancelled, suspended, or revoked, or in violation of limitation.*
>
> (a) No person may drive a motor vehicle on a highway or vehicular way or area in this state at a time when his driver's license, or privilege to drive in this state if he is licensed in another jurisdiction, has been cancelled, suspended or revoked, or when he is driving in violation of the limitation placed upon his license, even when he is driving under a license issued in another jurisdiction....

2. We have previously held, as a matter of policy, that an attack to the validity of an administrative license suspension could not properly be raised for the first time collaterally, in a prosecution for DWLS. *See McClain v. State*, 641 P.2d 1265 (Alaska App.1982). Our decision in *McClain*, however, involved a non-jurisdictional challenge—one that did not implicate the authority of the suspending agency. We note that cases from other jurisdictions have drawn distinctions between collateral challenges involving jurisdictional and non-jurisdictional arguments against the validity of a driver's license suspension. *See, e.g., State v. Putman*, 137 Vt. 410, 407 A.2d 161 (1979). Ultimately, we need not decide whether a collateral attack raising jurisdictional questions should generally be adjudicated on its merits in cases such as the present one. Roberts' claim is clearly jurisdictional in nature. Judge Finn ruled on the merits of Roberts' argument below, and the state has not contended, either below or on appeal, that a collateral attack should not be considered in this case. Under these circumstances, we have deemed it appropriate to decide Roberts' claim despite its collateral nature.

3. At the time of Francis' offense, AMC 9.12.010(B) provided:

> No person may violate a condition or privilege of such license, nor may any person drive a vehicle while such license is suspended, revoked, refused or cancelled....

quirement. We reject the interpretation suggested by the city that privilege to drive means nothing more than privilege to apply for a driver's license. While we recognize that at age fourteen, Francis had the opportunity under state law to apply for two categories of licenses, such an opportunity gave him no privilege to drive a vehicle on the public streets; that privilege is earned only by successfully completing the application process, including passing a written test, driving test, and eye test.

641 P.2d at 227 (citations omitted).

The only arguably significant distinction we perceive between the present case and *Francis* is that Roberts was convicted of DWLS under state law, while *Francis* was convicted under the Anchorage Municipal Code. Although the state relies on this distinction in urging us not to apply our decision in *Francis* to the present case, we decline to do so. As we noted in our opinion, the DWLS ordinance in *Francis* was analogous to the Alaska Statutes. *Francis*, 641 P.2d at 227. Moreover, while Francis was convicted under the municipal DWLS ordinance, it was the state, not the municipality, that had previously purported to suspend Francis' license. The validity of the state suspension was thus the legal issue on which Francis' claim ultimately turned. Since Francis' driving privileges had been suspended under state law rather than city ordinance, our holding in that case was necessarily based on an interpretation of both state and municipal law.

The state nevertheless requests that we consider overruling *Francis*. It advances two arguments in support of this request. Initially, the state relies on former AS 28.35.230(b) (renumbered AS 28.40.050), which states:

> (b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than $500, or by imprisonment for not more than ninety days, or *may be suspended or revoked.* [emphasis added].

The state points out that the penalties specified in this statute are applicable to the offense of DWLS, since no penalties are otherwise expressly provided for that offense. *See* AS 28.15.011(b). The state's argument is that, since a license suspension is expressly authorized under former AS 28.35.230(b), and since that provision applies to persons convicted of DWLS, then it must follow that it is possible to suspend the license, or "privilege to drive," of an unlicensed driver.

The state's argument might seem plausible if former AS 28.35.230(b) were a penalty provision dealing specifically with the offense of DWLS. Yet it is not. Instead, former AS 28.35.230(b) is a generic penalty provision, broadly applicable to violations of all Title 28 provisions for which the specific penalties are given. Consequently, inclusion of license suspension as a possible penalty in AS 28.35.230(b) gives little realistic insight to whether the legislature actually intended unlicensed drivers to be subject to license suspensions.

The state's second statutory argument is based on AS 28.15.011(a), which provides:

> (a) No person shall be denied the privilege to drive a motor vehicle upon a highway in this state, except as prescribed by law.

The state argues that the effect of this statute is to confer on all citizens of Alaska a "privilege to drive," which can be restricted only by law. Under this interpretation, all persons—presumably including infants and children—are privileged drivers, and, hence, their driving privileges can be suspended before they are licensed.

The state's interpretation of AS 28.15.011(a) was implicitly rejected by our holding in *Francis*. In our view, the provisions of AS 28.15.011(a) constitute a broad statement of the legislature's intent, in enacting the motor vehicle code, to adopt a statutory scheme that deals with the licensing of Alaska drivers in a comprehensive and uni

form manner. We do not read this subsection as a legislative commitment to the philosophical concept of an innate privilege to drive.[4]

In short, we discern no basis for holding that this case is not wholly governed by our decision in *Francis*, nor are we convinced of any sound reason for overruling that precedent.

We are not insensitive to the fact that the current statutory scheme governing suspension of driver's licenses and the offense of DWLS, as interpreted by this court in *Francis*, may in certain instances lead to undesirable results. We emphasize, however, that *Francis* comports with Alaska's current statutory language and reflects the result reached in other jurisdictions that have addressed similar issues under similar statutory language. *See Francis*, 641 P.2d at 228.

At this stage we believe that the solution for any problems stemming from the current statutory language should properly be resolved through legislative action rather than by the process of judicial interpretation.[5]

The conviction is REVERSED.

COATS, J., not participating.

4. In any event the state's reading of AS 28.15.011(b) ultimately fails to advance its argument. Assuming that the statute originally vested Roberts with a broad "privilege to drive," it is manifest that, under the provisions of the motor vehicle code, the privilege was extinguished by Roberts' failure to renew his California driver's license or to apply for an Alaska license. Thus, even under the state's theory it would be possible to conclude, that prior to the state's action to suspend driving privilege, his "privilege to drive" had in effect been denied "as prescribed by law." AS 28.15.011(a).

5. The New York legislature has apparently recently dealt with this issue and remedied prior legislation by expressly providing for suspension of "the privilege to obtain a license." Moreover, for the purposes of the offense of DWLS, New York Statutes expressly define an expired driver's license to fall within the definition of "license." *See People v. Rivera*, 95 Misc.2d 933, 408 N.Y.S.2d 723 (N.Y.Crim.Ct. 1978); *People v. Goodenough*, 89 Misc.2d 455, 391 N.Y.S.2d 940 (N.Y. Justice's Ct.1977).

Jerry JONES and Sandra Jones, husband and wife, Plaintiffs/Appellees,

v.

PAK-MOR MANUFACTURING COMPANY, Defendant/Appellant.

No. 17412-PR.

Supreme Court of Arizona,
En Banc.

Jan. 17, 1985.

Garbage collector brought product liability action against manufacturer of garbage compactor for injuries he sustained while riding on exterior of compactor. The Superior Court, Pima County, No. 179374, Robert B. Buchanan, J., entered verdict in favor of plaintiff, and defendant appealed. The Court of Appeals, 700 P.2d 830, affirmed, and defendant petitioned for review. The Supreme Court, Feldman, J., held that: (1) in product liability cases involving a claim of defective design, trial court has discretion to admit evidence of safety history concerning both existence and nonexistence of prior accidents, provided that the proponent establishes the necessary predicate for the evidence, but (2) testimony of manufacturer's president that manufacturer had had no reports of any injuries similar to that sustained by plaintiff was inadmissible.

Opinion vacated in part and approved in part.

1. Products Liability ⇐81

In products liability actions, although trial court has discretion to admit evidence of prior accidents, rule relating to inadmissibility of evidence of absence of prior accidents is a per se rule.

2. Products Liability ⇐81

3. Products Liability ⇐74

In product liability actions based on defective design, relevant issues may include whether defendant should have foreseen the potential danger from use of the product as designed, whether a defect existed, and whether a particular danger was unreasonable, including the likelihood of its causing serious injury. 17A A.R.S. Rules of Evid., Rules 401, 402.

4. Products Liability ⇐81

In product liability cases involving a claim of defective design, whether based on negligence, strict liability, or both, trial court has discretion to admit evidence of safety history concerning both existence and nonexistence of prior accidents, provided that the proponent establishes the necessary predicate for the evidence. 17A A.R.S. Rules of Evid., Rule 403.

5. Products Liability ⇐81

In product liability cases involving a claim of defective design, evidence of safety history is admissible on issues pertaining to whether design caused the product to be defective, whether the defect was unreasonably dangerous, whether it was a cause of the accident, or, in negligence cases, whether defendant should have foreseen that the design of the product was not reasonably safe for its contemplated uses. 17A A.R.S. Rules of Evid., Rule 403.

6. Products Liability ⇐81

In cases involving a manufacturing flaw, fact that product as a whole has a demonstrated safety history is irrelevant. 17A A.R.S. Rules of Evid., Rule 403.

7. Products Liability ⇐81

In products liability action brought by garbage collector against manufacturer of garbage compactor, testimony of manufacturer's president that during period of time compactor had been in use, manufacturer had received no reports of any injuries similar to those sustained by plaintiff was inadmissible to show product was not de-

POSITION PAPER/Department of Health & Social Services

POSITION PAPER

SENATE BILL 323

"An Act relating to suspension and revocation of a minor's license to drive and the definition of driver license; and providing for an effective date."

Discussion

Senate Bill 323 will attempt to reduce drinking and drug use by minors, persons under age eighteen, by placing time restrictions on the minor's privilege to obtain or retain a driver's license, if the minor is convicted of misconduct involving a controlled substance or possession or consumption of alcohol. The suspension period for a first offense is one year or until a person reaches the age of 17, whichever is longer, and the suspension period for a second offense is one year or until a person reaches the age of 18, whichever is longer.

This bill is patterned after an Oregon law that was enacted in July, 1983. In 1985, 1510 Oregon youth were denied driving privileges under the provision of this law. Of this number, 94% or 1414 denials were for the offense of possession of alcohol or drugs; 46 denials were for open container violations, 14 for driving under the influence, and 36 were for miscellaneous offenses. Of the 1510 convictions, 1352 were first offenses. 1985 was the second year of experience with this law. It has been reported in the Oregon press that judges in metropolitan areas have been ignoring this law because of heavy case loads or a belief that the penalty is too harsh for the offense.

Drinking and drug use among youth is a serious problem in Alaska. In the six year period of 1979-1984, 42 youth 0-18 years of age have died as a result of alcohol related motor vehicle accidents. According to the 1983 Crime in Alaska report, 1146 minors were arrested for liquor law violations; 336 for drug offenses; 234 for vandalism; and 97 for driving under the influence. Drinking and drug use account for a high number of school suspensions and family discord.

Position

The Department of Health and Social Services is supportive of the approach taken in SB 323 towards the prevention of drinking and drug use by Alaska youth. The privilege to obtain or retain a driver's license is held in high regard by this age group and it is hoped that this strategy will be an effective deterent indiscrimination use of chemicals. The Department recognizes that the majority of youth drinking and drug use is experimental in nature, nevertheless the strong influence of "peer preasure" upon this age group often results in unplanned use during social interactives. This legislation may serve as a constant reminder that the privilege driving must be earned through responsible behavior. There are statistical indications that a number of Alaska youth have serious problems with chemicals. In 1985, 882 youth 17 years of age and younger had diagnosed problems severe enough to warrant treatment for alcoholism and drug abuse in State funded programs. The Department would like the committee to consider one

possible addition to the bill, a provision that convicted youth be required to undergo a screening process to determine the need for education or treatment. A process similar to the present Alcohol Safety Action Program (ASAP) and state treatment system could be used for this purpose. This process would impact the high risk youth with a more intensive response while providing relevent education to an offender.

The Department will be pleased to provide additional information on drinking and drug use among youth upon request.

Recommended by: Matt Felix by Geo Munday

Matthew C. Felix
Coordinator
Office of Alcoholism/
Drug Abuse

Date: 1/20/86

Approved by: John R. Pugh

John R. Pugh
Commissioner
Department of Health
& Social Services

Date: 1/22/86

PP86/1

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : Senate Bill 323
Title : An Act relating to suspension and revocation of a minor's licence to drive
Sponsor : Senator Ray
Requestor : N/A
Date of Request : N/A

FISCAL DETAIL

Agency Affected : Health & Social Services
BRU : Alcoholism & Drug Abuse

Components : Alcohol Abuse Grants

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Matthew C. Felix Matt Felix for Leo Rhoades
Division : Alcoholism/ Drug Abuse
Phone : 586-6201
Date : 1/20/86

Approved by Commissioner : Jon R. Bos
Agency : Health and Social Services
Date : 1/22/86

JCC 1/23

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 323

Neutral

January 20, 1986

SB 323. An Act relating to suspension and revocation of a minor's license to drive and the definition of driver's license.

It appears the bill was drafted by using Oregon law as a model, and not taking into account the difference in how the Courts and DMV operate in the two states. In Alaska the Court is generally empowered with the authority to revoke a driver's license at the time of sentencing for a criminal offense (ie: DWI, Hit & Run, etc.). It is recommended Section 1 of the bill be deleted, and the data be incorporated in Section 2. The bill would then specify the court imposes the revocation, whether it be 90 days, one year, or until a specific age. This would be more in line with current Alaska law, and would eliminate the need for DMV to offer an administrative hearing before the administrative suspension is imposed.

Lines 10 and 11 of Section 5 indicate information concerning the license action could not be disclosed. This would prevent enforcement of the action, thus making it meaningless. In order to allow DMV to enter the license action on the defendant's record line 23 of Section 5 should be amended to reflect ".... except for traffic offenses or license action taken under AS 28.15.163 or AS 28.15.185.".

As a point of information, current law (AS 28.20.240) will require the individual to file and maintain proof of financial responsibility for the future (SR-22 insurance) for three years. If the SR-22 is not filed the license action will continue for that additional three year period.

ROBERT J. SUNDBERG
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 323
Title : An Act relating to suspension and revocation of a minor's license to drive....
Sponsor : Ray
Requestor : Senate State Affairs
Date of Request : 1/16/86

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Motor Vehicles
Components : Driver Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		21.2	29.6	31.1	32.7	34.3
TRAVEL						
CONTRACTUAL		6.8	8.4	8.8	9.2	9.7
SUPPLIES		.5	.6	.6	.7	.7
EQUIPMENT		8.2				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		36.7	38.6	40.5	42.6	44.7
CAPITAL						
REVENUE		10.0	70.0	150.0	170.0	180.0

FUNDING : (Thousands of Dollars)

GENERAL FUND		36.7	38.6	40.5	42.6	44.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

One clerical position will be necessary to handle additional work load, including preparing file, entry of license action on computer, preparing certified copies, notifying individual, maintaining proof of insurance file, preparation of records for microfilm, entry of data on microfilm retrieval system, etc. Cost breakdown attached.

Prepared by : Bill Brown BB — Phone : 465-2650
Division : Motor Vehicles — Date : 1-16-86

Approved by Commissioner : [signature] — Date : 1-16-86
Agency : _____

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
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Office of Management and Budget
Impacted Agency(ies)

10/25/85

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 323

DETAIL

100	Personal Services		
	One Document Processing Clerk II	21.2	21.2
300	Contractual		
	310 Postage	2.9	
	382a DP line charges - 1 CRT	1.7	
	DP data circuit - 1 CRT	1.3	
	Maintenance - 1 CRT	.5	
	Maintenance - 1 printer	.4	
		6.8	6.8
400	Commodities		
	Normal office supplies	.5	.5
500	Equipment		
	1 CRT terminal	3.0	
	1 CRT feature board	.8	
	1 printer	1.8	
	1 typewriter	1.2	
	1 desk	.6	
	1 chair	.2	
	1 file cabinet	.3	
	1 CRT table	.3	
		8.2	8.2
		TOTAL	36.7

INFORMATION

With the effective date being September 1, 1986, documents will not start being received from the Court until around October 1, 1986. Therefore, personal services for FY87 reflect a nine month period with the employee being hired October 1, 1986. Other items are budgeted accordingly with the first full year being FY88.

FY88 and subsequent years reflect a 5% inflation factor.

REVENUE:

Statutes require payment of a $100.00 reinstatement fee prior to issuance of a driver's license following a suspension or revocation. The revenue indicated is based on an estimation of the number of minor's whose driving privileges were taken away under this legislation who would not have otherwise lost those privileges, and who will apply for a license and pay the $100.00 fee.

Position Title			No. of Positions	Range/Step	Barg. Unit	Gov.	Approv.	Disapp.
Document Processing Clerk II			1	8b	GGU			
Time Status	Staff Months	RP Number	Location		Election District	Leg.		
PFT	12		Juneau		4			

Type of Expenditure		Amount
1	2	3
Salary		
Benefits		
Premium Pay		
Other		
Total Personal Services		21.2
Travel		
Contractual		6.8
Commodities		.5
Equipment		8.2
Other		
Total Cost		36.7

Receipt Code	Funding Source		
	Federal Receipts	1002	
	G. F. Match	1003	36.7
	General Funds	1004	
	I-A Receipts	1005	
	Program Receipts	1028	
	CIP Receipts	1061	
	Other		

For B&M Use Only
Key Number __ __ - __ __ - __ __ - __ __ - __ __

Justification

This legislation will require action against the driving privileges of approximately 1,800 individuals who are convicted of, or adjudicated for offenses which do not currently require action. This position will prepare files, establishing beginning and ending dates of the action; enter the license action on the individual's driving record; change the status on the individual's record; send a notice to the individual concerning the action and requirements for reinstatement; prepare certified copies for prosecutors when individual is arrested for driving while suspended or revoked; maintain proof of insurance file after reinstatement; change status on driving record when license action is over; prepare record for microfilm; enter data on microfilm retrieval system; and assist in correspondence concerning the license action.

This form prepared reflectirg nine months cost. Position to begin October 1, 1986.

Request For New Position

Agency: Public Safety
BRU: Motor Vehicles
Component: Driver Services

Revised Date

FY 87

SB

326

APR 21986

State Legislatures

March 1986

The National Conference of State Legislatures

Preachers and Politics • Purchasing a Computer System
Child Abuse and the Law

Taxing Problems Spark State Reforms

By Steven D. Gold

Ironically, the odds for improving tax policy could increase if state fiscal conditions worsen.

A guiding principle in many legislative arenas is, "if it ain't broke, don't fix it." Applied to tax policy, however, this dictum can cause serious problems because often a provision is considered "broke" only when important constituents decide it is. Although benign neglect is not necessarily the best policy, it often seems to reign in tax deliberations.

But this attitude may be changing. During the past decade, extreme strain was placed on state tax systems by a set of problems that either are continuing or could resurface in the near future: the tax revolt, the severest recession since the Great Depression, federal aid cutbacks and interstate tax competition.

On top of these carry-over concerns, a new one has emerged during the past two years—federal tax reform, which could have profound impacts on the climate in which states must raise money.

State tax systems are much stronger today than they were 30 years ago. In the 1950s, '60s and '70s, states took major steps to improve the fairness and productivity of their tax systems by adopting many new income and sales taxes. These actions were responses to fiscal crises caused in part by the passage of the baby boomers through public education systems.

But since the early 1970s, many of the important changes in tax structures have occurred through inertia. Inflation, rising income and shifting production and consumption patterns have had perhaps more to do with the level and distribution of taxes than deliberate new policies.

Five crucial facts about state tax systems stand out.

They bring in a great deal of revenue. During the current fiscal year, state tax collections should top $225 billion, more than 10 times as much as in 1962 and 3½ times as much as in 1972.

Their growth can be likened to a roller coaster. Tax revenue rose faster than personal income for a quarter century, from the end of World War II to the early 1970s, as states assumed new responsibilities in the federal system. The growth of revenue plunged when the tax revolt hit in the late 1970s and then recovered in 1983 as three-fourths of the states raised tax rates. Since then tax cuts have predominated.

Every state tax system is different. Alaska and New Hampshire manage to get along without either a general sales or a personal income tax. Eleven other states have only one or the other. The remaining 37 states levy both but each in its own way. In total, 26 states rely on the sales tax more than the income tax, and 22 get more from the tax on incomes. Tax levels also differ a great deal. The ratio of state tax revenue to personal income is more than twice as high in 30 states as it is in New Hampshire.

Local taxes are also major parts of state tax systems. States dictate which taxes cities, counties and school districts may use and also influence the level of local taxes by giving financial aid or by paying for local functions Local tax revenue this fiscal year will be close to $140 billion. The role of localities in raising revenues differs greatly from one state to another, with local taxes representing only 16 percent of total state and local revenue in Alaska but 50 percent or more in Colorado, New Hampshire and New York.

The shape of state and local tax systems has changed considerably in the past 15 years. The property tax has been sharply de-emphasized, declining from 4.9 percent of personal in-

State and Local Tax Revenue per $100 of Personal Income, 1970 to 1985

Fiscal Year	Total	State	Local	Property[1]	State: General Sales	State: Personal Income
1985	$11.45	$7.08	$4.37	$3.43	$2.27	$2.11
1984	11.71	7.22	4.49	3.53	2.30	2.16
1983	11.07	6.69	4.38	3.47	2.09	1.94
1982	11.07	6.79	4.28	3.41	2.10	1.91
1981	11.31	6.95	4.36	3.47	2.15	1.90
1980	11.57	7.13	4.45	3.55	2.24	1.93
1979	12.03	7.34	4.69	3.80	2.32	1.92
1978	12.75	7.49	5.26	4.37	2.33	1.93
1977	12.81	7.39	5.42	4.55	2.26	1.86
1976	12.47	7.13	5.34	4.53	2.18	1.71
1975	12.28	6.99	5.29	4.47	2.16	1.64
1974	12.36	7.05	5.31	4.51	2.15	1.62
1973	1 95	7.31	5.6	4.84	2.13	1.68
1972		7.02	5.67	4.92	2.07	1.52
1971		6.48	5.40	4.74	1.95	1.28
1970		6.47	5.19	4.57	1.91	1.24

[1]*At least 95 percent of property tax revenue is raised by local governments but some state governments also levy a property tax, usually on specific classes of property.*

Source: U.S. Census Bureau

Steven D. Gold is director of NCSL's Fiscal Studies program.

come in 1972 to 3.4 percent in 1984. One of the main reasons for this trend was increased reliance on personal income taxes, which jumped from 1.2 percent of personal income to 2.1 percent between 1970 and 1985. States used much of their new income tax money to boost aid for local schools and assume other financial burdens from localities, such as welfare programs.

Despite the diversity in taxes, some important developments are occurring that are common to most states—interstate tax competition, erosion of tax bases, increasing instability and reduced responsiveness to economic growth.

State and local governments seem to be competing with each other more avidly than in the past to make themselves attractive to industrial investment. This intensified competition has arisen from many sources, including the especially high unemployment of the early 1980s, the decline of heavy industry in the Rust Belt and agriculture in the Farm Belt, and the increased exposure to international competition everywhere.

Interstate tax competition has resulted in a proliferation of exemptions for business and downward pressure on personal income tax rates. For example, at least a dozen states have exempted inventories from the property tax since 1980. Most of the states with the highest income taxes have been cutting them recently. As Lowell Norland, majority leader of the Iowa House of Representatives, says, "Because of our overriding economic development crusade, we're afraid to be out of step in taxation with other states."

Erosion of tax bases undermines the productivity of tax systems just as soil erosion reduces the yields from farmland. One source of tax base erosion is new exemptions granted by states, particularly from the sales, property and income taxes. Economic trends may also erode the tax base. Two examples: A portion of pension income is often exempt from income tax; as the population ages, pension income tends to grow faster than wages. Most services are usually exempt from the sales tax; as the service economy develops, exempt sales tend to grow more rapidly than taxable sales. Result: an eroded tax base. John Mikesell, a sales-tax expert at the University of Indiana, estimates that each penny of sales tax levied in 1984 yielded only 85 percent as much as it did in 1960, per dollar of personal income.

Ben Rose, assistant House minority leader in Ohio, helped put together a proposal for substantially broadening

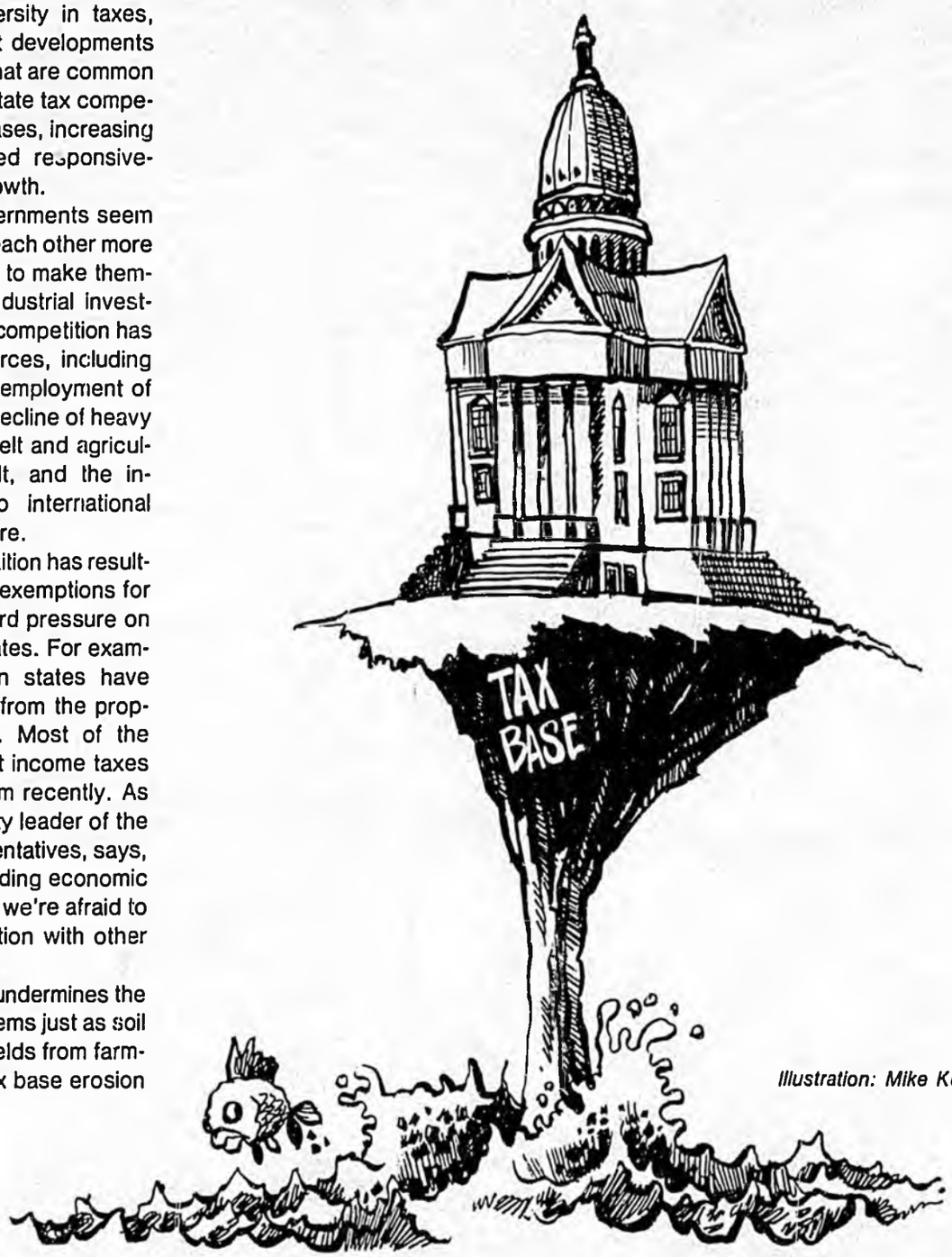


Illustration: Mike Keefe

Erosion of tax bases—from such factors as exemptions granted by states from sales, property and income taxes as well as from larger economic trends—undermines the productivity of tax systems just as soil erosion reduces the yields from farmland.

the sales-tax base several years ago. Ohio eventually did extend the sales tax to repairs and data processing services. He warns that trying to tax services is "a tough political thicket," and that interstate tax competition limits the extent to which services can be taxed.

Erosion of the sales-tax base has led to exemption of food and utility outlays in about two-thirds of the sales-tax states and prescription drugs in virtually all states. The result of exempting these and other "necessities" has been to increase the instability of state tax revenue. Formerly when the economy went into a recession, the sales tax continued to produce revenue from such "necessities" while sales of discretionary products plummeted. Now this firm base is no longer taxable in most states.

State tax revenue does not respond as strongly to economic growth as it did in the 1970s because, among other reasons, 10 states adopted income tax indexation, marginal tax rates for high income taxpayers were reduced and exempt income grew relatively rapidly. The U.S. Treasury Department estimates that each 10 percent increase in personal income now produces only 14 percent growth in personal income tax revenue as opposed to 16 percent before 1978.

Because of these problems, as well as the severe fiscal problems experienced in the early 1980s, nearly half of the states have recently conducted major studies of their tax systems. Despite high hopes for these studies, they have not yet resulted in significant reform in most states.

Why has the implementation of tax reform been so poor?

First of all, reforming state tax systems is not as easy as it used to be. In the 1950s and 1960s the solution to a state's fiscal problems was usually obvious—adopt an income or a sales tax, whichever the particular state was missing. Most states followed that prescription, and now the answers are not so simple.

Secondly, tax reform produces losers as well as winners. Tax commissions often recommend broadening the base of the income and sales taxes and lowering tax rates. These steps tend to even out the tax burden and "provide a level playing field" for business and individuals. But the beneficiaries of tax exemptions that would be eliminated frequently put up a stiff fight in defense of their tax breaks, while the winners from reducing exemptions and lowering rates tend to be silent for two reasons: They may not realize that they are winners, and there are many small winners and a small number of big losers. The political calculus makes it tough to broaden tax bases. Nowhere is this more evident than in extending the sales tax to services. Many legislators and governors contemplated such a policy in the 1980s, but when the dust settled, little had been done to change the status quo. "Politically, you don't want to create any losers, but it's next to impossible to have reform without some losers," says Bill Schreiber, chair of Minnesota's House Tax Committee.

Finally, it takes time to develop a consensus for a major tax change. States don't tinker with the fundamentals of their tax systems very often, so it is not surprising that it could take four or five years to build a coalition for a big tax change. Many of the new income and sales taxes of the 1950s, '60s and early '70s were adopted only after such a prolonged period of discussion, education and controversy.

Recent experience demonstrates that reform is not impossible. Last year two states did enact important reforms: Wisconsin simplified its income tax and West Virginia overhauled its business taxes. The chairman of the West Virginia House Finance Committee, George E. Farley, reports that it took three years of research and persuasion, a lot of patience and an "exorbitant number of meetings" to push reform through. Even with all that effort, the proposal appeared to be a "long shot" before it was enacted.

The biggest battle in the state tax wars now is not about restructuring taxes, but rather about the role of the personal income tax. Because of tax rollbacks and reductions effective in 1984, income tax revenue rose only an estimated 7.5 percent in fiscal year 1985 compared with an estimated 10.5 percent rise in sales tax revenue. On top of that, 14 states lowered their income taxes during 1985 legislative sessions. Many of these reductions were rollbacks of increases in 1982 or 1983, but four were in states where tax rates had not been increased in the 1980s and three were reductions in rates to below the pre-1982 levels. By contrast, Connecticut was the only state to lower its sales tax, by exempting clothing priced at $75 or less.

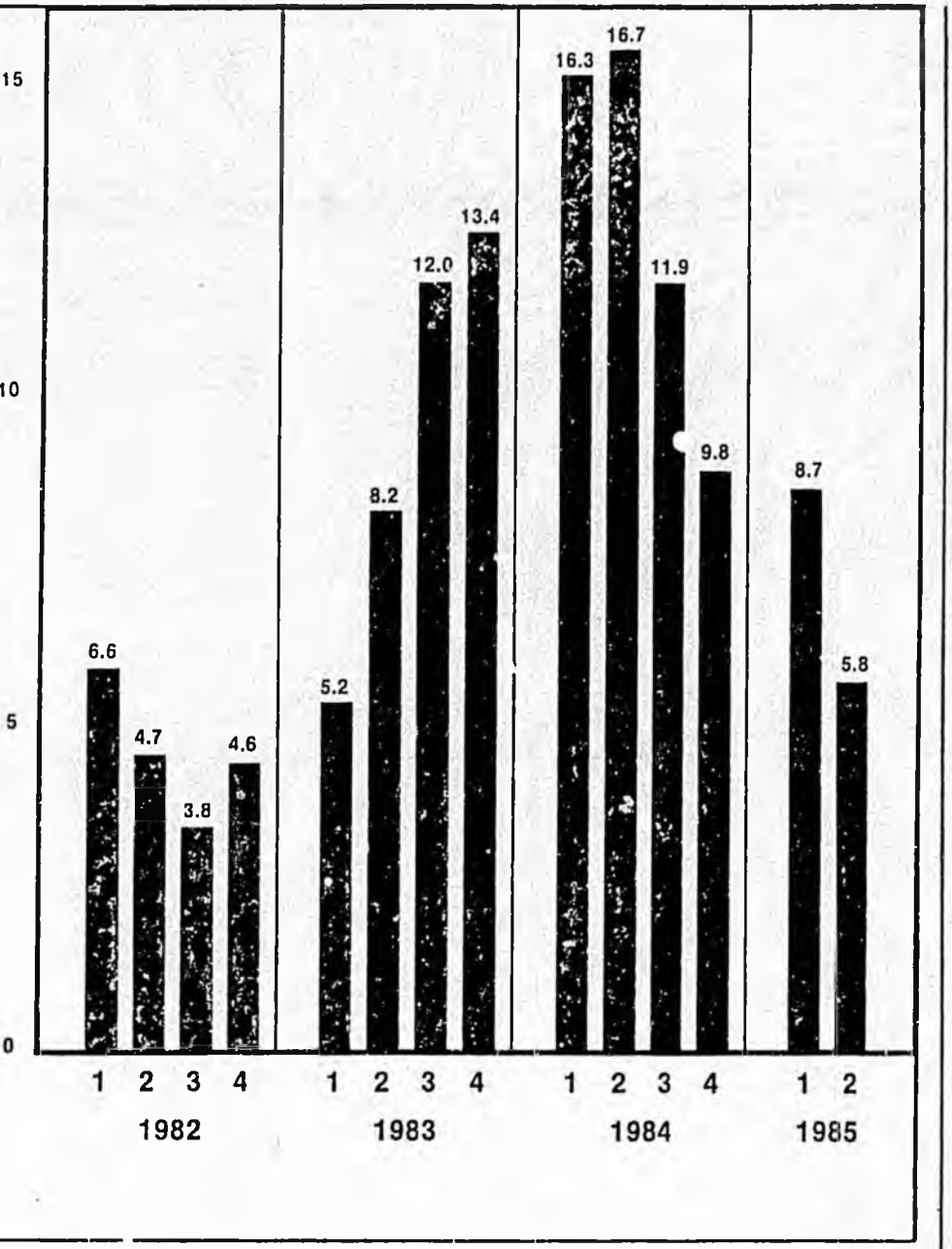
The income tax cuts of 1985 were concentrated in the states with the highest income taxes. Seven of the eight states with the top effective rates reduced their income taxes last year. These actions were at least partly in response to the growing belief that high income taxes deter business investment. While there is some empirical support for this belief, many economists and state officials question the strength of the adverse impact of income taxes on the economy. Special attention is often focused on the highest marginal income tax rate in the state. Wisconsin trimmed its highest rate from 10 percent to 7.9 percent; Delaware's went from 10.7 percent to 9.7 percent; Minnesota's fell from 16 to 14 percent (equivalent to 7 percent for high-bracket taxpayers because federal taxes are deductible) and New York's dipped from 10 percent to 9 percent on earned income over three years.

The flight from income taxes is worrisome to some legislators because the personal income tax is the only major state revenue source that is progressive. Reducing the income tax implies shifting the tax burden away from the well-to-do. Another progressive tax, on inheritances, has also been repealed or reduced recently in a large number of states. New York and Massachusetts targeted special relief to low-income families as part of their income tax cuts, but most states did not do so.

Are there any grounds for optimism that states will begin to take tax reform more seriously

Instability of State Tax Revenue

The chart demonstrates the instability of state tax revenue over the past few years by showing the percentage increase in each three-month period from the beginning of 1982 to the middle of 1985, compared to the corresponding period a year earlier. The growth rate of total state tax revenue fell in early 1982 because of the recession, bottomed out in the third quarter of 1982 and then rose steadily until it peaked at 16.7 percent in the second quarter of 1985. These ups and downs reflect two factors—the speedups and slowdowns of the economy and the imposition and later the lifting of a tax rate increase.



—abandoning the path of eroding tax bases and allowing tax systems to develop by inertia? Ironically, the odds for improving tax policy could increase if state fiscal conditions worsen. Adverse factors can still place stress on state tax systems.

The tax revolt, for instance, is not dead but dormant and contributed to the decision to lower income taxes last year. The economy is sure to experience another recession at some point, and it could be a serious one because of the fragility of the domestic and international financial systems. In addition, federal-aid cutbacks could become more severe than they have been since 1982.

Another source of stress is the intense interstate tax competition, which shows no signs of abating. Federal tax reform also could create new dilemmas for states by curtailing, or eliminating, the deduction for state and local taxes or simply by reducing tax rates. If federal tax rates are lowered significantly, the importance of interstate tax rate differentials would grow, spurring even greater competition among states, particularly to lower the income tax.

In such an environment, interest in tax policy might well increase because the importance of finding revenue to fund popular programs shows no signs of lessening. As Joe Clarke, the chair of the Kentucky House Appropriations and Revenue Committee, observes, "There is a growing recognition on the part of legislators that taxes have been enacted or modified in a manner that has no rhyme or reason. Like Topsy, the changes have just grown. These decisions have been based on politics rather than on any coherent policy."

The chairman of Ohio's House Ways and Means Committee, Dean Conley, adds, "When there are budgetary problems, the interest in tax policy is much greater."

With all the potential fiscal problems on the horizon, taxes may have their day in the spotlight before long.

CITY OF KOTZEBUE

P.O. BOX 46, KOTZEBUE, ALASKA 99752

1980-81
ALL AMERICA CITY

442-3401 CITY HALL
442-3157 DAY CARE CENTER
442-3816 GEORGE FRANCIS MEMORIAL LIBRARY
442-3500 MUNICIPAL WATER PLANT
442-3465 PLANNING DEPARTMENT
442-3351 POLICE DEPARTMENT
442-3465 PUBLIC WORKS DEPARTMENT
442-3066 RECREATION CENTER
442-3921 REGIONAL FIRE TRAINING CENTER
442-3779 TEEN CENTER
442-3404 VOLUNTEER FIRE DEPARTMENT

January 24, 1986

The Honorable Senator F. Ferguson
The State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Ferguson;

The Kotzebue City Council is responding to Senate Bill #326; A bill for an act entitled "An Act making a special appropriation to the Office of Management and Budget for study of tax policy; and providing for an effective date.

We strongly support the above bill and encourage the passage of Senate Bill #326.

Should you require any information or need our assistance please contact us at your convenience.

Sincerely,

Nina K. Dahl
Mayor
City of Kotzebue

cc: File

Anchorage Daily News 1-30-86

Hey, wait — more study *is* needed

The phrase "more study needed" is guaranteed to produce a yawn from most people. But Sen. Frank Ferguson is on target with his bill calling for a comprehensive study of state tax policy. Legislators should embrace the proposal to take a hard look at where and how the state raises its money.

The Kotzebue Democrat wants to spend $500,000 to analyze how well existing state taxes, tax credits licenses and user fees serve Alaska. He also wants to know if there is uniformity of taxation among taxpayers. And what about the relationship, and there must be one, between taxes and the state's economic health? Assumptions and prejudices about the important issues abound, but where are the facts?

Declining oil revenues is a hot topic in Juneau this year. And there's plenty of talk about higher oil taxes, altered tax methods, and even a return to the income tax. A comprehensive study, developed by the Office of Management and Budget and supplemented by private consultants, seems essential for formulating a tax policy that provides the state with broad, stable, and measureable revenue sources. After all, if Alaskans don't know how their taxes affect the economy today, how can they determine a realistic tax policy for tomorrow?

Actually, tax review is so fundamental it's hardly a novel government innovation. During the past three years, six states have instituted tax policy studies.

The Alaska State Senate typically moves at a glacial pace. Sometimes the senators get brickbats thrown their way because studies are viewed as expensive but effective delaying tactics. But this is one occasion when senators should join together in support of Sen. Ferguson's proposal and

Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

RECEIVED
APR 07 1986

M E M O R A N D U M

TO: Senator Abood
Alaska State Senator

FROM: Frank R. Ferguson FRF
Alaska State Senator

DATE: April 7, 1986

SUBJECT: Information on Senate Bill 326

Attached is additional information concerning Senate Bill 326.

As the session is drawing nearer, I believe it is important to have a hearing on this matter.

If you should have any questions, please contact my office.

FRF/cc

SB

350

Introduced: 1/20/86
Referred: State Affairs
and Finance

IN THE SENATE BY RAY

SENATE BILL NO. 350

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act providing for an advisory vote as to whether the permanent fund dividend program should be continued."

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

* Section 1. The lieutenant governor shall place before the qualified voters of the state at the next general election the following question, advisory to the legislature. The question shall appear on the ballot in substantially the following form:

Q U E S T I O N

A substantial portion of the income of the Alaska permanent fund has been used each year for payment of permanent fund dividends to residents of the state. Should the permanent fund dividend program be continued and should a portion of the income from the Alaska permanent fund continue to be paid as dividends to residents?

Yes [ ] No [ ]

S

COMMITTEE COPY

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB350
Title : Advisory Vote/Permanent Fund

Sponsor : RAY
Requestor : Senate State A-fairs
Date of Request : 2/12/86

FISCAL DETAIL

Agency Affected : Office of Governor
BRU : Elections

Components : Primary and General Elections

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		3.3*				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		3.3*				
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		3.3*				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and estimated costs of computer programming requirements for vote counting. However, these costs are based on the assumption that all (cont.)

Prepared by : Linda Edgeworth
Phone : 465-4611
Division : Elections
Date : 2/12/86

Approved by Commissioner : Linda Edgeworth for Sandra Stuart
Date : 2/13/86
Agency : Elections

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 350

candidates and issues will fit on three ballot cards which is the norm. It should be noted that should the inclusion of this issues require a 4th ballot card to be printed, to cost would increase by the following:

320,000 ballots
x $ .16 cost per ballot

$ 51,200

Under these circumstances the fiscal note would be:

$ 54,5

SB

356

INDEX TO CAMPAIGN REFORM FILE

I. DRAFT CAMPAIGN REFORM BILL
(Drafted by Committee counsel, Gross and Burke)

II. TITLE 15. ELECTIONS
(Alaska Statutes)

14-1708
Cook
2/3/86

IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act annulling regulations adopted by the Alaska Public Offices Commission."

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

* Section 1. The following regulations are annulled: 2 AAC 50.310, 2 AAC 50.313, 2 AAC 50.314, 2 AAC 50.315, 2 AAC 50.316, 2 AAC 50.319, 2 AAC 50.320, 2 AAC 50.321, 2 AAC 50.324, 2 AAC 50.326, 2 AAC 50.332, 2 AAC 50.333, 2 AAC 50.334, 2 AAC 50.340, 2 AAC 50.342, 2 AAC 50.351, 2 AAC 50.357, 2 AAC 50.360, 2 AAC 50.362, 2 AAC 50.363, 2 AAC 50.369, 2 AAC 50.370, 2 AAC 50.375, 2 AAC 50.380, 2 AAC 50.390, 2 AAC 50.397, 2 AAC 50.400, 2 AAC 50.401, 2 AAC 50.405, 2 AAC 50.450, 2 AAC 50.460, 2 AAC 50.470, 2 AAC 50.905, 2 AAC 50.910.

Bill as introduced on Senate Floor.

Introduced: 1/22/86
Referred: State Affairs, Community and Regional Affairs and Finance

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

SENATE BILL NO. 356

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to election campaign financing; and providing for an effective date."

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

* Section 1. AS 15 is amended by adding a new chapter to read:

CHAPTER 14. ELECTION CAMPAIGN FINANCING.

ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

Sec. 15.14.010. APPLICABILITY. (a) This chapter applies in each election for governor, lieutenant governor, a member of the state legislature, a delegate to a constitutional convention, and a judge seeking electoral retention.

(b) This chapter applies to each election for mayor, assembly, or school board in a municipality with a population of more than 1,000 according to the latest United States census figures or estimates of population certified by the Department of Community and Regional Affairs under with AS 29.60.020. A municipality may exempt its elections from the requirements of this chapter if a majority of the voters voting on the question at a regular election as defined by AS 29.71.800 or a special municipality-wide election called for that purpose vote to exempt its elections from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted to the voters by initiative or by the city council or borough assembly by ordinance.

(c) This chapter does not prohibit a municipality from additional regulation of campaign contributions and expenditures by ordinance.

(d) Except as otherwise provided, this chapter applies to a contribution, an expenditure or a communication made by a candidate, a political interest group, a municipality, or a person for the purpose of influencing the outcome of a ballot proposition or question as well as that made to influence the nomination or election of a candidate.

(e) This chapter does not apply to contributions or expenditures made for the sole purpose of acquiring signatures on a state or municipal initiative or referendum petition.

Sec. 15.14.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The Alaska Public Offices Commission is established in the Department of Administration.

(b) The commission consists of five members.

(c) The governor shall appoint two members from each of the two political parties whose candidates for governor received the highest and second highest number of votes in the most recent preceding general election at which a governor was elected. The governor shall appoint each member from a party from a list of two or more names submitted to the governor by the central committee or other governing body of the party.

(d) The four members who were appointed by the governor from nominations submitted by political parties shall, by a majority vote, appoint the fifth member.

(e) The governor shall fill a vacancy or appoint a successor to a member appointed under (c) of this section within 30 days after receiving the nominations from the central committee or other governing body of the party. An appointment may be made in anticipation of an impending vacancy, and the appointment takes effect on the actual vacancy.

(f) When the term of the member appointed under (d) of this

section expires or the position becomes vacant, a majority of the four members appointed under (c) of this section shall appoint a successor within 30 days after the position becomes vacant. An appointment may be made in anticipation of an impending vacancy, and the appointment takes effect on the actual vacancy.

(g) The term of office for each member of the commission is five years and until a successor is appointed and qualifies. If a vacancy occurs before the expiration of a member's term, the member appointed to fill the vacancy serves for the remainder of the unexpired term. A commission member may not serve more than one term, but a person appointed to fill an unexpired term may be appointed to a successive full five-year term.

(h) A member of the commission, during tenure, may not

(1) hold or campaign for elective office;

(2) be an officer of a political party, political committee, or political interest group;

(3) publicly support or oppose or make a contribution in support of or in opposition to a candidate or proposition or question that appears on a state, municipal or other ballot in the state;

(4) participate in an election campaign or participate in or contribute to a political party; or

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

(i) Members of the commission are entitled to receive compensation of $100 a day while attending commission meetings and are entitled to travel expenses and per diem authorized by law for state employees.

(j) The members of the commission shall elect a chairman. A majority of the commission constitutes a quorum. The AFFIRMATIVE vote of at least three members is required to take official action. A vacancy does not

impair the power of the remaining members to exercise the powers of the commission.

(k) The commission may employ an executive director and other employees it considers necessary. The executive director and an employee of the commission may not, during tenure, serve as a member of the commission.

(l) The commission shall establish a central office and shall establish or designate a commission office in each election district of the state for the filing and public inspection of the reports, registrations, or statements required to be filed with the commission. Only one commission office may be established or designated in a municipality that contains more than one election district. A district office designated under this section may be a municipal or other public office.

(m) The forms and material required for compliance with this chapter shall be made available in each commission office to candidates, persons, and political interest groups required to file reports under this chapter.

(n) The commission shall promptly forward a copy of each report filed by a statewide candidate to each district office and it shall promptly forward a copy of each report filed by a legislative candidate to the district office in the election district where the candidate is seeking office.

(o) The commission shall ensure that copies of each report filed by a candidate for municipal office are made available for public inspection in the municipality in which the candidate is seeking office.

Sec. 15.14.030. DUTIES OF THE COMMISSION. The commission shall

(1) develop and provide forms for the reports,

registrations, and statements required under this chapter, AS 24.45, and AS 39.50;

(2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports, registrations, and statements under this chapter and otherwise assist candidates, political interest groups, and persons in complying with this chapter;

(3) receive and hold open for public inspection reports, registrations, and statements required to be filed under this chapter and, upon request, furnish copies to an interested person at cost;

(4) compile and maintain a current list of each report, registration, and statement filed with the commission;

(5) prepare a summary of each report, registration, or statement filed under this chapter and make a copy of the summary available to an interested person at cost;

(6) notify, by registered or certified mail, each person whom the commission or its staff has probable cause to believe is delinquent in filing a report, registration, or statement required under this chapter;

(7) compile within 60 days after each election a list of the names of all persons, candidates, and political interest groups who have failed to timely file a report, registration, or statement required under this chapter and make the list available to the public;

(8) examine, investigate, and compare reports, registrations, statements, and actions required by this chapter, AS 24.45, and AS 39.50 and report to the attorney general the names of each person or political interest group that the commission has probable cause to believe has committed a crime under this chapter, AS 24.45, or AS 39.-50;

(9) prepare and publish an annual report to the legislature concerning the activities of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change;

(10) adopt regulations necessary to implement and clarify the provisions of this chapter, AS 24.45, and AS 39.50, subject to the provisions of the Administrative Procedure Act (AS 44.62).

ARTICLE 2. REGISTRATION AND REPORTS.

Sec. 15.14.040. REGISTRATION BY CANDIDATES. (a) An individual shall register with the commission on a form prescribed by the commission within 10 days after the individual either

(1) accepts contributions of $1,000 or more in the aggregate from persons or from political interest groups for the purpose of seeking elective office; or

(2) files for an elective office.

(b) The registration under (a) of this section must designate the year of the election for which the campaign will be conducted, and designate whether the election is for a state or a municipal office. If a candidate has filed for office at the time of registration, the registration must designate the office. An individual who registers under this section before having filed for an elective office shall, within 10 days after filing for the office, file a supplemental registration with the commission designating the office.

(c) An individual required to register under this section shall include with the registration information required under AS 15.14.170.

Sec. 15.14.050. REGISTRATION BY POLITICAL INTEREST GROUPS. (a) A political interest group shall register with the commission on a form prescribed by the commission within 10 days after the political interest group either

(1) accepts contributions of $1,000 in the aggregate; or

(2) makes

(A) a contribution to an individual who has registered with the commission under AS 15.14.040; or

(B) an expenditure in support of or in opposition to the election of an individual to an office covered by this chapter, or on behalf of or in opposition to a ballot proposition or question.

(b) A political interest group formed solely for the purpose of sponsoring an initiative, a referendum or a recall shall register with the commission within 30 days after it files a petition with the lieutenant governor or with a municipal clerk.

(c) The registration of a political interest group is valid from the date of registration until the following January 16.

(d) A political interest group may not use or file with the commission a name that is the same as or materially similar to the name of a political interest group whose registration is then on file with the commission.

(e) If a political interest group intends to support or oppose only one candidate or to contribute to or expend more than 50 percent of its funds on behalf of or in opposition to one candidate, the name of the candidate must be part of the name of the political interest group. On receipt of the registration, the commission shall promptly notify the candidate of the political interest group's organization and its intent.

(f) A political interest group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate is controlled by the candidate. A political interest group whose major

purpose is to further the nomination, election, or candidacy of only one candidate or that intends to expend more than 50 percent of its money on one candidate, is controlled by the candidate and its actions done with the knowledge and consent of the candidate unless the candidate, within 10 days from the date the candidate learns of the existence of the group, files with the commission, on a form provided by the commission, an affidavit that the group is operating without the control of the candidate.

(g) A group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is not controlled by a candidate, but a group that contributes more than 50 percent of its money to or on behalf of one candidate is considered to support only one candidate for purposes of (f), whether or not control of the group has been disclaimed by the candidate.

(h) A political interest group required to register under this section shall include with the registration the information required under AS 15.14.170 and shall designate the year of the election for which the campaign will be conducted or shall indicate that it anticipates continuing existence.

Sec. 15.14.060. REPORTS BY CANDIDATES OF CONTRIBUTIONS AND LOANS. (a) A candidate shall make full reports upon a form prescribed by the commission of the contributions and loans received by the candidate for the designated election campaign, including

(1) the full name, complete address, principal occupation, and employer of each individual and the full name and complete address of each other person or political interest group from which contributions in the aggregate amount of $250 or more were received, and the date and amount of the contributions;

(2) for each person or political interest group that lent $250 or more in the aggregate to the candidate or that guaranteed or otherwise agreed to assume a financial obligation of $250 or more in the aggregate for or on behalf of a candidate,

(A) the full name, complete address, principal occupation, and employer of each individual;

(B) the full name and complete address of each other person or political interest group;

(C) the date and total value of the loan or financial obligation;

(D) the interest rate of the loan or financial obligation;

(E) the date the loan or financial obligation is due; and

(F) the security, if any, for the loan or financial obligation;

(3) the total number and amount of all contributions received of less than $250;

(4) a total of all contributions received;

(5) the total amount of all funds that the candidate contributed or lent to the campaign of the candidate.

(b) A report containing the information required under (a) of this section must list the contributions and loans received during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. The report shall be filed in the central office or a district office of the commission at the following times:

(1) 30 days before the election unless the deadline for filing a nominating petition or declaration of candidacy is less than

34 days before the election;

(2) seven days before the election.

(c) A candidate shall file a special contribution or loan report with the commission for each contribution or loan of $500 or more that is received within the last 10 days before the election. The report must include the full name, complete address, principal occupation and employer of the contributor or lender and the date and amount of the contribution or loan. The report shall be filed within 24 hours after the contribution or loan is received.

(d) A candidate shall file an annual report on or before January 16 of each year. The annual report must include all of the information required under (a) of this section for contributions and loans received between January 1 and December 31 of the immediately preceding year, except that an annual report covering contributions and loans received during the year in which an election designated under AS 15.14.040(b) is held need include only the contributions and loans that were not reported to the commission in the reports required under (b) and (c) of this section.

(e) The report required under (d) of this section covering contributions and loans received during the year in which an election designated under AS 15.14.040(b) is held is the final report for contributions and loans of a candidate.

Sec. 15.14.070. REPORTS BY CANDIDATES OF EXPENDITURES. On January 16 of each year after a candidate registers with the commission under AS 15.14.040(a), the candidate shall file in the central office or a district office of the commission a report listing the date, amount, purpose, and recipient of each expenditure made by the candidate between January 1 and December 31 of the preceding year. The report required under this section that follows the year in which

an election designated under AS 15.14.040(b) is held must also include the amount and disposition of surplus campaign funds and is the final report for expenditures of the candidate.

Sec. 15.14.080. REPORTS BY POLITICAL INTEREST GROUPS OF CONTRIBUTIONS, LOANS, AND EXPENDITURES. (a) A political interest group shall make a report on a form prescribed by the commission of contributions and loans received by the political interest group, including

(1) the full name, complete address, principal occupation, and employer of each individual, and the full name and complete address of each other person and political interest group from which contributions in the aggregate amount of $250 or more were received, and the date and amount of the contributions;

(2) for each person or other political interest group that lent $250 or more in the aggregate to the reporting political interest group or that guaranteed or otherwise agreed to assume a financial obligation of $250 or more in the aggregate for or on behalf of the reporting political interest group,

(A) the full name, complete address, principal occupation, and employer of each individual;

(B) the full name and complete address of each other person or political interest group;

(C) the date and total value of the loan or financial obligation;

(D) the interest rate of the loan or financial obligation;

(E) the date the loan or financial obligation is due; and

(F) the security, if any, for the loan or financial obligation;

(3) the total number and amount of all contributions received of less than $250;

(4) a total of all contributions received;

(5) a total of all expenditures made or obligated;

(6) the date, check number, full name of each payee, and the purpose of each expenditure including

(A) for each expenditure that is a contribution to a candidate or a political interest group, the name of the candidate or political interest group; and

(B) for each expenditure that is an independent expenditure, the name of the candidate or ballot proposition or question supported or opposed by the independent expenditure.

(b) A report containing the information required under (a) of this section must list the contributions and loans received during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. The report shall be filed in the central office or a district office of the commission at the following times:

(1) 30 days before the election;

(2) seven days before the election.

(c) A political interest group shall file a special contribution or loan report with the commission for each contribution or loan of $500 or more that is received within the last 10 days before the election. The report must include the full name, complete address, principal occupation and employer of the contributor or lender and the date and amount of the contribution or loan. The report shall be filed within 24 hours after the contribution or loan is received.

(d) A political interest group shall file an annual report on or before January 16 of each year. The annual report must include all of

the information required under (a) of this section for contributions and loans received and expenditures made between January 1 and December 31 of the immediately preceding year, except that an annual report covering contributions and loans received and expenditures made during the year in which an election designated under AS 15.14.050(f) is held need include only those contributions, loans, and expenditures that were not reported to the commission in the reports required under (b) and (c) of this section. If the political interest group has not indicated a continuing existence under AS 15.14.050(h) the report filed under this section is the final report.

Sec. 15.14.090. STATEMENT BY PERSON MAKING CONTRIBUTION OR EXPENDITURE. (a) A person who makes a contribution of $250 or more in goods, services, or money to a candidate or political interest group or who makes an independent expenditure described in AS 15.14.-100 with a value of $250 or more to influence the election of a candidate or the passage of a ballot proposition or question shall make and file in the central or a district office of the commission a signed statement on a form made available by the commission reporting the activity within 10 days after the contribution or expenditure is made.

(b) The statement must list the name, address, principal occupation, and employer of the person who paid for the contribution or expenditure and include the date, amount, payee, and purpose of the contribution or expenditure.

(c) The statement must include a certification by the person making the statement that the contribution or expenditure consists of funds or property belonging to the contributor and that the funds have not been given or furnished by another person or political interest group.

(d) The person filing the statement shall furnish a copy of the

statement to the candidate or the campaign treasurer of the political interest group at the time the statement is filed with the commission.

Sec. 15.14.100. INDEPENDENT EXPENDITURE. (a) An independent expenditure is an expenditure by a person or political interest group for a communication expressly advocating the election or defeat of a clearly identified candidate that is made without arrangement, coordination, or direction with or by the candidate or the agent of the candidate before the publication, distribution, display, or broadcast of the communication. An expenditure is a contribution and not an independent expenditure if it is based on information about the candidate's plans, projects, or needs provided to the expending person or political interest group by the candidate or by an agent of the candidate with a view toward having an expenditure made.

(b) An expenditure is made in coordination with the candidate or the agent of the candidate if it is made by or in consultation with a person

(1) who is or within one year before the date of the expenditure has been authorized by the candidate or by a campaign officer to raise or expend funds on behalf of the candidate;

(2) who is or within one year before the date of the expenditure has been an officer of a campaign committee of the candidate; or

(3) who is or within one year before the date of the expenditure has been receiving any form of compensation or reimbursement from the candidate or from campaign funds for professional services that require the exercise of discretion or judgment relating to the conduct of the campaign.

(c) In this section, an "agent of the candidate" means an individual

(1) who has actual oral or written authority, either express or implied, to make or to authorize the making of an expenditure on behalf of a candidate; or

(2) who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign related activities the individual may authorize an expenditure.

Sec. 15.14.110. CERTIFICATION OF REPORTS. Each report, registration, or statement required under this chapter shall be certified as correct by the campaign treasurer of the candidate, by the campaign treasurer of the political interest group, or by the person making the report, registration, or statement. The report, registration, or statement must include or be accompanied by the following affidavit signed by the individual filing the report, registration, or statement:

"I do solemnly swear or affirm that the foregoing statement is in all respects true and correct, and fully shows all information required to be reported by me under AS 15.14."

ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

Sec. 15.14.120. CONTRIBUTIONS BY A PERSON. (a) A person may not make a contribution in the form of a cash payment in excess of $100 in the aggregate during a calendar year to a candidate or a political interest group.

(b) A person may not contribute more than $2,000 in the aggregate during a calendar year in money, goods, or services to a candidate.

(c) Except as provided in (d) of this section, a person may not contribute more than $1,000 in the aggregate during a calendar year in money, goods, or services to a political interest group.

(d) Except as provided in (a) of this section, a person may contribute any amount in money, goods, or services

(1) to a political interest group formed solely for the purpose of sponsoring or opposing an initiative or referendum; or

(2) to a political party.

Sec. 15.14.130. CONTRIBUTIONS BY A POLITICAL INTEREST GROUP. (a) A political interest group may not make a contribution in the form of a cash payment in excess of $100 in the aggregate during a calendar year to a candidate or political interest group.

(b) Except as provided in (c) of this section, a political interest group may not contribute or make an expenditure, other than as an independent expenditure, of more than $1,000 in the aggregate during a year to a candidate or to a political interest group, and may not contribute more than $25,000 in the aggregate during a calendar year to candidates or political interest groups generally, other than to political interest groups formed solely for the purpose of supporting or opposing a ballot proposition or question.

(c) Except as provided in (a) of this section, a political interest group may contribute any amount in money, goods, or services to

(1) a political interest group formed solely for the purpose of sponsoring or opposing an initiative or referendum; or

(2) a political party.

(d) Two or more political interest groups sharing a majority of their officers are considered to be a single group for purposes of the contribution limitations under (a) and (b) of this section.

(e) An expenditure for a communication in support of the election of more than one candidate shall be prorated equally among the candidates for purposes of calculating the amount of the expenditure

made on behalf of one of the candidates.

(f) A political party and its state, regional, and local subdivisions are not subject to the limitations prescribed in this section, but they are subject to the reporting requirements of AS 15.14.080, 15.14.090, and 15.14.100.

Sec. 15.14.140. LIMITATIONS ON ACCEPTING CASH CONTRIBUTIONS. A candidate or a political interest group may not accept a contribution in the form of a cash payment in excess of $100 in the aggregate during a year from a person or a political interest group.

Sec. 15.14.150. EXPENDITURES. (a) A political party may make a contribution or expenditure of money, goods, or services without limitation as to amount or value.

(b) Except as provided under AS 15.14.180, a candidate may make expenditures of money, goods, or services on behalf of the candidate's own campaign without limitation as to amount or value.

(c) A person or political interest group may make an independent expenditure as defined in AS 15.14.100 of money, goods, or services without limitation as to amount or value on behalf of or in opposition to a candidate or ballot proposition.

Sec. 15.14.160. PROHIBITED CONTRIBUTIONS. (a) A contribution may not be made and an expenditure may not be made or incurred either directly or indirectly in a fictitious name, anonymously, or by one person or political interest group in the name of another.

(b) A contribution made by a person wishing to remain anonymous and received by a candidate or political interest group may not be used or expended, but shall be returned to the donor if the identity of the donor is known. If the identity of the donor is not known, the contribution shall be disposed of under AS 15.14.200(a)(1).

(c) A candidate or political interest group may not accept a

contribution described in this section. A contribution under this section is accepted unless it is returned or disposed of under AS 15.14.200(a)(1) within 10 days after the candidate or political interest group knows or should have known that the contribution is prohibited under this section.

ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

Sec. 15.14.170. CAMPAIGN OFFICERS. (a) Each candidate may and each political interest group shall appoint a campaign chairman. Each candidate and each political interest group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. Each candidate and each political interest group may appoint deputy campaign treasurers at any time. A candidate may be a campaign treasurer.

(b) At the time a candidate registers with the commission under AS 15.14.040, the candidate shall file a statement in the central or a district office of the commission listing the name, address, and telephone number of the candidate's campaign treasurer. At the time a political interest group registers with the commission under AS 15.14.050, the political interest group shall file a statement in the central or a district office of the commission listing the name, address, and telephone number of the political interest group's campaign treasurer. Each candidate who appoints a campaign chairman and each political interest group shall include in the statement the name, address, and telephone number of the campaign chairman.

(c) An individual may not act as the campaign chairman, campaign treasurer, or deputy campaign treasurer for a candidate or political interest group until the name, address, and telephone number of the individual has been filed with the commission. The address of a

candidate's campaign treasurer is the address of the candidate unless the candidate files a different mailing address with the commission.

(d) In the case of the death, resignation, or removal of a campaign officer required to be appointed under this section, the candidate or political interest group shall file the name, address, and telephone number of the successor in the central or a district office of the commission within 10 days after the vacancy occurs.

(e) A candidate may receive contributions and make expenditures only in person or through a campaign chairman, a campaign treasurer, or a deputy campaign treasurer. A political interest group may receive contributions and make expenditures only through the campaign chairman, campaign treasurer, or deputy campaign treasurer of the political interest group. A person does not receive or make a contribution under this section on behalf of a candidate or political interest group if

(1) the person solicits a contribution and transfers or delivers that contribution to a candidate or a campaign officer of a candidate or political interest group and discloses to the candidate or political interest group the identity of the contributor;

(2) the person does not exercise discretion or control as to the amount or as to the identity of the recipient of the contribution; and

(3) the person is not a campaign officer of the candidate or political interest group ultimately receiving the contribution.

(f) The candidate is responsible for the performance of the campaign officers of the candidate. The campaign chairman of a political interest group is responsible for the performance of the other officers of the political interest group. A default or violation by the officer is considered a default or violation by the candidate if

the candidate knew or had reason to know of the default or violation. A default or violation by the officer of the political interest group is considered a default or violation by the campaign chairman of the political interest group if the campaign chairman knew or had reason to know of the default or violation.

Sec. 15.14.180. USE OF CAMPAIGN FUNDS. (a) Campaign funds received by a candidate or by a political interest group may be used only to

(1) influence or attempt to influence the actions of the voters for or against the election of a candidate or the passage or defeat of a ballot proposition or question; or

(2) repay a loan made to the campaign of the candidate.

(b) Campaign funds may not be used to repay a loan not timely reported as a loan under AS 15.14.060(a)(2).

(c) Surplus campaign funds shall be disposed of under AS 15.14.-200.

Sec. 15.14.190. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF CAMPAIGN ACCOUNTS. (a) A candidate shall close each campaign account relating to a designated election campaign on or before one of the following dates:

(1) for a legislative or statewide candidate in the general election, the date on which the successful candidate in the designated election is sworn into office;

(2) for a candidate in a municipal election, 30 days after the date of the election;

(3) for a candidate who loses in a primary election, 30 days after the date of the election;

(4) for a candidate who withdraws before an election, 30 days after filing a notice of withdrawal; or

(5) for a candidate who withdraws after registering under AS 15.40.040 but before filing for office, 30 days after the deadline for filing a declaration of candidacy or a nominating petition.

(6) for a judicial candidate or a delegate to a constitutional convention, 30 days after the date of the election.

(b) A candidate may not solicit or accept a contribution for the designated election campaign after the date on which the candidate is required to close campaign accounts under (a) of this section.

(c) A candidate may not make expenditures of any kind, except for the disposition of surplus funds, after the date on which the candidate is required to close campaign accounts under (a) of this section for

(1) goods or services provided to the candidate with respect to the designated election campaign;

(2) the payment of campaign debts to an individual, person, or political interest group; or

(3) the payment of loans made by the candidate to the campaign of the candidate.

Sec. 15.14.200. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall dispose of campaign funds that are not spent during the designated election campaign by

(1) donating the funds to an organization that qualifies as a charitable organization under 26 U.S.C. 501(c);

(2) donating the funds to the general fund of the state or of a municipality organized under AS 29;

(3) after registering with the commission under AS 15.14.-040, transferring the funds to a newly designated election campaign account for a designated state election to be held not more than four years after the election designated under AS 15.14.040(b);

(4) paying an individual who worked in the candidate's designated election campaign;

(5) transferring the funds to an account for the office, in the case of a successful candidate only, and using the funds only for communication with constituents and other voters in the state by telephone or newsletter;

(6) returning the funds to contributors on a pro rata basis.

(b) A candidate shall dispose of surplus funds under (a) of this section before the date on which a final report of expenditures is required to be filed under AS 15.14.070.

Sec. 15.14.210. SOLICITATION OF CONTRIBUTIONS. (a) A candidate, a political interest group, or a campaign officer of a candidate or a political interest group may not solicit or receive a campaign contribution obtained through a threat of physical force, job discrimination, or financial reprisal.

(b) A public officer or employee of the state or of a municipality of the state may not, while on the premises of a state or municipal office, solicit or request a contribution to a candidate, political interest group or political party.

(c) A public officer or employee of the state may not solicit or request another public officer or employee to contribute to a candidate, political interest group, or political party while the other public officer or employee is on the premises of a state or municipal office.

(d) The provisions of (b) - (c) of this section do not apply to a public officer elected to office by popular vote.

Sec. 15.14.220. IDENTIFICATION OF COMMUNICATION. (a) An advertisement, billboard, handbill, paid-for television or radio

announcement, or other communication intended to influence the election of a candidate or the outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, political interest group, or the person or persons paying for the communication.

(b) A person or political interest group making an independent expenditure for an item described in (a) of this section shall, within the printed material or during a broadcast, state: "This communication was not authorized by any candidate."

(c) The information required under (a) and (b) of this section need not be included on an object used for a campaign advertisement, if the object is one that the commission, by regulation, has determined is too small to practicably include the information.

ARTICLE 5. UNLAWFUL CONDUCT, PENALTIES, AND PROCEDURES.

Sec. 15.14.230. CAMPAIGN FINANCING MISCONDUCT IN THE FIRST DEGREE. (a) A person commits the crime of campaign financing misconduct in the first degree if the person

(1) knowingly and intentionally fails to file before an election a report of contributions or independent expenditures required to be filed under AS 15.14.060(b) or 15.14.080(b) and the aggregate amount of contributions or independent expenditures that should have been reported is in excess of $5,000;

(2) knowingly and intentionally fails to file before an election a report of a contribution or independent expenditure required to be filed within 24 hours under AS 15.14.060(c) or 15.14.-080(c) and the contribution or expenditure is in excess of $5,000;

(3) knowingly and intentionally files a report required to be filed under this chapter containing false and misleading information as to the identity of a contributor, and the amount of the

aggregate contributions received from the contributor is in excess of $5,000;

(4) knowingly and intentionally files a report required to be filed under this chapter containing false information as to the amount of a contribution from a single contributor, and the difference between the amount reported and the actual amount of the aggregate contributions from the contributor is in excess of $5,000;

(5) knowingly and intentionally files a report or statement required to be filed under this chapter that contains false or misleading information as to the purpose or amount of an independent expenditure and the aggregate amount of the expenditure is in excess of $5,000;

(6) knowingly and intentionally makes or accepts a contribution, or makes an expenditure other than an independent expenditure, in violation of the contribution limitations under AS 15.14.120(b) or (c) or 15.14.130, and the total aggregate amount of the contribution or expenditure is more than $5,000 in excess of the limitation;

(7) knowingly and intentionally makes or accepts a contribution in excess of $5,000 in the form of a cash payment in violation of AS 15.14.120(a), 15.14.130(a), or 15.14.140;

(8) knowingly and intentionally makes or accepts a contribution in excess of $5,000 made anonymously, in a fictitious name, or under the name of another; or

(9) knowingly and intentionally solicits or accepts a contribution obtained by threat of physical force, job discrimination, or financial reprisal in violation of AS 15.14.210(a).

(b) Campaign financing misconduct in the first degree is a class C felony.

Sec. 15.14.240. CAMPAIGN FINANCING MISCONDUCT IN THE SECOND

DEGREE. (a) A person commits the crime of campaign financing misconduct in the second degree if the person

(1) knowingly and intentionally fails to file before an election a report of contributions or independent expenditures required to be filed under AS 15.14.060(b) or 15.14.080(b) and the aggregate amount of contributions or independent expenditures that should have been reported is $5,000 or less;

(2) knowingly and intentionally fails to file before an election a report of a contribution or independent expenditure required to be filed within 24 hours under AS 15.14.060(c) or 15.14.-080(c) and the contribution or expenditure is $5,000 or less;

(3) knowingly and intentionally fails to file a report, statement or registration required under AS 15.14.040, 15.14.050, 15.14.060(d), 15.14.070, 15.14.080(d), or 15.14.090(a) on or before the date the report, statement, or registration is due;

(4) knowingly and intentionally files a report required to be filed under this chapter containing false and misleading information as to the identity of a contributor and the amount of the aggregate contributions received from that contributor is $5,000 or less;

(5) knowingly and intentionally files a report required to be filed under this chapter containing false information as to the amount of a contribution from a single contributor, and the difference between the amount reported and the actual amount of the aggregate contributions from that contributor is $5,000 or less;

(6) knowingly and intentionally files a report or statement required to be filed under this chapter containing false and misleading information as to the purpose or amount of an independent expenditure and the aggregate amount of the expenditure is $5,000 or less;

(7) knowingly and intentionally makes a contribution in

violation of the contribution limitations under AS 15.14.120(b) or (c), or makes an expenditure other than an independent expenditure in violation of the limitation under AS 15.14.130, and the total aggregate amount of the contribution or expenditure in excess of the limitation is $5,000 or less;

(8) knowingly and intentionally makes or accepts a contribution in the form of a cash payment in violation of AS 15.14.120(a), 15.14.130(a), or 15.14.140 and the total amount of the contribution is $5,000 or less;

(9) knowingly and intentionally makes or accepts a contribution of $5,000 or less made anonymously, in a fictitious name, or under the name of another;

(10) knowingly and intentionally solicits a contribution from a state or municipal employee in a manner prohibited under AS 15.14.210(b) or (c);

(11) knowingly and intentionally solicits or accepts a contribution or makes an expenditure, other than a disposition of surplus funds, after the date that campaign accounts are required to be closed under AS 15.14.190;

(12) knowingly and intentionally uses campaign funds for a purpose not permitted under AS 15.14.180;

(13) knowingly and intentionally uses surplus campaign funds for a purpose not permitted under AS 15.14.200;

(14) knowingly and intentionally circulates or has written, printed, or circulated a letter, circular, or publication intended to influence the election or defeat of a candidate, or the outcome of a ballot proposition or question without the name and address of the candidate, the political interest group or person or persons paying for the advertising appearing on the face of the letter, circular, or

publication;

(15) knowingly and intentionally prints or publishes an advertisement, billboard, placard, poster, handbill, paid-for television or radio announcement, or other communication intended to influence the election of a candidate or the outcome of a ballot proposition or question without the words "paid for by" followed by the name and address of the candidate, political interest group, or individual paying for the communication and, if a political group, with the name of the campaign chairman; or

(16) with respect to an independent expenditure only, knowingly and intentionally prints or publishes an advertisement, billboard, placard, poster, handbill, paid-for television or radio announcement, or other communication intended to influence the election of a candidate without the statement, "This communication was not authorized by any candidate."

(b) Campaign financing misconduct in the second degree is a class A misdemeanor.

Sec. 15.14.250. CAMPAIGN FINANCING VIOLATIONS. (a) A person commits a campaign financing violation if the person negligently or inadvertently

(1) fails to file on or before the date that the report is due a report of contributions or independent expenditures required to be filed before the election under AS 15.14.060(b), (c), or 15.14.-080(b), or (c);

(2) fails to file on or before the date that the report or statement is due a report or statement required to be filed under AS 15.14.070, 15.14.090(a), or 15.14.100;

(3) fails to timely appoint or file the name of a campaign officer as required under AS 15.14.170(a), (b), or (d);

(4) fails to register as a candidate or political interest group at the time required under AS 15.14.040 or 15.14.050;

(5) fails to include information in a report, statement, or registration required to be included under this chapter or includes false or misleading information as to the identity of a contributor, the purpose of an independent expenditure, or as to the amount of a contribution received or independent expenditure made;

(6) makes or accepts a contribution or makes an expenditure other than an independent expenditure in excess of the contribution limitations provided under AS 15.14.120(b) or (c) or 15.14.130;

(7) makes or accepts a contribution in the form of a cash payment in excess of $100 in violation of AS 15.14.140;

(8) makes a contribution, or accepts a contribution made, anonymously, in a fictitious name, or under the name of another;

(9) solicits or accepts a contribution or makes an expenditure, other than a disposition of surplus funds, after the date that campaign accounts are required to be closed under AS 15.14.190;

(10) uses campaign funds for a purpose not permitted under AS 15.14.180;

(11) uses surplus campaign funds for a purpose not permitted under AS 15.14.200;

(12) disposes of surplus funds after the date required for disposition under AS 15.14.200(b);

(13) acts as a campaign officer and the name of the campaign officer has not been filed with the commission as the holder of the campaign office;

(14) fails to include in a communication intended to influence the election of a candidate or the outcome of a ballot proposition or question the information required to be included under

AS 15.14.220.

(b) A person found to have committed a campaign financing violation under (a)(1) of this section is subject to a fine of not less than $25 nor more than $300 per day for each day a report is due but not filed, up to a maximum fine of $5,000 for each violation under (a)(1) of this section with respect to a designated election campaign.

(c) A person found to have committed a campaign financing violation under (a)(2), (3), or (4) of this section is subject to a fine of not less than $10 nor more than $20 a day for each day a report, statement or registration is due but not filed, up to a maximum fine of $2,000 for each violation under (a)(2), (3), or (4) of this section with respect to a designated election campaign.

(d) A person found to have committed a violation under (a)(5), (6), (7), (8), or (9) of this section is subject to a fine of four times the amount of the contribution or expenditure involved in the violation, not to exceed $2,500.

(e) A person found to have committed a violation under (a)(10), (11), (12), (13), or (14) of this section is subject to a fine of not less than $100 nor more than $2,000.

Sec. 15.14.260. PAYMENT OF FINES. Fines imposed by the commission under AS 15.14.250 or by a court upon conviction under AS 15.14.-230 or 15.14.240 may not be paid from campaign funds.

Sec. 15.14.270. REMOVAL FROM OFFICE. (a) If, after being sworn into office, a person who was a successful candidate is convicted of a crime under AS 15.14.230 or 15.14.240, proceedings shall be held and appropriate action taken under

(1) art. II, sec. 12, Constitution of the State of Alaska, if the candidate is a candidate for the state legislature;

(2) art. II, sec. 20, Constitution of the State of Alaska,

if the candidate is a candidate for governor or lieutenant governor;

(3) AS 29.20.170, if the candidate is a candidate for borough assembly;

(4) AS 29.20.280, if the candidate is a candidate for borough mayor;

(5) AS 29.20.170, if the candidate is a candidate for city council;

(6) AS 29.20.280(a), if the candidate is a candidate for city mayor;

(7) the provisions of the call for the constitutional convention, if the candidate is a candidate for constitutional convention delegate;

(8) art. IV., sec. 10, Constitution of the State of Alaska, if the candidate is a candidate for judicial retention.

(b) Information developed by the commission under AS 15.14.290 shall be considered during a proceeding under (a) of this section.

(c) When, after being sworn into office, a successful candidate is charged with a misdemeanor or felony under AS 15.14.230 or 15.14.-240, the court shall promptly try the case and accord it a preferred position for purposes of argument and decision so as to assure a speedy disposition of the matter.

Sec. 15.14.280. LIMITATIONS ON ACTIONS. (a) A prosecution under AS 15.14.230 must be commenced within four years from the date of the alleged offense.

(b) A prosecution under AS 15.14.240 must be commenced within two years from the date of the alleged offense.

(c) Proceedings by the commission under AS 15.14.250 must be commenced within 18 calendar months from the date of the alleged violation.

(d) For the purposes of this section, an offense or violation involving the failure to file a report, statement, or registration is considered to have been committed on the day after the report, statement or registration was due.

Sec. 15.14.290. INVESTIGATIONS. (a) The commission may investigate alleged misconduct and alleged violations of AS 15.14.230, 15.14.240, 15.14.250, AS 24.50 and AS 39.50, on its own motion or upon receiving a signed and sworn complaint from any person.

(b) If an investigation is commenced by a signed and sworn complaint by a person other than a member of the commission or its employees, the commission shall, within five days after receiving the complaint, mail a copy of the complaint to each person named in the complaint. If the commission terminates an investigation without filing an accusation or without referring the matter to the attorney general or special prosecutor, the commission shall, within five days after terminating the investigation, inform the complainant and each person named in the complaint only of the fact that the commission has terminated the investigation and will not be taking further action concerning the complaint.

(c) If the commission, following its investigation, has probable cause to believe a felony or misdemeanor has been committed, the commission shall promptly refer the matter and any evidence the commission has compiled concerning the matter to the attorney general or to a special prosecutor if a special prosecutor has been appointed. After a matter has been referred to the attorney general or a special prosecutor, the commission may not take further action concerning the matter.

(d) If, after an investigation, the commission determines that there is probable cause to believe that a person has committed a

violation and if the commission has not referred the matter to the attorney general or special prosecutor for criminal prosecution, the commission may commence violation proceedings by filing and serving an accusation on the person alleged to have committed the violation. The commission shall serve an accusation in the manner provided by court rules for serving a complaint in a civil action.

Sec. 15.14.300. ACCUSATIONS. (a) The accusation must be a written statement of the charges setting out in ordinary and concise language the acts or omissions with which the respondent is charged, so that the respondent is able to prepare a defense. The accusation must also specify the statute or regulation that the respondent is alleged to have violated, and the maximum penalty provided for the violation. The accusation may not consist merely of charges phrased in the language of the statute and regulation.

(b) The commission shall include in or with the accusation a statement in substantially the following form:

"To the Respondent: Unless you deliver or mail a written request for a hearing signed by you or on your behalf to the commission within 15 days after this accusation was personally served on you or mailed to you, the commission may proceed upon the accusation without a hearing. You may request a hearing by delivering or mailing the enclosed form entitled 'Notice of Defense,' or by delivering or mailing a notice of defense under AS 15.14.310 to the commission at its central office address (insert central office address)."

(c) The commission shall include with the accusation served upon the respondent a post card or other form entitled, "Notice of Defense" that, when signed by or on behalf of the respondent and returned to

the commission constitutes a notice of defense under AS 15.14.310.

Sec. 15.14.310. NOTICE OF DEFENSE. (a) Within 15 days after service upon the respondent of the accusation, the respondent may file with the commission a notice of defense. In the notice the respondent may

(1) deny the accusation in whole or in part and request a hearing;

(2) object to the accusation on the ground that it does not state acts or omissions upon which the commission may proceed;

(3) object to the form of the accusation on the ground that it is so indefinite or uncertain that the respondent cannot identify the transaction or prepare a defense;

(4) present new matter by way of defense;

(5) admit or plead no contest to the accusation in whole or in part, and present material in mitigation of penalty.

(b) Within the time specified in (a) of this section, the respondent may file one or more notices of defense upon any or all of the grounds set out in (a) of this section but all of the notices must be filed within the period unless the commission in its discretion authorizes the filing of a later notice.

(c) The respondent is entitled to a hearing on the merits if the respondent files a notice of defense. The notice of defense is considered a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense within the time specified in (a) of this section constitutes a waiver of the respondent's right to a hearing, but the commission in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in (a)(3) of this section, all objections to the form of the accusation are waived.

(d) The notice of defense must be in writing, signed by or on behalf of the respondent, and must state the respondent's address. The notice of defense need not be verified or follow a particular form.

Sec. 15.14.320. HEARINGS. (a) If a respondent requests a hearing on a contested accusation or, in the absence of a request, the commission in its discretion decides to hold a hearing, the commission shall mail or deliver a notice of hearing to the respondent at least 10 days before the hearing. The hearing may not be held before the expiration of the time within which the respondent is entitled to file a notice of defense. The notice to respondent must be consistent with the form for notice of hearing under AS 44.62.420.

(b) The commission shall conduct its hearings under AS 44.62.-440 - 44.62.500, except that

(1) the commission may, but is not required to, appoint a hearing officer under AS 44.62.350; and

(2) if a hearing officer is not appointed, the chairman of the commission, or the commission member designated by the chairman, shall preside at the hearing, and the attorney general shall assign an assistant attorney general to the commission to advise it on matters of law during the hearing.

(c) A hearing under this section shall be open to the public except that a respondent may request and the hearing officer or the presiding commission member may order that the hearing be closed if one or more of the requirements for holding an executive session under AS 44.62.310(c) is met.

Sec. 15.14.330. IMPOSITION OF PENALTY. (a) The commission may impose the penalty provided by law for the violation only if the accused person, having been advised of the rights to a hearing, admits

or pleads no contest to the allegations contained in the accusation, or if the commission

(1) holds a hearing at which the person accused is afforded the right to appear, with or without counsel, the right to present witnesses or other evidence and the right to cross examine witnesses; and

(2) following the hearing, determines by clear and convincing evidence that the person has committed the violation of which the person was accused.

(b) The executive director and an employee of the commission may make a recommendation to the commission for the imposition of a particular penalty in a matter, provided that the respondent is first given notice of the recommendation and is afforded an opportunity to respond to the staff's recommendation in person or in writing.

(c) The executive director and an employee of the commission may not formally or informally make a recommendation to the commission as to a particular penalty in a pending matter or make a commitment to the respondent to make a particular recommendation to the commission in the future until after the respondent has admitted or pleaded no contest to the accusation or until after a hearing and a final determination by the commission that the respondent has committed the acts charged in the accusation.

(d) In imposing a penalty, the commission shall consider

(1) the seriousness of the violation in terms of the extent to which the violation has impeded public disclosure of information required to be filed with the commission as to the amount and source of contributions that are large enough to be of significant interest to voters; and

(2) the extent to which the respondent's conduct, including

prior violations of this chapter, AS 24.50, AS 39.50, or of former AS 15.13 shows a continuing disregard for the law.

Sec. 15.14.340. SUMMARY DISPOSITION OF VIOLATIONS. (a) Notwithstanding the provisions of AS 15.14.300 - 15.14.330, the commission may establish by regulation the violations under AS 15.14.250 that are amenable to summary disposition without formal accusation or hearing and may establish a schedule of fines, not to exceed $500, for each violation.

(b) If an investigation by the commission discloses that a person has committed a violation included in the schedule of fines established under (a) of this section, the commission may, in lieu of serving an accusation on the person, mail a notice of fine to the person indicating the circumstances of the violation and the amount of the fine established in the schedule for the violation. The person to whom the notice is directed may pay the fine within 15 days after receiving the notice or may file a notice of defense under AS 15.14.-310.

(c) If the person does not pay the fine under (b) of this section, the notice of fine constitutes an accusation under AS 15.14.300 and the commission shall proceed against the person under AS 15.14.-300 - 15.14.330 and, upon determining that the person committed the violation, may impose a penalty for the violation not to exceed the maximum provided for the violation under AS 15.14.250.

Sec. 15.14.350. CONFIDENTIALITY. (a) An investigation by the commission under AS 15.14.290 is confidential unless and until the investigation results in the filing of an accusation under AS 15.-14.300.

(b) A member or a former member of the commission and an employee or a former employee of the commission may not divulge the fact

of or any particular concerning a pending, past, or contemplated investigation by the commission unless and until the filing of an accusation by the commission.

(c) Knowing violation of the provisions of (b) of this section is a class A misdemeanor.

Sec. 15.14.360. JUDICIAL REVIEW. Judicial review of a final order of the commission may be had by filing a notice of appeal under applicable rules of court governing appeals from administrative agencies.

Sec. 15.14.370. POWERS OF THE COMMISSION. (a) In connection with an investigation or hearing under AS 15.14.290 - 15.14.330, the commission may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the depositions of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the powers and duties assigned to the commission by law.

(b) The commission may examine the papers, books, records, accounts and documents of a person subject to this chapter to determine the correctness of a report filed with the commission or in conjunction with an investigation or inspection conducted under (a) of this section.

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

Sec. 15.14.380. LEGAL COUNSEL. (a) The attorney general is

legal counsel for the commission. The attorney general shall advise the commission in legal matters arising out of the discharge of its duties and represent the commission in actions to which it is a party. If, in the opinion of the commission, the public interest warrants, the commission may request the attorney general to appoint a special prosecutor to prosecute alleged misconduct under AS 15.14.230 or 15.14.240.

(b) When the public interest warrants, and if the attorney general concurs, the commission may employ temporary legal counsel from time to time in matters in which the commission is involved.

ARTICLE 6. GENERAL PROVISIONS.

Sec. 15.14.900. DEFINITIONS. In this chapter

(1) "candidate" means an individual who

(A) files for election to the state legislature, for governor, for lieutenant governor, for municipal office, for retention in judicial office, or for constitutional delegate;

(B) campaigns as a write-in candidate for an elective office; or

(C) accepts contributions totalling $1,000 or more in the aggregate from another person or political group for the purpose of seeking elective office or retention in judicial office;

(2) "contribution"

(A) means the purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a candidate or for the purpose of influencing a ballot proposition or question, including the payment by a person other than a

candidate or political party, of compensation for the personal services of another person that are rendered to the candidate or political party;

(B) does not include

(i) services provided without compensation by an individual volunteering on behalf of a candidate or ballot proposition or question, unless the services are volunteered by an individual who would ordinarily be paid a fee or wage for the services and the services are of an aggregate value of $1,000 or more;

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

(iii) ordinary hospitality in a home;

(3) "expenditure"

(A) means a purchase or a transfer of money or anything of value or a promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) influencing the outcome of a ballot proposition or question; or

(iii) providing payment of compensation for the personal services of another person that are rendered to a candidate or political party;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(4) "individual" means a natural person;

(5) "municipality" has the meaning given by AS 01.10.-060(4);

(6) "person" has the meaning given in AS 01.10.060 but does not include an entity organized to influence an election;

(7) "political interest group" means a person or combination of persons, including a political party and its state, regional, or local subdivisions that accepts contributions for the purpose of influencing an election and exercises discretion over the expenditure of the contributions;

(8) "political party"

(A) means a group of organized voters that

(i) claims to represent a political program; and

(ii) nominated a candidate for governor who received at least five percent of the total vote cast at the preceding general election for governor;

(B) does not include the campaign committee of a candidate.

* Sec. 2. AS 11.56.130 is amended to read:

Sec. 11.56.130. DEFINITION. In AS 11.56.100 - 11.56.130, "benefit" has the meaning <u>given</u> [ASCRIBED TO IT] in AS 11.81.900 but does not include

(1) political campaign contributions reported <u>under AS 15.-14</u> [IN ACCORDANCE WITH AS 15.13];

(2) concurrence in official action in the cause of legitimate compromise between public servants; or

(3) support, including a vote, solicited by a public servant or offered by any person in an election.

* Sec. 3. AS 15.56.130 is amended to read:

Sec. 15.56.130. TIME LIMITATION. Except as provided in AS 15.-14.280, a [A] prosecution for an offense described in the Alaska Election Code (AS 15.05 - 15.60) may not be maintained unless it is begun within one year after the date of the election in connection with which the offense is alleged to have been committed.

* Sec. 4. AS 24.45.021(a) is amended to read:

Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be administered by the Alaska Public Offices Commission established [CREATED] under AS 15.14.020 [AS 15.13.020(a)].

* Sec. 5. AS 24.45.091 is amended to read:

Sec. 24.45.091. PUBLICATION OF REPORTS. Copies of the statements and reports filed under this chapter shall be made available to the public at the commission's central office, the office of the lieutenant governor, the legislative reference library of the Legislative Affairs Agency, and at the commission's district offices [PRESCRIBED IN AS 15.13.020(j)] as soon as practicable after each reporting period.

* Sec. 6. AS 24.60.080 is amended to read:

Sec. 24.60.080. GIFTS. Unless otherwise provided for under AS 24.60.030, a person to whom this chapter applies may not solicit a gift in any amount, or accept or receive, directly or indirectly, a gift, whether in the form of money, services, a loan, travel, entertainment, hospitality, or other form, if the gift was intended as a reward or inducement for an official action by the person. A gift of travel and hospitality within the state received by a member of the legislature in obtaining information on matters of legislative concern is not prohibited by this section, nor are political contributions received and reported under AS 15.14 [AS 15.13.040].

* Sec. 7. AS 29.20.170 is amended to read:

Sec. 29.20.170. VACANCIES. The governing body may provide by ordinance the manner in which a vacancy occurs in any elected office except the office of mayor or school board member. Unless otherwise provided by ordinance, the governing body shall declare an elective office, other than the office of mayor or school board member, vacant when the person elected

(1) fails to qualify or take office within 30 days after election or appointment;

(2) is physically absent from the municipality for 90 consecutive days unless excused by the governing body;

(3) resigns and the resignation is accepted;

(4) is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the governing body;

(5) is convicted of a felony or of an offense involving a violation of the oath of office;

(6) is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the governing body concur in expelling the person elected;

(7) is convicted of a violation of AS 15.14 or former AS 15.13;

(8) no longer physically resides in the municipality and the governing body by two-thirds vote declares the seat vacant; or

(9) if a member of the governing body, misses three consecutive regular meetings and is not excused.

* Sec. 8. AS 29.20.280(a) is amended to read:

Sec. 29.20.280. VACANCY IN THE OFFICE OF MAYOR. (a) The governing body shall, by two-thirds concurring vote, declare the office of mayor vacant only when the person elected

(1) fails to qualify or take office within 30 days after

election or appointment;

(2) unless excused by the governing body, is physically absent for 90 consecutive days;

(3) resigns and the resignation is accepted;

(4) is physically or mentally unable to perform the duties of office;

(5) is convicted of a felony or of an offense involving a violation of the oath of office;

(6) is convicted of a felony or misdemeanor described in AS 15.56;

(7) is convicted of a violation of AS 15.14 or former AS 15.13;

(8) no longer physically resides in the municipality; or

(9) if a member of the governing body in a second class city, misses three consecutive regular meetings and is not excused.

* Sec. 9. AS 39.50.050(a) is amended to read:

Sec. 39.50.050. ADMINISTRATION AND INSPECTION. (a) The Alaska Public Offices Commission established [CREATED] under AS 15.14.020 [AS 15.13.020(a)] shall administer the provisions of this chapter. The commission shall prepare and keep available for distribution, standardized forms on which the reports required by this chapter shall be filed.

* Sec. 10. AS 39.50.200(a) is amended to read:

(a) In this chapter:

(1) "assistant to the governor" includes any executive, legislative, special, administrative or press assistant to the governor, and any person similarly employed;

(2) "child" includes a biological child, an adoptive child, and a stepchild;

(3) "commission" means the Alaska Public Offices Commission established [CREATED] under AS 15.14.020 [AS 15.13.020(a)];

(4) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska and the Alaska State Housing Authority;

(5) "judicial officer" means a person appointed as a justice to the supreme court or as a judge to the court of appeals, superior court, district court, or magistrate court;

(6) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(7) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality;

(8) "public official" means a judicial officer, a member of the legislature, the fiscal analyst of the legislative finance division, the legislative auditor of the legislative audit division, the executive director of the Legislative Affairs Agency and the directors of the divisions within the Legislative Affairs Agency, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch, and assistant to the governor, chairman or member of a state commission or board, and each appointed or elected municipal officer;

(9) "source of income" means the entity for which service is performed or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the

employer is the source of income; but if the person is self- employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership or corporation, but if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source;

* Sec. 11. AS 39.50.200(b) is repealed and reenacted to read:

(b) In this chapter "state commission or board" means the

(1) Agricultural Revolving Loan Fund Board (created administratively to assist in administration of AS 03.10);

(2) Alaska Coastal Policy Council members and their alternates (AS 44.19.155);

(3) Alaska Commercial Fisheries Entry Commission (AS 16.-43.020);

(4) Alaska Commission on Postsecondary Education (AS 14.-42.015);

(5) Alaska Energy Center (AS 46.12);

(6) Alaska Housing Finance Corporation (AS 18.56.010 - 18.56.210);

(7) Alaska Judicial Council (art. IV, sec. 8, Alaska Constitution);

(8) Alaska Medical Facility Authority (AS 18.26.010 - 18.26.900);

(9) Alaska Municipal Bond Bank Authority (AS 44.85.020);

(10) Alaska Power Authority public directors (AS 44.83.030);

(11) Alaska Oil and Gas Conservation Commission (AS 31.05.-005 - 31.05.170);

(12) Alaska Public Broadcasting Commission (AS 44.21.256);

(13) Alaska Public Offices Commission (AS 15.14.020);

(14) Alaska Public Utilities Commission (AS 42.05.010);

(15) Alaska Resources Corporation (AS 37.12.010);

(16) Alaska Royalty Oil and Gas Development Advisory Board (AS 38.06.020);

(17) Alaska Seafood Marketing Institute (AS 16.51.010);

(18) Alaska State Council on the Arts (AS 44.27.040);

(19) Alaska State Housing Authority (AS 18.55.020);

(20) Alaska Teachers' Retirement Board (AS 14.25.035);

(21) Alcoholic Beverage Control Board (AS 04.06.010);

(22) Board of Education (AS 14.07.075);

(23) Board of Fisheries (AS 16.05.221(a));

(24) Board of Game (AS 16.05.221(b));

(25) Board of Parole (AS 33.16.020);

(26) Board of Trustees and executive director of the Alaska Permanent Fund Corporation (AS 37.13.040);

(27) Commission on Judicial Conduct (art. IV, sec. 10, Alaska Constitution);

(28) Council on Domestic Violence and Sexual Assault (AS 18.66.010);

(29) Employment Security Advisory Council (AS 23.20.025);

(30) Fishermen's Fund Advisory and Appeals Council (AS 23.-35.010);

(31) Governor's Commission on the Administration of Justice (AS 44.19.110);

(32) Local Boundary Commission (AS 44.47.565);

(33) Occupational Safety and Health Review Board (AS 18.60.-057);

(34) Public Employees' Retirement Board (AS 39.35.030);

(35) State Assessment Review Board (AS 43.56.040);

(36) State Commission for Human Rights (AS 18.80.010);

(37) State Personnel Board (AS 39.25.060);

(38) University of Alaska Board of Regents (AS 14.40.120);

(39) Workers' Compensation Board (AS 23.30.005).

* Sec. 12. AS 15.13 is repealed.

* Sec. 13. AS 15.56.010(1) and (2) are repealed.

* Sec. 14. Alaska Public Office Commission members serving on the effective date of this Act continue to serve out their terms as provided under AS 15.13.020, repealed in sec. 12 of this Act. Vacancies occurring after the effective date of this Act shall be filled in accordance with AS 15.14.020 enacted in sec. 1 of this Act.

* Sec. 15. Notwithstanding AS 15.14.010(b) as enacted in sec. 1 of this Act, the election of a municipality held under former AS 15.13.010(a) to exempt its officers from the application of AS 15.13 is confirmed as an exemption from the application of AS 15.14.

* Sec. 16. AS 15.14.190 as enacted in sec. 1 of this Act does not apply to campaign accounts for election campaigns held before the effective date of this Act and does not apply to contributions solicited or accepted and to expenditures made for the purpose of retiring campaign debts incurred by a candidate in an election campaign held before the effective date of this Act.

* Sec. 17. This Act applies to election campaign activities that take place after January 1, 1987, and that relate to state or municipal elections held after January 16, 1987.

* Sec. 18. This Act takes effect January 16, 1987.

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA PUBLIC OFFICES COMMISSION

Notice is hereby given that the Alaska Public Offices Commission, under authority vested in AS 15.13.030(10), proposes to adopt, amend and repeal regulations in Title 50 of the Alaska Administrative Code, dealing with Campaign Disclosure, complaints, Preliminary Investigations, and Hearings to interpret AS 15.13, AS 24.45 and AS 39.50 as follows:

2 AAC 50.313. CONTRIBUTIONS is proposed to consolidate the definition of reportable contributions. It would include treatment of loans, non-monetary contributions, donation of in-kind services, media broadcasting, extensions of credit for an unreasonable time, and expenditures made in cooperation with a campaign. It would exclude from reporting volunteer services, internal business or organizational communications, non-monetary contributions of small value, and contributions for an election recount. It also provides treatment for a married person's contribution from joint funds.

2 AAC 50.325. RECORDKEEPING REQUIREMENTS FOR NON-MONETARY CONTRIBUTIONS is repealed.

2 AAC 50.330. REPORTING CAMPAIGN EXPENDITURES FOR TRANSPORTATION is repealed.

2 AAC 50.350. CONTRIBUTION OF PROFESSIONAL SERVICES is repealed.

2 AAC 50.355. LOANS is repealed.

2 AAC 50.405(4). "contribution" is repealed.

2 AAC 50.315. CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which clarifies that political parties must report all contributions and expenditures.

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE is proposed to clarify and define when a candidate may make unlimited contributions of his or her personal funds and assets in the form of money, goods, loan proceeds, and proceeds from a sale of assets.

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY is proposed for candidates or groups contemplating raising or spending more than $5,000.00 in a calendar year. They shall deposit all contributions and make all expenditures from a designated campaign depository. Campaigns shall designate on a report the bank or banks in which funds are held or which credit cards for travel expenses are issued. The proposal sets forth an accounting and reporting procedure for contributions that cannot be determined to be legal.

2 AAC 50.360. MUNICIPALITIES is amended in section (a) by providing that municipalities engaged in political activity using budgeted funds shall report in

the same fashion as individuals. Section (d) is added to provide that municipalities shall report as groups when they receive contributions for political activity.

2 AAC 50.356. GROUP is proposed to define a political group required to file periodic Campaign Disclosure Statements and to provide exceptions for those entities or organizations permitted to report their political activity as individuals.

2 AAC 50.385. REPORTING BY ORGANIZATIONS and BUSINESS OR TRADE ASSOCIATIONS is repealed.

2 AAC 50.395. REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION is repealed.

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER is proposed to prohibit voluntary or involuntary transfers of money or other things of value between persons for the purpose of making contributions to candidates or political groups unless the persons engaged in the activity register with the Alaska Public Offices Commission and report on periodic Campaign Disclosure Statements as a group.

2 AAC 50.369. PROPER IDENTIFICATION OF COMMUNICATION is amended by adopting a new subsection (e) which proposes to define campaign materials that must bear the paid for by disclaimer and providing that envelopes need not bear the disclaimer if they contain properly identified campaign material.

2 AAC 50.370. OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION is amended by adopting a proposal that objects not more than 3 1/2" x 5" need not bear the paid for by disclaimer. However, all media advertisements shall contain the paid for by disclaimer.

2 AAC 50.380. EARLY CAMPAIGNING is amended by adopting a new subsection (b) and deleting inconsistent portions of subsection (a). It proposes to provide that a state candidate may begin making expenditures upon filing a letter of intent with the Alaska Public Offices Commission certifying the individual and his or her campaign will comply with AS 15.13.

2 AAC 50.390. CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT is amended by changing subsections (d)(1)(A), (d)(1)(B), (d)(1)(C), and (d)(1)(D) to raise civil penalty assessments to the amount permitted by law. Further, the proposal deletes the Commission's case-by-case review of reports over 30 days delinquent in the aforementioned sections.

2 AAC 50.401. POST ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS is proposed to permit limited post-election fundraising to discharge an indebtedness from a prior campaign, including such items as reported personal contributions before the election, disclosed debts to others, and the costs of winding up the campaign.

2 AAC 50.450. COMPLAINTS would be amended to specify notifying the subject of a complaint where a complaint file is closed for failure to state a violation.

2 AAC 50.460. PRELIMINARY INVESTIGATION would be amended to clarify that a staff recommendation may include assessment of civil penalties.

2 AAC 50.470. HEARINGS would be amended to specify that a hearing officer will conduct the hearing.

2 AAC 50.905. ADVISORY OPINIONS is proposed to assist persons or groups who are or may be subject to the Conflict of Interest Law, Campaign Disclosure Law or Regulation of Lobbying Law by written advisory opinions issued by the Alaska Public Offices Commission and providing when a requesting party may rely upon an advisory opinion.

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION is an amendment providing that all reports filed with the Alaska Public Offices Commission may be provided at cost except for those reports filed by persons who have shown to the satisfaction of the Alaska Public Offices Commission they would be the subject of undue harassment, threats, or economic reprisals.

Notice is also given that any person interested may present oral or written comments relevant to the proposed action at a hearing to be held in the Quadrant Room at the Captain Cook Hotel, 5th Avenue and K Street, Anchorage, Alaska, at 1:30 p.m. on August 22, 1985. Individuals wishing to testify by telephone may do so by making arrangements with the Commission staff by August 19, 1985. The Alaska Public Offices Commission telephone number is 276-4176. In addition, written comments to be considered by the Alaska Public Offices Commission, must be received no later than August 19, 1985.

It is estimated this action will require an increased appropriation as follows:

FY 1986, $24,747.50; FY 87, $24,747.50; FY 88, $24,747.50; FY 89, $24,747.50

Copies of the proposed regulations may be obtained by writing to the Alaska Public Offices Commission, 610 C Street, Suite 211, Anchorage, Alaska 99501 or by calling 276-4176.

The Alaska Public Offices Commission, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt proposals within the scope of this notice without further notice or may decide to take no action on them.

Date: July 12, 1985

Theda S. Pittman
Executive Director

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

RECEIVED
FEB 11 1986

TO: Senator Mitch Abood, Chair
Senate State Affairs

FR: Senator Vic Fischer

RE: February 12, 1986 State Affairs Committee meeting on SB 356 Campaign Finance

DT: February 11, 1986

I will not be able to attend Wednesday's committee meeting on SB 356. Therefore, I'm using this means of bringing to your attention a problem I see in the bill.

Sec. 15.14.170 (e) (page 19, lines 8-24) doesn't seem to carry out committee intent. As I remember the discussion, we wanted to exclude the courier type activity from requiring registration as a deputy treasurer.

The way the draft reads, "A person does not receive ... a contribution .. if ... the person solicits a contribution ..." Aside from this not making logical sense, I don't think that solicitors should be excluded from registration requirements. If making them deputy treasurer seems too onerous, maybe a category of "solicitor" could be created (and all attorneys would be automatically included).

cc. Members of Senate State Affairs Committee

During Interim • 1024 W. 6th Avenue, Suite 204C • Anchorage, Alaska 99501 • (907) 278-3654

ALASKA STATE AFL-CIO

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819 1st Ave.
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MANO FREY
Executive President

By Dixie Hudish
AFL-CIO Legislative
Representative

AFL-CIO POSITION PAPER ON SB 356, CAMPAIGN FINANCING

SB 356 proposes a complete revision of the present campaign disclosure law, therefore one needs to look at the goals of the campaign disclosure law.

The two major goals for the State Campaign Financing Practices Act, as pointed out in the report to the Senate Finance Affairs Committee by the Gross & Burke report, was to limit individuals' contributions to candidates in order to limit the amount of influence that any one contributor could have over a particular candidate. The second goal was to provide public disclosure of the source of funds for campaigns.

Major changes have been proposed, many that would not be in keeping with the above goals.

SECTION 15.14.050 REGISTRATION BY POLITICAL GROUPS

This section now refers to political action committees as political interest groups (PIGS).

Political groups I represent take strong exception to the acronym "PIGS". I believe PACs or PAGs are preferable and much more appropriate terms.

SECTION 15.14.060 (1) REPORTS BY CANDIDATES OF CONTRIBUTIONS AND LOANS

This section changes the disclosure of contributors to $250.00 or more. Current law requires disclosure of contributors in excess of $100.00.

This proposal does not enhance the goal of more public disclosure but inhibits it instead. The record would not reflect contributors who have given between $100 and $250.

Recommendation is to keep the current law, allowing for disclosure of contributors in excess of $100.

GCU
C726

SECTION 15.14.070 REPORTS BY CANDIDATES OF EXPENDITURES

This section decreases the expenditure reports to one annual report following the election.

An expenditure disclosure is not only important to the public but to those who contribute money to the candidate. One should be allowed to see where the contributions are being spent while the campaign is in progress and not after the campaign. Chances are, if the public knew for example, that Joe Smith is spending money on "outside" firms for media, consulting, etc., less contributions would be forthcoming. Most contributors would like to know where, what and on whom the candidate's money is being spent and public disclosure laws should provide for this.

The AFL-CIO is opposed to eliminating the expense reports during the campaign to one following the election.

Recommendation is to keep the current law.

SECTION 15.14.100 REPORTS OF EXPENDITURES BY PERSONS OR GROUPS INDEPENDENT OF THE CANDIDATE

Independent expenditure definition in this section is very confusing as to what exactly is an independent expenditure versus an expenditure.

Recommendation is to rework this area.

SECTION 15.14.120 CONTRIBUTIONS BY A PERSON

This section increases the contribution limit from $1,000 to $2,000 to a candidate.

A $2,000 contribution is a substantial amount in most campaigns for one person to give to a candidate, and whether or not that amount could have great influence over a particular candidate, it certainly would have the appearance of undue influence.

As representing many unions which have PAC's (Political Action Committees) comprised of volunteer member contributions, it would seem fairer by far to raise the contribution limit for PAC's, yet we stand opposed to any increase in contribution limits.

Recommendation is to keep the current law.

SECTION 15.14.130 CONTRIBUTIONS BY POLITICAL INTEREST GROUPS

(b) This section limits to $1,000 the allowable contribution to a political group that another political group can

The AFL-CIO finds it unreasonable to place such an unfair limit on groups when in fact, political groups are comprised of many individuals. If one looks back

in the records, I'm sure this area has not been abused by political groups.

Recommendation is to keep the current law.

(b) This section also limits to $25,000 per year the allowable contributions by a political group.

Again the argument is that an unfair limit is being imposed on groups. Groups are made up of many individuals and, as long as one candidate cannot receive more than $1,000, there is already a built-in threshold as to what a political group can give.

Recommendation is to delete this section.

(d) This section essentially eliminates a PAC from forming sub-PAC's, if the groups share a majority of the same officers.

The present law allows for subgroups of a statewide group to form as long as they are autonomous units and have completely separate accounting systems.

Recommendation is that this section should remain as the present law reads.

SECTION 15.14.170 (e) CAMPAIGN OFFICERS

This section exempts a person from registering as a deputy campaign treasurer if the person's only activity is soliciting and transferring contribution checks from contributors to candidates.

This section is a very confusing and contradictory area. If one solicits and accepts a contribution only to transfer or deliver it to a candidate or campaign officer of a candidate or political group, one doesn't need to register. Yet 15.14.170 states that only a campaign treasurer is responsible for receiving and disbursing all contributions and expenditures. Does this also mean that a candidate might appoint him/herself as the person responsible, yet hire someone who never has to register who actually disburses the funds?

This section needs clarification.

SECTION 15.14.190 TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF CAMPAIGN ACCOUNTS

This section requires candidates to close their campaign books as of the date a candidate is sworn in.

This will be found to be insufficient time to raise money for a debt to a campaign.

SECTION 15.14.200 SURPLUS FUNDS

This section eliminates the use of surplus funds for one's own personal use. The section further describes permissable uses of surplus campaign funds.

This is a most appropriate new section and a long time coming.

SECTION 15.14.210 SOLICITATION OF CONTRIBUTION

This is a new section that restricts soliciting contributions from state and municipal officers and employees from other public officials or employees while either the person soliciting or the person being solicited is on the premises of a state or municipal office.

Various union members work for the state or municipalities. As I interpret this section, it would prevent meeting with union employees on the premises for the purpose of soliciting contributions. In order to contact our members for various reasons, scheduled meetings are allowed on the premises and this would inhibit discussions of volunteer PAC payroll deductions.

Recommendation is to keep the present law.

ARTICLE 5 UNLAWFUL CONDUCT, CRIMINAL AND CIVIL PENALTIES; INVESTIGATIONS; PROCEDURES; HEARINGS.

The various sections under this article would cause a higher burden of proof and of criminal intent for violators of APOC regulations. These regulations have gone from one extreme to the other. One who inadvertently is late or who makes a mistake on their APOC report will not only feel like a criminal but will be prosecuted as a criminal. The average lay person who wishes to run for office will have to hire a professional lawyer or accountant just to have the regulations interpreted. One surely will have second thoughts in running for a public office when regulations and violations become too complex. We don't think that this should be the purpose of this campaign reform bill.

Recommendation is that this section needs to be totally reworked.

SECTION 15.14.290 INVESTIGATIONS

This section does not allow the commission to take further action following an investigation.

As it is very important for political violations to be handled in a most expedient manner, referring all cases to the Attorney General's office will not encourage the above.

We cannot support this section.

1/31/86

PROPOSED AMENDMENTS TO SB 356, "An Act relating to campaign financing."

BY SEN. ABOOD

0414

Amendment # 1

Page 4, line 6, after "commission." Add "The prohibitions against political activity by a member of the commission under (h) of this section apply to the executive director and non-clerical employees of the commission."

470

Amendment # 2

Page 15, line 16, after "affirm" Add " to the best of my knowledge"

Amendment # 3

480

Page 17, line 7, after "candidate" Add ", a campaign treasurer, deputy campaign treasurer"

520

Amendment # 4

Sec._____ Conflict of interest. The executive director and non-clerical employees of the commission are subject to AS 39.50 (conflict of interest).

(This is patterned after the conflict of interest provision for the Ombudsman and the professional staff of the Ombudsman, AS 24.55.310.)

V.FISCHER

Amendments to APOC Bill (1/14 Draft)

(1) At page 7, line 9, add the following new subsection (b) and renumber remaining subsections accordingly:

> (b) Two or more groups that share a common officer shall be treated as a single group for the purpose of determining whether the group has received contributions of $1,000 in the aggregate.

Kelly

V. FISCHER

#1

Amendments to APOC Bill (1/14 Draft)

(3) Page 15, line 19, after "person" add "other than a corporation or labor union"

(4) Page 15, line 22, after "person" add "other than a corporation or labor union"

(5) Page 17, line 7, add the following new subsections (a) and (b), and renumber remaining subsections accordingly:

> (a) A corporation or a labor union may not make a contribution in any amount to a candidate, political party or to a political interest group other than a political interest group formed solely for the purpose of supporting or opposing a ballot proposition or question.
>
> (b) A candidate, a political party, and a political interest group other than a political intreest group formed solely for the purpose of supporting or opposing a ballot proposition or question, may not accept a contribution from a corporation or a labor union.

Amendments to APOC Bill (1/14 Draft)

(6) Page 16, line 10, after "group" add the following:

and may not contribute in the aggregate more than $10,000 during a year to candidates or groups generally other than to groups formed solely for the purpose of supporting or opposing a ballot proposition or question.

(7) Page 16, line 15, delete subsection (d) and replace it with the following:

A political party and its state, regional, and local subdivisions may not contribute in the aggregate more than $5,000 to each candidate for political office.

#2

MEMORANDUM State of Alaska

TO: Theda Pittman
Executive Director
Alaska Public Offices Commission
Department of Administration

DATE: January 30, 1986

FILE NO: 366-209-86

TELEPHONE NO: 465-3600

ROM: Harold M. Brown
Attorney General

SUBJECT: SB 356

By: Richard D. Monkman
Assistant Attorney General

You have requested that this office review SB 356, "An Act relating to election campaign financing." This bill is presently before the Senate State Affairs Committee. It is our understanding that a substitute for this bill may be prepared by the House State Affairs Committee, using SB 356 as a starting point.

There are several serious problems, and many minor areas of concern, with SB 356 in its present form. The bill is cleverly worded, with very complex interactions between different sections. As a result, many significant changes to present law are not readily apparent to the casual reader. We are still reviewing the bill and comparing it with present law. The following is, however, the most important of the issues we have identified from the Department of Law's perspective.

Enforcement and Penalties. SB 356 increases the penalties for violation of the disclosure laws. It also significantly decreases the probability that enforcement action will actually take place.

First, all violations which involve "knowing" or "intentional" violation of the disclosure laws are misdemeanors or felonies under SB 356. [AS 15.14.230; AS 15.14.240]. Once the Commission determines that "probable cause to believe a felony or misdemeanor had been committed" it must "promptly refer the matter ... to the attorney general." [AS 15.14.290(c)]. The Commission "may not take further action concerning the matter." [Id.].

As the Commission is well aware, the district attorney offices are swamped with criminal cases involving injury to persons and property. Disclosure cases are highly charged politically and involve relatively small amounts of money. Presently, disclosure cases are very low on any district attorney's list of priorities. There is no reason to believe

will require an additional full-time DA, a paralegal, and additional clerical help. 3/

More important from the public perspective will be the delay involved. A public figure charged with a crime will vigorously defend the case, using every means at hand to delay, postpone or defeat the charges. There will be charges of political motives behind every prosecution -- instead of defending against the staff of a bi-partisan, independent Commission, the candidates will be prosecuted by a District attorney responsible to the attorney general, who is appointed by the governor. Cries of connivance and persecution will obscure the issues; the intricacies of the criminal trial process will delay resolution of cases significantly.

In sum, SB 356 drastically limits the Commission's jurisdiction to investigate and administratively prosecute violations of the Campaign Disclosure Act. The administrative process of adjudicating complaints of campaign disclosure violations is swift and relatively inexpensive, and fully protects the rights of those involved to due process of law. In place of this process, SB 356 requires that all intentional violations of the disclosure laws be prosecuted by the Department of Law. This will result in fewer actions to enforce the law, greater delay in those cases filed, and an increasing politicization of the entire process. The end result is to significantly decrease the probability that violations of the disclosure law will be punished.

HMB:RDM:cck

cc: Art Peterson
Regulations Attorney
Department of Law/Juneau

3/ We will prepare a fiscal note concerning these costs. The best rough estimate be have now is about $190,000. This does not include figures for investigative services of the State Troopers.

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cc: Art Peterson
Regulations Attorney
Department of Law/Juneau

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Alaska State Legislature

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

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

November 25, 1985

Jean Rogers, Chairman
Alaska Public Offices Commission
1790 Evergreen Drive
Juneau, Alaska 99801

file

Dear Ms. Rogers:

On behalf of the Senate Committee on State Affairs, I would like to to give notice under AS 44.62.190 and AS 24.37.010, of the Committee's intent to review the administrative regulations which have been recently proposed by the Alaska Public Offices Commission.

My intent is to take up the APOC regulations as one of the first orders of business during the 1986 legislative session.

Very truly yours,

Mitch Abood/CH

Senator Mitch Abood

MEA:tdd
Enclosures

cc: Members of the Committee on State Affairs
Commissioner Eleanor Andrews, Dept. of Admin.
Billy G. Bernier, Director, Division of Legal Services

DOCUMENT #2

Chapter 37. Review of Administrative Regulations by Standing Committees of the Legislature

Section
10. Review of administrative regulations by standing committees of the legislature

Sec. 24.37.010. Review of administrative regulations by standing committees of the legislature. (a) A standing committee of the legislature furnished notice of a proposed action under AS 44.62.190 shall review the proposed regulation, amendment of a regulation, or repeal of a regulation before the date the regulation is scheduled by the department or agency to be adopted, amended, or repealed.

(b) A standing committee conducting a review of a regulation under (a) of this section shall determine whether the regulation properly implements legislative intent.

(c) A standing committee shall conduct preliminary reviews under this section while the legislature is in session and during the interim between legislative sessions.

(d) If a standing committee determines that a regulation, amendment to a regulation, or repeal of a regulation does not properly implement legislative intent, the standing committee's findings shall be transmitted to the Administrative Regulation Review Committee. (§ 4 ch 1 SLA 1982; AS 24.99.001)

Editor's notes. — This chapter and section were enacted as AS 24.99 and AS 24.99.001 but were renumbered by the revisor of statutes pursuant to AS 01.05.031.

Chapter 45. Regulation of Lobbying.

Article
2. Administration (§ 24.45.031)
3. Disclosure: Registration and Reports (§ 24.45.051)
4. Enforcement (§ 24.45.121)
5. General Provisions (§ 24.45.171)

NOTES TO DECISIONS

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Section
31. Powers and duties

Sec. 24.45.031. duties under this c
(1) prescribe the and other documen
(2) prepare and accounting, bookke tate compliance wit the duties of perso instructions shall b
(3) provide assist this chapter;
(4) prepare and p and recommendatio able to the governor calendar year;
(5) report suspec general.
(b) The commissi
(1) hold hearings provisions of this ch
(2) in conjunction pel the attendance affirmations, and r documents or other i under this chapter;
(3) prepare, publi at least quarterly s reports received; th lobbyists and emplo

Editor's notes. — This above to correct an error phlet.

Article 3. I

Section
51. Reports

Sec. 24.45.051. R 24.45.041 shall file activities during eac long as the lobbyist

Sec. 44.62.180. Effective date. A regulation or an order of repeal filed by the lieutenant governor becomes effective on the 30th day after the date of filing unless

(1) otherwise specifically provided by the statute under which the regulation or order of repeal is adopted, in which event it becomes effective on the day prescribed by the statute;

(2) it is a regulation prescribing the organization or procedure of an agency, in which event it becomes effective upon filing by the lieutenant governor or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(3) it is an emergency regulation or order of repeal adopted under AS 44.62.250, in which case the finding and the statement of the facts constituting the emergency shall be submitted to the lieutenant governor, together with the emergency regulation or order of repeal, which, in that event only, becomes effective upon filing by the lieutenant governor or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(4) a later data is prescribed by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal. (§ 3 art IV (ch 1) ch 143 SLA 1959; am § 7 ch 40 SLA 1969.

NOTES TO DECISIONS

Cited in Mukluk Freight Lines v. Nabors Alaska Drilling, Inc., Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 404 (1973).

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
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adoption of rule
Op. Att'y Gen., No

Where a lengthy r ion on one subject is to be proposed the best policy would be to briefly summarize the content and purpose of the regulation. 1959 Op. Att'y Gen., No. 26.

If only a very short regulation is proposed then ordinarily it would be most practicable to set forth the regulation in full. 1959 Op. Att'y Gen., No. 26.

Where a great many regulations are to be promulgated which are of a varied nature, such as fish and game regulations, or oil leasing regulations, then the only practical thing to do would be to give a general listing of the subjects to be covered, a reference to any other existing body of regulations which are being adopted, amended or superseded which might be informative to the particular public or industry concerned (such as a reference to existing regulations of a state agency or department or to existing federal regulations) and a brief listing of

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

(7) furnished to the standing committee of each house of the legisl ture having legislative jurisdiction over the subject matter treated l the regulation under the Uniform Rules of the Alaska State Legisl ture, together with a copy of the proposed regulation, amendment, order of repeal for the committee's use in conducting the review autl rized by AS 24.37.010;

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

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

(c) The failure to mail notice to a person as provided in this sec does not invalidate an action taken by an agency under AS 44.62 — 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)

Effect of amendments. — The 1982 amendment added paragraphs (7) and (8) to subsection (a).

Opinions of attorney general. — There are few cases and little text discussion of the requirements of notice and the sufficiency of notice in proceedings for adoption of rules and regulations. 1959 Op. Att'y Gen., No. 26.

Where a lengthy regulation on one subject is to be proposed the best policy would be to briefly summarize the content and purpose of the regulation. 1959 Op. Att'y Gen., No. 26.

If only a very short regulation is proposed then ordinarily it would be most practicable to set forth the regulation in full. 1959 Op. Att'y Gen., No. 26.

Where a great many regulations are to be promulgated which are of a varied nature, such as fish and game regulations, or oil leasing regulations, then the only practical thing to do would be to give a general listing of the subjects to be covered, a reference to any other existing body of regulations which are being adopted, amended or superseded which might be informative to the particular public or industry concerned (such as a reference to existing regulations of a state agency or department or to existing federal regulations) and a brief listing of any significant changes which are proposed if an existing body of regulations is to be effected. In such case it would be well to indicate that copies of the proposed regulations can be obtained from the agency in order to indicate the agency has done everything reasonably possible to give the public affected by its regulations an opportunity to familiarize itself with the regulations and to prepare itself to submit its views at the hearing. This should constitute substantial compliance with the Administrative Procedure Act and would serve the purpose of the act. 1959 Op. Att'y Gen., No. 26.

And when a summary of a large number of proposed regulations is to be used it would be safe for the departments and agencies of the state government to follow the Ohio and federal practice and to give notice of the areas in which regulations may or may not be promulgated by listing the subject matter to which the proposed rules would relate. 1959 Op. Att'y Gen., No. 26.

Public notice referring only to regulation numbers and subject headings. — See 1959 Op. Att'y Gen., No. 26.

For illustrations of the notice required by this section, see 1959 Op. Att'y Gen., No. 26, Exhibits A, B, C and D.

MEMORANDUM State of Alaska [28]

TO: Theda Pittman
Executive Director
Alaska Public Offices Commission
Department of Administration

DATE: November 14, 1985

FILE NO: 399-069-85

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Regulations

By: Richard D. Monkman
Assistant Attorney General

Attached are the edited version of your regulations. There has been drastic pruning, especially of the definitions within definitions. Hopefully, the corrections will be self-explanatory and will not outrage your staff.

The regulations need to be retyped and a new adoption order written signed. Although the changes are drastic in terms of deletions, additions to the text are minor. Thus, Peter Froehlich and I concur that the regulations will not need to be re-noticed. If the regulations are back here by November 25, there should be no problem filing them in time for a January 1, 1986 effective date.

Aside from the editing, two points. The present definition of "contribution" 2 AAC 50.405(4), was not repealed by the regulations as adopted and sent down. Looking over the notice, it appears that 50.405(4) was intended to be repealed -- which explains why a new section 50.313 was adopted. However, the place for a definition of statutory terms is in the definition section of your regulations. Thus, I reorganized what was left of 50.313 after editing as several subsections of 50.405. Secondly, the proposed regulations repeal 50.355, "loans," and spread the "loans" sections out in several different places. This, according to Art, is a mistake. We recommend that the Commission not repeal 50.355. The present language seems to me to accomplish everything the reorganized language does, and it is better to have it in one spot.

Unfortunately, I will be out of state (on business this time) during the Commission meeting of November 19 - 20, and will be unable to go over the changes in detail with the Commission. Hopefully Pat Kennedy will be available to answer any questions the Commission might have.

HMB:RDM:cck
Attachment
cc w/attach.: Pat Kennedy
Assistant Attorney General
Anchorage AGO

15

2 AAC 50. is amended by adding a new section to read:

~~2 AAC 50.313 CONTRIBUTION (a) The term "contribution" includes the following payments of money, services, or anything of value:~~

~~(1) A gift, subscription, loan, advance, payment, transfer of funds, deposit, or anything of value made by any person or group for the purpose of influencing any election for state or municipal office or influencing the passage or defeat of a ballot proposition or question.~~

~~(2) For purposes of 2 AAC 50.313(a)(1), the term~~ "loan" includes a guarantee, endorsement, and any other form of security.

~~(A) A loan which exceeds the contribution limitations of AS 15.13.070 shall be unlawful whether or not it is repaid.~~

~~(B)~~ A loan is a contribution at the time it is made, and is a contribution to the extent it remains unpaid. A loan, to the extent it is repaid, is no longer a contribution.

(C) Except as provided in 2 AAC 50.316(1)(C), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event the agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

~~(3) For purposes of 2 AAC 50.313(a),~~ the term "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

~~(4) For purposes of 2 AAC 50.313(a), the term~~ "anything of value" includes all ~~in-kind~~ or non-monetary contributions. Examples of ~~such in-kind goods or services~~ include facilities, equipment, polling information, supplies, ~~personnel~~, advertising services, membership lists, mailing lists, ~~and~~ any item of ~~tangible or intangible~~ real or personal property, ~~but does not include volunteer services specified in 2 AAC 50.313(b)(4), other than paid personal services. "Paid personal services"~~ are personal services of ~~every~~ any kind ~~and nature~~ the cost or consideration for which is paid ~~or provided~~ by a person other than the candidate or group for whom the services are rendered.

ARRIVED

NOV 15 1985

APOC - ANCH

PM HC

9/9/85 399-132-85

2 AAC 50.405(4) is amended by adding new sub sections to read:

(A) The provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods and services is a contribution. If goods or services are provided at less than the usual or normal charge, the amount of the non-monetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(B) For purposes of 2 AAC 50.313(a)(4)(A), the "usual and normal charge" for goods means the price of those goods in the market which they ordinarily would have been purchased at the time of the contribution; and "usual and normal charge" for any services, other than those provided by unpaid volunteers, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

(B) ~~(A)~~ The entire amount paid to attend or participate in a fund-raiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate is a contribution.

(C) ~~(B)~~ The payment by any person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No ~~compensation is considered paid to any employee under any of~~ the following circumstances: contribution results in

(A) If an employee is paid on an hourly or salaried basis and is expected to work a particular number of hours per period, no contribution results if the employee engages in political activity during what would otherwise be a regular work period, provided that the taken or released time is made up or completed by the employee within a reasonable period of time.

(i) ~~(B) No contribution results~~ where an employee engages in political activity during ~~what would otherwise be~~ normal working hours if the employee is paid on a commission or piecework basis, or is paid only for work actually performed and the employee's time is considered his or her own to use as he or she sees fit.

(ii) ~~(C) No contribution results for~~ where time used by the employee to engage in political activity ~~if the time used~~ is bona fide, although compensable, vacation or other earned leave time.

(D) ~~(C)~~ The extension of credit by any person to a candidate or political group for a length of time beyond normal business ~~or trade~~ practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(A) A debt owed by a political group or candidate which is forgiven or settled for less than the amount owed is a contribution unless the negotiated settlement receives the prior approval of the Commission, which will be granted when it is convinced the following conditions are met:

(i) At the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(ii) The campaign has made a good faith effort to repay all outstanding debts;

(iii) The creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(iv) The proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(v) The campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(vi) The proposed settlement agreement is similar to others proposed by the campaign.

(E) ~~(8)~~ An expenditure made by any person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, his or her campaign, its agents, or campaign consultants is a contribution to the candidate, ~~and~~ the financing by any person of the issuance, republication, or distribution of any broadcast or any written, graphic, or other form of campaign material provided by the candidate, his or her campaign committee, campaign agents, or campaign consultants is a contribution to ~~a~~ the candidate.

(A) For purposes of 2 AAC 50.314(8), "cooperation, consultation, or in concert with, or at the request of" means any arrangement, coordination, course of communication or direction by or with the candidate or his or her campaign agents prior to the publication, distribution, display or broadcast of any communication. Any expenditure is presumed to be so made when it is:

(i) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate or his or her campaign agents with a view to having an expenditure made;

(ii) Made by or through any person who is, or has been, authorized to raise or expend funds for the candidate, who is, or has been, an agent of a candidate's campaign, or has received any form of compensation or reimbursement from the candidate, members of his campaign committee, campaign agents or campaign consultants.

(iii) Made by any person or group based on data from a candidate's former pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign.

(iv) Made by a political group for soliciting contributions to be paid or delivered directly to a candidate or his or her campaign agents.

(8) For purposes of 2 AAC 50.313(8), "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(b) The term "contribution" does not include the following payments, services or other things of value:

(1) Funds received and payments made solely for the purpose of determining whether an individual should become a candidate. The individual shall keep records of all such funds received and payments made. If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions, and requirements of the law, and shall be reported on the first Campaign Disclosure Statement filed by the candidate, regardless of when the funds were received or the payments made.

(2) Any costs incurred in covering or carrying a news story, commentary or editorial by any broadcasting station, newspaper, or periodical of regular publication unless the facility is owned by or controlled by any political party, political group, or candidate, in which case the cost of the news story is a contribution unless the news story represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility. Further, it is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

(3) Any non-monetary contribution or in-kind donation of a single item with a usual and normal charge of $50.00 or less.

(4) The value of services provided without compensation by any individual other than one who volunteers services for which one would ordinarily be paid, or a payment made by any individual for his or her own travel expenses if such payments are voluntary and without any understanding that they will be directly or indirectly repaid.

(5) No contribution is made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections when it makes payments to communicate directly with its members or employees or their families on any subject; provided the

communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to provide goods and services to a campaign other than to exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(iii) A gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election is not a contribution.

(F) A contribution made by a married individual shall not be attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.040

2 AAC 50.315 CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which reads:

(d) Groups satisfying the criteria of subsection (a) and groups granted an exemption under subsection (b) are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.040
AS 15.13.070

2 AAC 50. is amended to add a new section 316 to read:

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) Candidates for state or municipal office may make unlimited contributions from their personal funds or assets.

(1) For purposes of this section, "personal funds or assets" means

(A) any assets which, under Alaska law, at the time he or she intended to seek elective office, the candidate had legal right of access to or control over, and with respect to which the candidate had either

(i) legal and rightful title, or including

(ii) An equitable interest

~~(8)~~ salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stock or other investments; bequests to the candidate; income from trusts established before he or she intended to become a candidate; income from trusts established by bequest after candidacy of which the candidate is a beneficiary; and gifts of a personal nature which had been customarily received prior to candidacy.

(b) ~~(2)~~ A candidate may use a portion of assets jointly owned as personal funds. The portion of the jointly owned assets that shall be considered as personal funds shall be that portion which is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse where there is no instrument of conveyance or ownership, the percent of the asset belonging to the candidate shall be the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the value by the number of owners.

(c) ~~(3)~~ A candidate's personal donation of goods remaining from a prior campaign are not a contribution.

(d) ~~(4)~~ No contribution is made from a loan of money by a regulated banking institution to a candidate if the loan is made in accordance with applicable banking laws and regulations and made in the ordinary course of business. A loan is made in the ordinary course of business if it: bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. ~~Loans under this section are reported as a candidate's personal contribution.~~

(5) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing, and all or a portion of the proceeds are used in a campaign. Sale proceeds used by a candidate in a campaign are reported as personal contributions. (Eff. / / , Register)

Authority: AS 15.13.010~~(b)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
~~AS 15.13.040~~
AS 15.13.070(a)(1)
AS 15.13.110
~~AS 15.13.130(1)~~
~~AS 15.13.130(2)~~
~~AS 15.13.130(4)~~
~~AS 15.13.130(5)~~

2 AAC 50 is amended to add a new section 319 to read:

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY. (a) Each candidate and political group intending to raise or spend more than $5,000.00 in a calendar year shall designate on a Registration Statement or the first Campaign Disclosure Statement filed with the commission one or more regulated banking institutions as its campaign depository or depositories. ~~whose~~ The account title shall indicate it is a campaign account.

(b) All monetary contributions to and expenditures by a candidate or political group shall be deposited to or made from a designated campaign depository.

(c) Any candidate or political group required to designate a campaign account may obtain and use credit cards in making travel-related campaign expenditures, transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. ~~and~~ The credit card account name shall indicate it is a campaign account.

(d) Contributions which appear to be illegal shall, within ten days, be returned to the contributor or deposited into the campaign depository and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of a contribution is in question shall be included in the report. The treasurer shall make his or her best efforts to determine the legality of a contribution.

(e) When a contribution cannot be determined to be legal, refunds shall be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. (Eff / / , Register)

Authority: ~~AS 15.13.030(1)~~ ~~AS 15.13.030(2)~~ ~~AS 15.13.030(8)~~ AS 15.13.070(10) AS 15.13.050 ~~AS 15.13.068~~ AS 15.13.070(~~b~~) ~~AS 15.13.070(c)~~ ~~AS 15.13.070(d)~~

2 AAC 50.325 ~~is~~ repealed.
2 AAC 50.325 / / .

2 AAC 50.330 is repealed.
2 AAC 50.330 / / .

2 AAC 50.350 is repealed.
2 AAC 50.350 / / .

2 AAC 50.355 is repealed.
2 AAC 50.355 / / .

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2 AAC 50 is amended to add a new section to read:

~~2 AAC 50.356. GROUP. (a) The word~~ "group" ~~is defined as~~ including

(1) every two or more persons who are elected, appointed, or otherwise chosen or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the raising, solicitation, or disbursement of money or anything of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition. A group includes a political action committee, ~~political party (or the official subdivisions thereof),~~ draft group, association, club, ~~or two or more persons that receive contributions or make expenditures to support or oppose any person for election or defeat or passage of any ballot proposition.~~ A group is any corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat or recall, of any candidate for political office or to aid the passage or defeat of any ballot proposition. Two or more persons who make a contribution in the name of another as provided in 2 AAC 50.357 create a political group.

(2) A corporation, partnership, sole proprietorship, trade association, fraternal, charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as an individual pursuant to AS 15.13.040(d) and (e) ~~on APOC forms 15-5 and 15-6~~ if

(A) All contributions and expenditures to influence the outcome of an election are made from the organization's general day to day operating account;

(B) The organization does not conduct a fundraising drive or assessment among ~~those satisfying the conditions of~~ membership or employment for the purpose of influencing an election;

(C) The organization does not exercise direction, control, or discretion over ~~the choice of the recipient candidate or group with~~ money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. ~~An organization exercises direction and control over a contribution or expenditure, and then must file as a group, when it makes the final selection of the recipient candidate or group.~~ (Eff. / / , Register)

Authority: ~~AS 15.13.010~~
AS 15.13.030(10)
~~AS 15.13.030(8)~~
~~AS 15.13.030(10)~~
AS 15.13.040~~(b), (c),~~ ~~(d) and (e)~~
~~AS 15.13.070(c)~~
~~AS 15.13.070(h)~~
AS 15.13.130~~(d)~~

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2 AAC 50. is amended to add a new section 357 to read:

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by any person other than in the legal name of the orginal source of the contribution.

(1) No person, employer, principal, supervisor or contractor shall lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employees, agents, or other persons name, or in a name other than the original source of the contribution.

(2) A contribution controlled by or made at the direction of another person, including a parent organization, subsidary, division, department, branch, or local unit, is a contribution in the name of another.

(A) Two or more organizations are controlled for purposes of 2 AAC 50.357(a)(2) when such organizations

(i) Share the majority of members of their board of directors;

(ii) Share two or more corporate or organizational officers;

(iii) Are owned or controlled by the same shareholders or members;

(iv) Are in a parent subsidiary relationship.

(b) Unless a group registration statement is filed with the Commission, no persons, acting alone or with or through any other person may directly or indirectly subject any person to undue influence, command, coercion, direction or control with the result of inducing a contribution to a clearly identified candidate or political group.

(1) "Undue influence" occurs when a person secures a contribution from another by physical or economic threats, making contributions to candidates a term or condition of employment, or use of a reverse check-off in a payroll deduction plan.

(2) If a minor makes a contribution the source of which is money or a thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
~~AS 15.13.040~~
AS 15.13.050
AS 15.13.070~~(c)~~
~~AS 15.13.070(d)~~
~~AS 15.13.070(h)~~
~~AS 15.13.130(a)~~
AS 15.13.130(3)
AS 15.13.130(4)
~~AS 15.13.130(5)~~

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2 AAC 50.360, MUNICIPALITIES, is amended to read:

(a) When a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e), ~~on APOC forms 15-5 and 15-6~~.

(b) All communications which are paid for by a municipality and which are related to an election are considered to be intended to influence the outcome of an election unless they are only notices of the election or unless they are required by statute, charter, or ordinance.

(c) The municipality shall file with the commission a list of candidates and their mailing addresses within seven days following the deadline for filing for municipal office.

2 AAC 50.360, MUNICIPALITIES, is amended by adding a new subsection to read:

(d) When a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group, ~~in accordance with 2 AAC 50.342, and AS 15.13.050, .040(d) and (e)~~.
(Eff. 5/16/76, Register 58; am / / , Register)

Authority: ~~AS 15.13.010~~
AS 15.13.030(10)
~~AS 15.13.068~~
~~AS 15.13.090~~

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS, is amended by adding a new subsection (e) to read:

(e) "Communications" as used in AS 15.13.090 includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.370, OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION, is amended to read:

If the size of an object utilized for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement shall instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects which are smaller than 3 1/2" x 5" in size. Television, radio, cable or other electronic media advertisements shall be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register).

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.380. EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall comply with AS 15.13.100 by providing written notification to the commission of his or her candidacy for a particular municipal office only if the filing period has not opened. An individual wishing to campaign for state elective office shall comply with AS 15.13.100 by filing a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent is valid only for the next election or until withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file.

(Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.100

2 AAC 50.385 is repealed.
2 AAC 50.385 / / .

2 AAC 50.390(d)(1) CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT is amended to read:

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty as follows:

(A) $10 a day for each 30 Day Report or 10 Day Report

(B) $10 a day for each Year-end Report received after January 16;

(C) $50 a day for each 7 Day Report; and

(D) $50 a day up to a maximum of $300 for each 24 Hour Report of contributions received by a candidate or a group;

(Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am / /, Register)

Authority: ~~AS 15.13.010~~
AS 15.13.030(10)
~~AS 15.13.040(b), (c), (d) & (e)~~
~~AS 15.13.130(3)~~
AS 15.13.125

2 AAC 50.395 is repealed.
2 AAC 50.395 / / .

2 AAC 50. is amended to add a new section 401 to read:

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or his or her controlled group may make expenditures for the purpose of raising funds to discharge a ~~reported indebtedness~~ from ~~his or her own previous~~ campaign.

(b) Absent an ~~indebtedness~~ arising from a prior campaign, a ~~person~~ may not spend money for the purpose of seeking public office unless the individual is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or ~~is in compliance with~~ an advisory opinion under 2 AAC 50.401(c).

(c) A ~~person who has not extinguished his or her indebtedness~~ from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to ~~extinguish his or her indebtedness~~. Absent ~~such~~ an advisory request, the Commission staff ~~will~~ commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the ~~person~~. ~~Among the criteria which may be considered are~~ may, in its discretion,

(1) whether the indebtedness to vendors or suppliers of campaign goods or services should be considered a contribution under 2 AAC 50.313(a)(7);

(2) whether personal funds or assets are included in the indebtedness; and

(3) the nature and extent of efforts which have been made to discharge the indebtedness.

(d) For purposes of 2 AAC 50.401(a)-(c), an indebtedness arising from a previous campaign shall include

(1) a candidate's personal contributions or loans made from his or her personal funds or assets before the date of the prior election;

(2) any campaign debts to others remaining unpaid after the candidate or controlled group has reported the same on a 10 Day Post-election Campaign Disclosure Statement;

(3) any post-election expenditures made for the purpose of discharging an indebtedness arising from a previous campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees to comply with the

2 AAC 50.401
2 AAC 50.450

Campaign Disclosure Law.

(Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~
~~AS 15.13.030(2)~~
~~AS 15.13.030(8)~~
AS 15.13.030(10)
AS 15.13.040
~~AS 15.13.050~~
AS 15.13.070
~~AS 15.13.100~~
AS 15.13.110
~~AS 15.13.130(1)~~
~~AS 15.13.130(2)~~
~~AS 15.13.130(3)~~
~~AS 15.13.130(4)~~

2 AAC 50.450(d) is amended to read:

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote:

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and will be handled under (e), (1), (2), and (4) of this section.

(Eff. 5/16/75, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045
AS 15.13.120(d)
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

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2 AAC 50.460(d) PRELIMINARY INVESTIGATION, is amended to read:

(d) Upon completion of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045(a)
AS 15.13.120(d)
AS 18.65.090
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

2 AAC 50.470, HEARINGS, is amended to read:

2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, a notice of hearing will be issued in place of the accusation or statement of issues required by AS 44.62.360 and AS 44.62.370.

(b) Notice of a hearing ~~must~~ will be provided to all parties ~~at least 30 days before a hearing~~ under AS 44.62.4[illegible]

(c) 2 AAC 50.470(c) is repealed.

(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, but will be considered as a party to the hearing.

(e) The only parties to the hearing will be the staff, representing the complainant or itself, and the respondent.

(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.

(g) The rules of evidence are ~~the same as~~ in AS 44.62.460. In addition

(1) documentary evidence may be presented in the form of copies if the originals are not readily available; ~~upon request, the parties will be given the opportunity to compare the copy to the original~~;

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut.

(3) 2 AAC 50.470(g)(3) repealed.

(h) 2 AAC 50.470(h) repealed.

(i) 2 AAC 50.470(i) repealed.

(j) Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording. ~~If a transcript is prepared by the commission, the respondent may have access to it for the purpose of duplication~~.

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.62.310 ~~or when the hearing officer, for any good cause, determines that a closed hearing is appropriate~~. If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place ~~and whatever proceeding is made by the commission will be made available to the public~~.

(n) 2 AAC 50.470(n) repealed.

(o) 2 AAC 50.470(o) repealed.

(p) 2 AAC 50.470(p) repealed.

(q) If the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of

(1) a copy of the commission's hearing decision, including its findings of fact and conclusions of law;

(2) a verbatim transcript of the proceedings before the commission; and

(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceeding.

(r) The commission will, in its discretion, reconsider its decision in accordance with AS 44.62.540. A decision will be reconsidered only if

(1) there was a substantial procedural error in the original proceeding;

(2) the commission acted without jurisdiction in the original proceeding;

(3) the original vote was based on fraud, mispresentation, material mistake of fact or law; or

(4) new evidence has come to light which, if presented at hearing, would have substantially altered a material finding of fact.

(s) Contempt before the commission will be handled under AS 44.62.590.

(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member ~~feels, or~~ states on the public record that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.

(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, or the member's employer, business, or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, must be publicly disclosed by a member, and the member's participation is subject to approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether

(1) the financial relationship or interest is relatively insignificant; and

(2) the interest held by the member or the member's family, business or business associate is similar to that possessed by a large class of persons; or

(3) the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment. (Eff. 6/29/84, Register 90, am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045
AS 15.13.120(d)
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

2 AAC 50. is amended by adding a new section 905 to read:

2 AAC 50.905. ADVISORY OPINIONS (a) Any person or group may request an advisory opinion concerning the Campaign Disclosure Law (AS 15.13), the Conflict of Interest Law (AS 39.50), or the Lobbying Act (AS 24.45).

(b) ~~Any~~ Each advisory opinion request ~~shall set forth~~ must describe a specific transaction or activity that the requesting party plans to undertake, is presently engaged in, or intends to undertake in the future. Advisory opinion requests ~~shall~~ must include a complete description of all facts relevent ~~to the specific transaction or activity with respect to which the request is made.~~ Requests ~~representing a general description of interpretation or~~ posing a hypothetical situation, or regarding the activities of third parties, ~~do not qualify as advisory opinion requests~~ will not be answered by the Commission staff.

(c) The Commission staff shall review all requests for advisory opinions submitted under 2 AAC 50.905(a)-(b). ~~and~~ If the staff determines a request is incomplete or ~~otherwise~~ not qualified under (a)-(b), it shall notify the requesting person or political group and specify the deficiencies in the request. Requests which are incomplete will not be considered by the Commission staff.

(d) Advisory opinion requests are public records.

(e) The Commission staff shall issue ~~a staff advice letter~~ an advisory opinion approving or disapproving of the activity, and ~~set forth any staff~~ may make recommendations ~~it will make~~ to the Commission.

(f) At its next regularly scheduled meeting, the Commission shall review the ~~staff recommendation~~, written or oral comments by any person ~~and~~ any other relevent evidence, ~~and~~ shall approve, disapprove or modify the staff recommendation. ~~If~~ the Commission is unable to must approve an advisory opinion by the affirmative vote of 4 members, ~~the staff recommendation shall be disapproved~~ or the advisory opinion will be deemed disapproved

(g) An advisory opinion rendered by the Commission may be relied upon to the extent Commission staff shall not commence a preliminary investigation pursuant to 2 AAC 50.460, 2 AAC 50.390(i), or 2 AAC 50.507(i) of:

① and may, in its discretion, consider

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Insert so as not to trigger APA hearing procedures.

(1) ~~and~~ person involved in the specific transaction or activity with respect to which an advisory opinion is rendered approving the activity, or

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(h) The Commission may reconsider an advisory opinion at any time upon the motion of a Commissioner who voted with the majority that originally approved the opinion, and the Commission adopts the motion to reconsider by the affirmative vote of 4 members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates, ~~and~~ actions taken in good faith reliance by the requesting party ~~until~~ they receive written notice of reconsideration shall not be the subject of a preliminary investigation under 2 AAC 50.460, 2 AAC 50.390(i) or 2 AAC 50.507(i). (Eff. / /, Register)

before

Authority: A.S. 15.13.030(2)
A.S. 15.13.030(10)

2 AAC 50.910 is amended to read:

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Except as provided under 2 AAC 50.351(d), copies of any report required to be filed with the commission may be obtained at cost. (Eff. 5/16/76, Register 58; am / /85, Register)

Authority: AS 15.13.030(10)
AS 15.13.040(f)
AS 15.13.110(c)
AS 39.50.020(b)
AS 39.50.050(c)

Publisher: §§ 313, 314, 316, 319, 351, + 401 new sections to the list for contents of Art. 2. THE PBE 12/15/85

Register , 1986 ADMINISTRATION 2 AAC 50.313

2 AAC 50. is amended by adding a new section 313 and 314 to read:

DEFINITION OF "CONTRIBUTION" IN 2 AAC 50.310--2 AAC 50.325 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION

2 AAC 50.313 ~~CONTRIBUTION~~ (a) ~~The term~~ "contribution" includes ~~the fair~~ a ~~loaning~~ payment, ~~of money, services, or anything of value;~~

~~of money (1) as~~ gift, subscription, loan, advance, ~~payments~~ transfer ~~of funds~~ or deposit, or anything of value made by any person or group for the purpose of influencing any election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; AND INCLUDES A PERSONAL CONTRIBUTION AS DESCRIBED IN 2 AAC 50.316.

(b) IN THIS ~~SECTION AND IN 2 AAC 50.321, (1) THE TERM~~ "loan" includes a guarantee, endorsement, and any other form of security. THE FOLLOWING APPLY TO LOANS:

(1) ~~(A)~~ A loan ~~WHICH~~ THAT exceeds the contribution limitations of AS 15.13.070 ~~SHALL BE~~ unlawful, whether or not it is repaid.

(2) ~~(B)~~ A loan is a contribution at the time it is made.

(3) ~~(C)~~ Except ~~AS PROVIDED IN 2 AAC 50.316~~ FOR A PERSONAL CONTRIBUTION LOAN AS DESCRIBED IN, a loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered ~~SHALL BE DEEMED~~ to have contributed that portion of the total amount ~~OF THE LOAN~~ for which he or she agreed to be liable in a written agreement. ~~Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement.~~ DISCUSS PDF 12. ~~If~~ IN the event the agreement does not state ~~STIPULATE~~ the portion of the loan for which each endorser or guarantor is liable, the loan ~~SHALL BE~~ considered a loan by each endorser or guarantor in the same proportion ~~TO THE UNPAID BALANCE~~ that each endorser or guarantor bears to the total number of endorsers or guarantors.

(c) IN THIS SECTION, ~~(2) THE TERM~~ "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

(d) IN THIS SECTION, ~~(3) THE TERM~~ "anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered.

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(e) ~~(5)~~ The provision of ~~any~~ goods or services without charge, or at a charge which is less than the usual and normal charge for ~~such~~ the goods and services in the market, is a contribution. If goods or services are provided at less than the usual or normal charge in the market, the amount of the non-monetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(f) ~~(6)~~ The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate, is a contribution.

(g) ~~(7)~~ The payment by ~~any~~ person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No contribution results in the following circumstances:

(1) ~~(A)~~ ~~where~~ when an employee ~~who is~~ paid on an hourly or salaried basis ~~and is expected to work a particular number of hours per period~~, engages in political activity during what would otherwise be a regular work period, ~~provided that~~ the ~~taken or released~~ time spent is made up ~~or completed~~ by the employee within a reasonable period of time;

(2) ~~(B)~~ ~~where~~ when an employee ~~engages in political activity during normal working hours only if the employee is~~ paid on a commission or piecework basis, or ~~is~~ paid only for work actually performed ~~and the~~ whose employee's time is considered ~~his or her own, to use as he or she sees fit~~ the employee's own, engages in political activity during normal working hours;

(3) ~~(C)~~ ~~where~~ if time used by the employee during normal working hours to engage in political activity is bona fide ~~although compensable~~ vacation or other earned leave time.

(h) ~~(8)~~ The extension of credit by ~~any~~ person to a candidate or political group for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

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(i) A debt owed by a political group or candidate, which is forgiven or settled for less than the amount owed is a contribution. The commission will, in its discretion, consider the following factors before directing staff to commence a preliminary investigation:

(1) whether, at the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(2) whether the campaign has made a good faith effort to repay all outstanding debts;

(3) whether the creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(4) whether the proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(5) whether the campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(6) whether the proposed settlement agreement is similar to others proposed by the campaign.

(j) An expenditure made by any person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, ~~his or her~~ the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. The financing by any person of the issuance, republication, or distribution of any broadcast or any written, graphic, or other form of campaign material provided by the candidate, ~~his or her~~ the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. This includes any expenditure:

(1) based on information about the candidate's plans, projects, or needs provided ~~to the expending person~~ by the candidate or ~~his or her~~ the candidate's campaign agents; ~~with a view to having an expenditure made;~~

(2) made by or through any person who is, or has been, authorized to raise or expend ~~funds~~ money for the candidate, who is, or has been, an agent of a candidate's campaign, or has received any form of compensation or reimbursement from the candidate, ~~of his~~ members of the candidate's campaign committee, campaign agents, or campaign consultants;

(3) ~~(C)~~ made by any person or group based on data from a candidate's ~~former~~ pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

(4) ~~(D)~~ made by a political group for soliciting contributions to be paid or delivered directly to a candidate or ~~his or her~~ the candida campaign agents.

(K) In (j) of this section, ~~(E) For purposes of 2 AAC 50.313(D);~~ "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(l) In 2 AAC 50.310 -- 2 AAC 50.405,

~~(b) The term~~ "contribution" does not include the following payments, services, or other things of value:

(1) ~~Any~~ costs incurred in covering or carrying a news story by ~~any~~ broadcasting station, newspaper, or periodical of regular publication, unless the facility is owned by or controlled by ~~any~~ political party, political group, or candidate; in that case, the cost of the news story is a contribution, unless the news story ~~represents~~ a bona fide news account ~~that is~~ is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

(2) ~~Any~~ a non-monetary contribution or in-kind donation of a single item with a usual and normal ~~charge~~ cost of $50.00 or less.

(3) ~~A~~ a payment made by any individual for his or her own travel expenses, if such payments are voluntary ~~and~~ (are made) without any understanding that they will be directly or indirectly repaid.

(4) ~~No contribution is~~ a payment made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections ~~when it makes payments~~ to communicate directly with its members or employees, or their families, on any subject; ~~provided that~~ if

the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to provide goods and services to a campaign other than to exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(5) a gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election, is not a contribution.

(m) (c) A contribution made by a married individual shall is not be attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. / / , Register)

Authority: AS 15.13.010(b)
AS 15.13.030(2) & (10)
AS 15.13.040
AS 15.13.070
AS 15.13.110
AS 15.13.130(2) & (4)

2 AAC 50.314. DEFINITION OF "GROUP". [Publisher, Pls insert new § 314 from p. 8.] TM PBF 12/4/85

2 AAC 50.315 CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which reads:

(d) Groups satisfying the criteria of subsection (a) of this section and groups granted an exemption under subsection (b) of this section are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.040
AS 15.13.070
AS 15.13.130(2) & (4)

2 AAC 50. is amended to add a new section 316 to read:

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) A Candidate for state or municipal office may make unlimited personal contributions from any assets which, under Alaska law, at the time he or she became a candidate for elective office, the candidate had legal right of access to or control over and with respect to which the candidate had legal and rightful title, including salary and other earned income from bona fide employment; dividends; and proceeds from the sale of the candidate's stock or other investments; bequests to the candidate; income from trusts established before he or she intended to become a candidate; income from trusts established by bequest after candidacy; of which the candidate is a beneficiary; and gifts of a personal nature which had been customarily received prior to candidacy.

These assets include

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(b) A candidate may use a portion of assets jointly owned as a personal contribution, ~~funds~~. The portion of the jointly owned assets that ~~shall be considered as personal funds shall be that portion which~~ may be used is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used ~~shall be~~ is considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, ~~where~~ if there is no instrument of conveyance or ownership, the ~~percent~~ portion of the asset belonging to the candidate ~~shall be~~ is the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the present value by the number of owners.

(c) A candidate's ~~personal~~ donation of goods remaining from a prior campaign is ~~not~~ a personal contribution.

(d) ~~No contribution is made from~~ A loan of money by a regulated banking institution to a candidate is a personal contribution if the loan is made in accordance with applicable banking laws and regulations; ~~and made in the ordinary course of business. A loan is made in the ordinary course of business if it~~ bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Loans under this section are reported as a candidate's personal contribution.

(e) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing. ~~and all or a portion of the proceeds are used in a campaign.~~ Sale proceeds used by a candidate in a campaign ~~are~~ must be reported as personal contributions. (Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
AS 15.13.040
AS 15.13.070~~(a)(1)~~
~~AS 15.13.110~~
AS 15.13.130~~(1)~~
~~AS 15.13.130(2)~~
~~AS 15.13.130(4)~~
~~AS 15.13.130(5)~~

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2 AAC 50 is amended to add a new section 319 to read:

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY; (a) Each candidate and political group intending to raise or spend more than $5,000.00 in a calendar year shall designate on a registration statement or the first campaign disclosure statement filed with the commission, one or more regulated banking institutions as its campaign depository or depositories. ~~The~~ Each account title ~~shall~~ must indicate that it is a campaign account.

(b) All monetary contributions to, and expenditures by, a candidate or political group ~~shall~~ must be deposited to or made from a designated campaign depository.

(c) ~~Any~~ A candidate or political group required by (a) of this section to designate a campaign depository ~~account~~ may obtain and use credit cards in making travel-related campaign expenditures for transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. The credit card account name ~~shall~~ must indicate that it is a campaign account.

(d) Contributions ~~which~~ that appear to be illegal ~~shall~~ must, within ten days after receipt, be returned to the contributor, ~~or~~ deposited into the campaign depository and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of a contribution is in question ~~shall~~ must be included in the next required report. A campaign ~~The~~ treasurer shall make his or her best efforts to determine the legality of a contribution.

(e) ~~If~~ If a contribution cannot be determined to be legal, a refund ~~shall~~ must be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. Alternatively, the contribution may be ...

(Eff / / , Register)

Authority: AS 15.13.030 ~~(1)~~ ~~AS 15.13.030(2)~~ ~~AS 15.13.030(8)~~ ~~AS 15.13.030(10)~~ AS 15.13.050 AS 15.13.060 AS 15.13.070 ~~(b)~~ ~~AS 15.13.070(e)~~ ~~AS 15.13.070(h)~~

2 AAC 50.325 is repealed.
2 AAC 50.325 / / .

2 AAC 50.330 is repealed.
2 AAC 50.330 / / .

2 AAC 50.350 is repealed.
2 AAC 50.350 / / .

2 AAC 50.355 is repealed.
2 AAC 50.355. / / .

LOANS. Repealed

Publisher: Please set out the section heading + "Repe for all repealed sec as I have for $3

Thx
PBF
12/4/85

Publisher: Pls move new §314 to p. 5. Thx PBF 12/4/85

2 AAC 50 is amended to add a new section to read:

2 AAC 50.~~350.~~ 314 DEFINITION OF "GROUP"; REPORTING BY BUSINESSES. ~~GROUPS~~ (a) ~~The word "group" is defined as~~ includes (In 2 AAC 50.310 -- 2 AAC 50.405)

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the ~~raising, solicitation, or disbursement of money or anything of value for~~ securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition; ~~A group includes~~ (2) a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization ~~intended~~ to aid or promote the nomination, election, defeat, or recall, of any candidate for political office or to aid the passage or defeat of any ballot proposition; (3) two or more persons who jointly make a contribution in the name of another as ~~provided~~ described in 2 AAC 50.357. ~~which create a political group~~.

(b) ~~(2)~~ A corporation, partnership, sole proprietorship, trade association, fraternal, or charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as ~~an individual pursuant to~~ AS 15.13.040(d) and (e) ~~on APOC Forms~~ as an individual ~~15-5 and 15-6~~ if

(1) ~~(A)~~ All contributions and expenditures to influence the outcome of an election are made from the organization's general day-to-day operating account;

(2) ~~(B)~~ the organization does not conduct a fundraising drive or assessment among its members or employees for the purpose of influencing an election;

(3) ~~(C)~~ the organization does not exercise direction, control, or discretion over the choice of the recipient candidate or group, and the organization does not exercise direction, control, or discretion over the expenditure of money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. (Eff. / / , Register)

Authority: ~~AS 15.13.010~~
~~AS 15.13.030(1)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
AS 15.13.040~~(b), (c)~~
~~(d) and (e)~~
~~AS 15.13.070(d)~~
~~AS 15.13.070(h)~~
AS 15.13.130(3)

2 AAC 50. is amended to add a new section 357 to read:

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by ~~any~~ person other than in the legal name of the original source of the contribution.

(b) ~~(1)~~ No person, employer, principal, supervisor, or contractor ~~shall~~ may lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employee's, agent's, or other person's name, or in a name other than the original source of the contribution.

(c) ~~(2)~~ A contribution ~~controlled by or~~ made at the direction of another person, including a parent organization, subsidary, division, department, branch, or local unit, is a contribution in the name of another. ~~Corporations~~ Two or more ~~organizations are controlled for purposes of this paragraph when such organizations~~ organizations to the same recipient are in the name of another if the ~~corporations~~ organizations

(1) ~~(A)~~ share the majority of members of their board of directors;

(2) ~~(B)~~ share two or more corporate or organizational officers;

(3) ~~(C)~~ are owned or controlled by the same shareholders or members;

(4) ~~(D)~~ are in a parent-subsidiary relationship.

(d) ~~(b)~~ If a minor makes a contribution ~~the source~~ of ~~which is~~ money or any thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
AS 15.13.040
~~AS 15.13.050~~
AS 15.13.070~~(a)~~
~~AS 15.13.070(d)~~
~~AS 15.13.070(h)~~
AS 15.13.130~~(2)~~
~~AS 15.13.130(3)~~
~~AS 15.13.130(4)~~
~~AS 15.13.130(5)~~

2 AAC 50.360(a), MUNICIPALITIES, is amended to read:

(a) ~~When~~ If a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e) ~~on APOC forms 15-5 and 15-6~~ as an individual

2 AAC 50.360, MUNICIPALITIES, is amended by adding a new subsection to read:

(d) ~~When~~ If a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group ~~in accordance with 2 AAC 50.342, and~~ under AS 15.13.~~050~~ .040(b) and (c) and 15.13.

(Eff. 5/16/76, Register 58; am / / , Register)

Authority: AS 15.13.010
AS 15.13.030(10)
~~AS 15.13.060~~ AS 15.13.040
AS 15.13.050
AS 15.13.090

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS, is amended by adding a new subsection (e) to read:

(e) In this section and in AS 15.13.090, "Communications" ~~as used in AS 15.13.090~~ includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.370. ~~OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION.~~ is amended to read:

2 AAC 50.370. If the size of an object ~~utilized~~ used for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement must ~~shall~~ instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects ~~which~~ that are smaller than 3 1/2" x 5" in size. All media advertisements ~~shall~~ must be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register).

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.380 EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall ~~comply with AS 15.13.100 by~~ providing written notification to the commission of his or her candidacy ~~for a particular municipal office~~ only if the filing period has not opened. An individual wishing to campaign for state elective office shall ~~comply with AS 15.13.100 by filing~~ comply with a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent filed under (a) of this section is valid only for the next election or until it is withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.100

2 AAC 50.385 is Repealed:
2 AAC 50.385. / / REPORTING BY ORGANIZATIONS AND BUSINESS OR TRADE ASSOCIATIONS. Re

2 AAC 50.390(d)(1) ~~CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT~~ is amended to read:

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty (for each day of delinquency) as follows:

(A) $10 a day for each 30-day Report or 10-day Report

(B) $10 a day for each Year-end Report received after January 16;

(C) $50 a day for each 7-day Report; and

(D) $50 a day up to a maximum of $300 for each 24-Hour Report (of contributions received by a candidate or a group); (Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am 5/24/81, Register 78; am 6/29/84, Register 90, am / / , Register)

Authority: AS 15.13.010
AS 15.13.030(10)
~~AS 15.13.040(b), (c), (d) & (e)~~
~~AS 15.13.130(a)~~
AS 15.13.125

2 AAC 50.395 is repealed.
2 AAC 50.395. / / REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION. Repealed

2 AAC 50. is amended to add a new section 401 to read:

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or ~~his candidate~~ controlled group may make ~~expenditures~~ for the purpose of raising ~~funds~~ money to discharge a ~~reported indebtedness~~ debt from a prior campaign, in accordance with (c) of this section.

(b) Absent a debt arising from a prior campaign, a candidate may not spend money for the purpose of seeking public office unless the individual ~~has~~ is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or an advisory opinion issued under ~~2 AAC 50.401~~(c) of this section and 2AAC5.

(c) A candidate who ~~has not extinguished his or her indebtedness~~ is in debt from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to pay off the debt. Absent an advisory opinion request, the Commission staff may ~~in its discretion~~ commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the candidate.

(d) ~~For purposes of 2 AAC 50.401(a)-(c), an indebtedness~~ A debt arising from a ~~previous~~ prior campaign ~~shall~~ includes

(1) a candidate's personal contributions ~~or loans~~ made ~~from his or her personal funds or assets~~ before the date of the prior election;

(2) ~~any~~ campaign debts to others ~~remaining unpaid after the candidate or candidate group has~~ that were reported ~~the same~~ on a 10-day post-election campaign disclosure statement;

(3) ~~any~~ post-election expenditures made for the purpose of discharging ~~an indebtedness~~ arising from a ~~previous~~ prior campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign, including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees reasonably incurred to comply with the AS 15.13 and 2 AAC 50.310 -- 2 AAC 50.405.

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Register , 19[illegible]

2 AAC 50.401
2 AAC 50.450

~~Campaign Disclosure Law~~

(Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~ ~~AS 15.13.030(2)~~
~~AS 15.13.030(8)~~ AS 15.13.030(10)
AS 15.13.040 ~~AS 15.13.050~~
AS 15.13.070 AS 15.13.100
AS 15.13.110 AS 15.13.130~~(1)~~
~~AS 15.13.130(2)~~ ~~AS 15.13.130(3)~~
~~AS 15.13.130(4)~~

2 AAC 50.405(4) is repealed.

~~2 AAC 50.405~~(4) / / repealed

(EFF 7/22/78, Register 67; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.130

2 AAC 50.450(d) is amended to read:

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and it will be handled under (e) ~~(1), (2), and (4)~~ of this section.

(Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045
AS 15.13.120(d)
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

~~11/25/85 399-069-85~~

2 AAC 50.460(d), PRELIMINARY INVESTIGATION, is amended to read:

(d) Upon completion of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045(a)
AS 15.13.120(d)
AS 18.65.090
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

Publisher: Please set out unchanged all of 5 470 to which amendments are disapproved. TDX PBF 12/5/85

2 AAC 50.470, HEARINGS, is amended to read:

2 AAC 50.470. HEARINGS. (a) ~~If the commission decides that a hearing will be held, a notice of hearing will be issued in place of the accusation or statement of issues required by AS 44.62.360 and AS 44.62.370.~~ Disapp PBF

(b) ~~Notice of a hearing will be provided to all parties under AS 44.62~~

(c) ~~2 AAC 50.470(c) is~~ Repealed / / . ← Approved

(d) ~~The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, but will be considered as a party to the hearing.~~

(e) ~~The only parties to the hearing will be the staff, representing the complainant or itself, and the respondent.~~ Disapp PBF 12/5/85

(f) ~~A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.~~

(g) The rules of evidence are in AS 44.62.460. In addition ← Approved

(1) ~~documentary evidence may be presented in the form of copies if the original is not readily available;~~ Disapp PBF 12/5/85

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut. ← approved

(3) ~~2 AAC 50.470(g)(3) is repealed.~~

Repealed / / .

(h) ~~2 AAC 50.470(h) is repealed.~~ ← approved

(i) ~~2 AAC 50.470(i) is repealed.~~ ← Disapp PBF 12/5/85

(j) ~~Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.~~

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) ~~The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording.~~ Disapp PBF 12/5/85

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.62.310. If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place.

(n) ~~2 AAC 50.470(n) is~~ Repealed / / .

(o) ~~2 AAC 50.470(o) is~~ Repealed / / .

(p) ~~2 AAC 50.470(p) is~~ Repealed / / .

← Approved

(q) ~~If the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of~~

~~(1) a copy of the commission's hearing decision, including its findings of fact and conclusions of law;~~ Disapp PBF 12/5

All changes on this page are Draft PLT 12/5/85

(2) a verbatim transcript of the proceedings before the commission; and

(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceeding.

(r) The commission will, in its discretion, reconsider its decision in accordance with AS 44.62.540. A decision will be reconsidered only if

(1) there was a substantial procedural error in the original proceeding;

(2) the commission acted without jurisdiction in the original proceeding;

(3) the original vote was based on fraud, misspresentation, material mistake of fact or law; or

(4) new evidence has come to light which, if presented at hearing, would have substantially altered a material finding of fact.

(s) Contempt before the commission will be handled under AS 44.62.590.

(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member states on the public record that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.

(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, or the member's employer, business, or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, must be publicly disclosed by a member, and the member's participation is subject to approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether

(1) the financial relationship or interest is relatively insignificant; and

(2) the interest held by the member or the member's family, business or business associate is similar to that possessed by a large class of persons; or

(3) ~~the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment~~ (Eff. 6/29/84, Register 90, am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045
AS 15.13.120(d)
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

Publisher: 2 AAC 50. is amended by adding a new section 905 to read:

2 AAC 50.905. ADVISORY OPINIONS (a) Any person or group may request an advisory opinion concerning ~~the Campaign Disclosure Law (AS 15.13), the Conflicts of Interest Law (AS 39.50), or the Lobbying Act (AS 24.45)~~, or this chapter.

(b) Each advisory opinion request must describe ~~set forth~~ a specific transaction or activity that the requesting ~~person or group plans to undertake~~ is presently engaged in, or intends to undertake in the future. Advisory opinion requests must include a complete description of all relevant facts. Requests posing a hypothetical situation, or regarding the activities of third parties, will not be considered by the commission staff.

(c) The commission staff shall review all requests for advisory opinions submitted under ~~AS 15.13.065(a), (b), or (c), AS 39.50.050(a), (b), or (c), or AS 24.45.021(a), (b), or (c)~~ for consideration under (a) and (b) of this section. If the staff determines a request is incomplete or does not qualify under (a) and (b), it shall notify the requesting person or ~~political~~ group and specify the deficiencies in the request.

(d) Advisory opinion requests and advisory opinions are public records.

(e) The commission staff shall issue a proposed advisory opinion approving or disapproving of the activity, and may make other recommendations ~~it will make~~ to the commission.

(f) The commission will review the proposed advisory opinion and will, ~~At its next regularly scheduled meeting, the commission may~~ in its discretion, review ~~the staff recommendations~~ written or oral comments by any person, or any other relevant evidence. The commission ~~may, in its discretion,~~ will approve, disapprove, or modify the ~~staff recommendation~~ proposed advisory opinion. The commission ~~must~~ will approve an advisory opinion by the affirmative vote of ~~4~~ at least four members, or the advisory opinion will be ~~deemed~~ considered disapproved.

(g) An advisory opinion rendered by the commission may be relied upon to the extent ~~stated~~. Commission staff may not commence a preliminary investigation ~~pursuant~~ under 2 AAC 50.460, 2 AAC 50.390(i), or 2 AAC 50.507(i) of

(1) any person involved in the specific transaction or activity with respect to which an advisory opinion ~~is rendered~~ approving of the activity, ~~or~~ was rendered.

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which ~~such~~ an advisory opinion was rendered.

(h) The commission (within its discretion, ~~may~~) reconsider an advisory opinion at any time upon the motion of a commissioner who voted with the majority that originally approved the opinion, and the commission adopts the motion to reconsider by the affirmative vote of ~~at least~~ four members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates. Actions taken in good faith reliance by the requesting party before they receive written notice of reconsideration ~~shall~~ may not be the subject of a preliminary investigation under 2 AAC 50.460, 2 AAC 50.390(i), or 2 AAC 50.507(i). (Eff. / /, Register)

Authority: A.S. 15.13.030~~(2)~~
~~A.S. 15.13.030(10)~~

2 AAC 50.910 is amended to read:

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Except as provided under 2 AAC 50.351(d), copies of any report required to be filed with the commission may be obtained at cost. (Eff. 5/16/76, Register 58; am / /86, Register)

Authority: AS 15.13.030(10)
AS 15.13.040(f)
AS 15.13.110(c)
AS 39.50.020(b)
AS 39.50.050(c)

Alaska State Legislature

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IN SESSION:
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JUNEAU, ALASKA 99811
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Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

Subject: APOC Reality Check (a sampling of criminal penalties)

CLASS C FELONIES

Criminally negligent homicide
Sexual abuse of a minor in the 3rd degree
Incest
Endangering the welfare of a minor
Escape in the 3rd degree
Promoting contraband in the 3rd degree
Terrorist threatening
Riot
Distribution of child pornography
Promoting prostitution in the 3rd degree
Jury tampering
Tampering with a witness in the 3rd degree
Misconduct involving a controlled substance in the 4th degree
Assault in the 3rd degree
Coercion
Theft in the 2nd degree (more than $500 but less than $25,000)
Custodial interference in the 1st degree (causing the victim to be removed from the State)
Issuing a bad check (more than $500 but less than $25,000)
Obtaining a credit card by fraudulent means
Burglary in the 2nd degree
Commercial bribe receiving

CLASS A MISDEMEANORS

Sexual abuse of a minor in the 4th degree
Assault in the 4th degree
Theft in the 3rd degree
Criminal nonsupport
Unlawful marrying
Tampering with a witness in the 2nd degree
Driving while intoxicated
Resisting or interfering with arrest
Misuse of confidential information
Interference with constitutional rights
Misconduct involving a corpse

CLASS B MISDEMEANORS

Indecent exposure
Prostitution

Theda 276-4176

During this morning's meeting, the Committee asked for a detailed analysis of the specific ~~areas~~ sections of SB 356 that the APOC does not support.

Sen. Abood also wants to obtain the copy of the communication to or from the Commission members showing that they do not support these provisions.

Please send the information by telecopy as soon as possible

called
1/31/84
1:25 pm

Bradley
2/20/86

Original sponsor: State Affairs Committee

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 356 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to election campaign financing and the Alaska Public Offices Commission; and providing for an effective date."

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

* Section 1. AS 15 is amended by adding a new chapter to read:

CHAPTER 14. ELECTION CAMPAIGN FINANCING.

ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

Sec. 15.14.010. APPLICABILITY. (a) This chapter applies in each election for governor, lieutenant governor, a member of the state legislature, a delegate to a constitutional convention, and a judge seeking electoral retention.

(b) This chapter applies to each election for mayor, assembly, or school board in a municipality with a population of more than 1,000 according to the latest United States census figures or estimates of population certified by the Department of Community and Regional Affairs under AS 29.60.020. A municipality may exempt its elections from the requirements of this chapter if a majority of the voters voting on the question at a regular election as defined by AS 29.71.-800 or a special municipality-wide election called for that purpose vote to exempt its elections from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted to the voters by initiative or by the city council or borough assembly by ordinance.

(c) This chapter does not prohibit a municipality from

additional regulation of campaign contributions and expenditures by ordinance.

(d) Except as otherwise provided, this chapter applies to a contribution, an expenditure or a communication made by a candidate, a political action committee, a municipality, or a person for the purpose of influencing the outcome of a ballot proposition or question as well as that made to influence the nomination or election of a candidate.

(e) This chapter does not apply to contributions or expenditures made for the sole purpose of acquiring signatures on a state or municipal initiative or referendum petition.

Sec. 15.14.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The Alaska Public Offices Commission is established in the Department of Administration.

(b) The commission consists of five members.

(c) The governor shall appoint two members from each of the two political parties whose candidates for governor received the highest and second highest number of votes in the most recent preceding general election at which a governor was elected. The governor shall appoint each member from a party from a list of four names submitted to the governor by the central committee or other governing body of the party.

(d) The four members who were appointed by the governor from nominations submitted by political parties shall, by a majority vote, appoint the fifth member.

(e) The governor shall fill a vacancy or appoint a successor to a member appointed under (c) of this section within 30 days after receiving the nominations from the central committee or other governing body of the party. An appointment may be made in anticipation of

an impending vacancy, and the appointment takes effect on the actual vacancy.

(f) When the term of the member appointed under (d) of this section expires or the position becomes vacant, a majority of the four members appointed under (c) of this section shall appoint a successor within 30 days after the position becomes vacant. An appointment may be made in anticipation of an impending vacancy, and the appointment takes effect on the actual vacancy.

(g) The term of office for each member of the commission is five years and until a successor is appointed and qualifies. If a vacancy occurs before the expiration of a member's term, the member appointed to fill the vacancy serves for the remainder of the unexpired term. A commission member may not serve more than one term, but a person appointed to fill an unexpired term may be appointed to a successive full five-year term.

(h) A member of the commission, during tenure, may not

(1) hold or campaign for elective office;

(2) be an officer of a political party, political committee, or political action committee;

(3) publicly support or oppose or make a contribution in support of or in opposition to a candidate or proposition or question that appears on a state, municipal or other ballot in the state;

(4) participate in an election campaign or participate in or contribute to a political party; or

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

(i) Members of the commission are entitled to receive compensation of $100 a day while attending commission meetings and are entitled to travel expenses and per diem authorized by law for state employees.

(j) The members of the commission shall elect a chairman. A majority of the commission constitutes a quorum. The affirmative vote of at least three members is required to take official action. A vacancy does not impair the power of the remaining members to exercise the powers of the commission.

(k) The commission may employ an executive director and other employees it considers necessary. The executive director and an employee of the commission may not, during tenure,

(1) serve as a member of the commission;

(2) engage in an activity described in (h) of this section.

(l) The commission shall establish a central office and shall establish or designate a commission office in each election district of the state for the filing and public inspection of the reports, registrations, or statements required to be filed with the commission. Only one commission office may be established or designated in a municipality that contains more than one election district. A district office designated under this subsection may be a municipal or other public office.

(m) The forms and material required for compliance with this chapter shall be made available in each commission office to candidates, persons, and political action committees required to file reports under this chapter.

(n) The commission shall promptly forward a copy of each report filed by a statewide candidate to each district office and it shall promptly forward a copy of each report filed by a legislative candidate to the district office in the election district where the candidate is seeking office.

(o) The commission shall ensure that copies of each report filed by a candidate for municipal office are made available for public

inspection in the municipality in which the candidate is seeking office.

Sec. 15.14.030. DUTIES OF THE COMMISSION. The commission shall

(1) develop and provide forms for the reports, registrations, and statements required under this chapter, AS 24.45, and AS 39.50;

(2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports, registrations, and statements under this chapter and otherwise assist candidates, political action committees, and persons in complying with this chapter;

(3) receive and hold open for public inspection reports, registrations, and statements required to be filed under this chapter and, upon request, furnish copies to an interested person at cost;

(4) compile and maintain a current list of each report, registration, and statement filed with the commission;

(5) prepare a summary of each report, registration, or statement filed under this chapter and make a copy of the summary available to an interested person at cost;

(6) notify, by registered or certified mail, each person whom the commission or its staff has probable cause to believe is delinquent in filing a report, registration, or statement required under this chapter;

(7) compile within 60 days after each election a list of the names of all persons, candidates, and political action committees who have failed to timely file a report, registration, or statement required under this chapter and make the list available to the public;

(8) examine, investigate, and compare reports, registrations, statements, and actions required by this chapter, AS 24.45, and

AS 39.50;

(9) prepare and publish an annual report to the legislature concerning the activities of the commission, the effectiveness of this chapter, and recommendations and proposals for change;

(10) adopt regulations necessary to implement and clarify the provisions of this chapter, AS 24.45, and AS 39.50, subject to the provisions of the Administrative Procedure Act (AS 44.62).

ARTICLE 2. REGISTRATION AND REPORTS.

Sec. 15.14.040. REGISTRATION BY CANDIDATES. (a) An individual shall register with the commission on a form prescribed by the commission within 10 days after the individual either

(1) accepts contributions of $1,000 or more in the aggregate from persons or from political action committees for the purpose of seeking elective office; or

(2) files for an elective office.

(b) The registration under (a) of this section must designate the office and the year of the election for which the campaign will be conducted, and designate whether the election is for a state or a municipal office.

(c) An individual required to register under this section shall include with the registration information required under AS 15.14.160.

Sec. 15.14.050. REGISTRATION BY POLITICAL ACTION COMMITTEES. (a) A political action committee shall register with the commission on a form prescribed by the commission within 10 days after the political action committee either

(1) accepts contributions of $1,000 in the aggregate; or

(2) makes

(A) a contribution to an individual who has registered with the commission under AS 15.14.040; or

(B) an expenditure in support of or in opposition to the election of an individual to an office covered by this chapter, or on behalf of or in opposition to a ballot proposition or question.

(b) A political action committee formed solely for the purpose of sponsoring an initiative, a referendum or a recall shall register with the commission within 30 days after it files a petition with the lieutenant governor or with a municipal clerk.

(c) The registration of a political action committee is valid from the date of registration until the following January 31.

(d) A political action committee may not use or file with the commission a name that is the same as or materially similar to the name of a political action committee whose registration is then on file with the commission.

(e) If a political action committee intends to support or oppose only one candidate or to contribute to or expend more than 50 percent of its funds on behalf of or in opposition to one candidate, the name of the candidate must be part of the name of the political action committee. On receipt of the registration, the commission shall promptly notify the candidate of the political action committee's organization and its intent.

(f) A political action committee that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate is controlled by the candidate. A contribution to a political action committee controlled by a candidate is a contribution to the candidate.

(g) A political action committee required to register under this section shall include with the registration the information required

under AS 15.14.160 and shall designate the year of the election for which the campaign will be conducted or shall indicate that it anticipates continuing existence.

Sec. 15.14.060. REPORTS BY CANDIDATES OF CONTRIBUTIONS, LOANS, AND EXPENDITURES. (a) A candidate shall make full reports upon a form prescribed by the commission of the contributions and loans received and the expenditures made by the candidate for the designated election campaign, including

(1) for each individual, person, or political action committee from which contributions in the aggregate amount of $250 or more were received:

(A) the full name, complete address, principal occupation, and employer of each individual;

(B) the full name, complete address, and principal business activity of each person other than an individual;

(C) the full name, complete address, and principal area of interest of each political action committee; and

(D) the date and amount of each contribution;

(2) for each person or political action committee that lent any amount to the candidate or that guaranteed or otherwise agreed to assume a financial obligation in any amount for or on behalf of a candidate,

(A) the full name, complete address, principal occupation, and employer of each individual;

(B) the full name, complete address, and principal business activity of each person other than an individual;

(C) the full name, complete address, and principal area of interest of each political action committee;

(D) the purpose of the loan;

(E) the date and total value of the loan or financial obligation;

(F) the interest rate of the loan or financial obligation;

(G) the date the loan or financial obligation is due; and

(H) the security, if any, for the loan or financial obligation;

(3) the total number and amount of all contributions received of less than $250;

(4) a total of all contributions received;

(5) the total amount of all funds that the candidate contributed or lent to the campaign of the candidate; and

(6) the date, amount, and purpose of each expenditure.

(b) A report containing the information required under (a) of this section must list the contributions and loans received and the expenditures made during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. The report shall be filed in the central office or a district office of the commission at the following times:

(1) 30 days before the election unless the deadline for filing a nominating petition or declaration of candidacy is less than 34 days before the election;

(2) seven days before the election.

(c) A candidate shall file a special contribution or loan report with the commission for each contribution or loan of $500 or more that is received within the last 10 days before the election. The report must include the full name, complete address, principal occupation and employer of the contributor or lender and the date and amount of the

contribution or loan. The report shall be filed within 24 hours after the contribution or loan is received.

(d) A candidate shall file an annual report on or before January 31 of each year. The annual report must include all of the information required under (a) of this section for contributions and loans received and expenditures made between January 1 and December 31 of the immediately preceding year, except that an annual report filed by January 31 following the year in which an election designated under AS 15.14.040(b) is held

(1) need include only the contributions, loans, and expenditures that were not reported to the commission in the reports required under (b) and (c) of this section;

(2) must include contributions and loans received and expenditures made through the date that a campaign account is required to be closed under AS 15.14.180; and

(3) must include the amount and the disposition of surplus funds.

(e) The report required under (d) of this section covering contributions and loans received and expenditures made during the year in which an election designated under AS 15.14.040(b) is held is the final report for contributions, loans, and expenditures of a candidate.

Sec. 15.14.070. REPORTS BY POLITICAL ACTION COMMITTEES OF CONTRIBUTIONS, LOANS, AND EXPENDITURES. (a) A political action committee shall make a report on a form prescribed by the commission of contributions and loans received by the political action committee, including

(1) for each individual, person, or political action committee from which contributions in the aggregate amount of $250 or

more were received:

(A) the full name, complete address, principal occupation, and employer of each individual;

(B) the full name, complete address, and principal business activity of each person other than an individual;

(C) the full name, complete address, and principal area of interest of each political action committee; and

(D) the date and amount of each contribution;

(2) for each person or other political action committee that lent any amount to the reporting political action committee or that guaranteed or otherwise agreed to assume a financial obligation in any amount for or on behalf of the reporting political action committee,

(A) the full name, complete address, principal occupation, and employer of each individual;

(B) the full name, complete address, and principal business activity of each person other than an individual;

(C) the full name, complete address, and principal area of interest of each political action committee;

(D) the purpose of the loan;

(E) the date and total value of the loan or financial obligation;

(F) the interest rate of the loan or financial obligation;

(G) the date the loan or financial obligation is due; and

(H) the security, if any, for the loan or financial obligation;

(3) the total number and amount of all contributions

received of less than $250;

(4) a total of all contributions received;

(5) a total of all expenditures made or obligated;

(6) the date, check number, full name of each payee, and the purpose of each expenditure including

(A) for each expenditure that is a contribution to a candidate or a political action committee, the name of the candidate or political action committee; and

(B) for each expenditure that is an independent expenditure, the name of the candidate or ballot proposition or question supported or opposed by the independent expenditure.

(b) A report containing the information required under (a) of this section must list the contributions and loans received during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. The report shall be filed in the central office or a district office of the commission at the following times:

(1) 30 days before the election;

(2) seven days before the election.

(c) A political action committee shall file a special contribution or loan report with the commission for each contribution or loan of $500 or more that is received within the last 10 days before the election. The report must include the full name, complete address, principal occupation and employer of the contributor or lender and the date and amount of the contribution or loan. The report shall be filed within 24 hours after the contribution or loan is received.

(d) A political action committee shall file an annual report on or before January 31 of each year. The annual report must include all of the information required under (a) of this section for

contributions and loans received and expenditures made between January 1 and December 31 of the immediately preceding year, except that an annual report covering contributions and loans received and expenditures made during the year in which an election designated under AS 15.14.050(f) is held need include only those contributions, loans, and expenditures that were not reported to the commission in the reports required under (b) and (c) of this section. If the political action committee has not indicated a continuing existence under AS 15.14.050(h), the report filed under this section is the final report.

Sec. 15.14.080. STATEMENT BY PERSON MAKING CONTRIBUTION OR EXPENDITURE. (a) A person who makes contributions of $250 or more in the aggregate in goods, services, or money to a candidate or political action committee or who makes independent expenditures described in AS 15.14.090 with a value of $250 or more in the aggregate to influence the election of a candidate or the passage of a ballot proposition or question shall make and file in the central or a district office of the commission a signed statement on a form made available by the commission reporting the activity within 10 days after the contribution or expenditure is made.

(b) The statement must list the name, address, principal occupation, and employer of the person who paid for the contribution or expenditure and include the date, amount, payee, and purpose of the contribution or expenditure.

(c) The statement must include a certification by the person making the statement that the contribution or expenditure consists of funds or property belonging to the contributor and that the funds have not been given or furnished by another person or political action committee.

(d) The person filing the statement shall furnish a copy of the

statement to the candidate or the campaign treasurer of the political action committee at the time the statement is filed with the commission.

Sec. 15.14.090. INDEPENDENT EXPENDITURE. (a) An independent expenditure is an expenditure by a person or political action committee for a communication expressly advocating the election or defeat of a clearly identified candidate that is made without arrangement, coordination, or direction with or by the candidate or the agent of the candidate before the publication, distribution, display, or broadcast of the communication. An expenditure is a contribution and not an independent expenditure if it is based on information about the candidate's plans, projects, or needs provided to the expending person or political action committee by the candidate or by an agent of the candidate with a view toward having an expenditure made.

(b) An expenditure is made in coordination with the candidate or the agent of the candidate if it is made by or in consultation with a person

(1) who is or within one year before the date of the expenditure has been authorized by the candidate or by a campaign officer to raise or expend funds on behalf of the candidate;

(2) who is or within one year before the date of the expenditure has been an officer of a campaign committee of the candidate; or

(3) who is or within one year before the date of the expenditure has been receiving any form of compensation or reimbursement from the candidate or from campaign funds for professional services that require the exercise of discretion or judgment relating to the conduct of the campaign.

(c) In this section, an "agent of the candidate" means an

individual

(1) who has actual oral or written authority, either express or implied, to make or to authorize the making of an expenditure on behalf of a candidate; or

(2) who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign related activities the individual may authorize an expenditure.

Sec. 15.14.100. CERTIFICATION OF REPORTS. Each report, registration, or statement required under this chapter shall be certified as correct by the campaign treasurer of the candidate, by the campaign treasurer of the political action committee, or by the person making the report, registration, or statement. The report, registration, or statement must include or be accompanied by the following certification signed by the individual filing the report, registration, or statement:

"I certify that, to the best of my knowledge, this report is true, correct, and complete."

ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

Sec. 15.14.110. CONTRIBUTIONS BY A PERSON. (a) A person may not make a contribution in the form of a cash payment in excess of $100 in the aggregate during a calendar year to a candidate or a political action committee.

(b) A person may not make a contribution in excess of $2,000 in the aggregate during a calendar year in money, goods, or services to a candidate.

(c) Except as provided in (d) of this section, a person may not make a contribution in excess of $2,000 in the aggregate during a calendar year in money, goods, or services to a political action

committee.

(d) Except as provided in (a) of this section, a person may contribute any amount in money, goods, or services

(1) to a political action committee formed solely for the purpose of sponsoring or opposing an initiative or referendum; or

(2) to a political party.

(e) An individual or person may not make a contribution in any amount to a candidate or political action committee in the form of a loan or loan guarantee. This subsection does not prohibit

(1) a contribution in the form of a loan by a candidate or the spouse, parent, or child of the candidate to the campaign of the candidate; or

(2) an extension of credit by a person providing goods or services in the normal course of business to a political action committee, a candidate, or a candidate's campaign.

Sec. 15.14.120. CONTRIBUTIONS BY A POLITICAL ACTION COMMITTEE. (a) A political action committee may not make a contribution in the form of a cash payment in excess of $100 in the aggregate during a calendar year to a candidate or political action committee.

(b) Except as provided in (c) of this section, a political action committee may not contribute or make an expenditure, other than as an independent expenditure, of more than $2,000 in the aggregate during a year to a candidate or to a political action committee, and may not contribute more than $25,000 in the aggregate during a calendar year to candidates or political action committees generally, other than to political action committees formed solely for the purpose of supporting or opposing a ballot proposition or question.

(c) Except as provided in (a) of this section, a political action committee may contribute any amount in money, goods, or

services to

(1) a political action committee formed solely for the purpose of sponsoring or opposing an initiative or referendum; or

(2) a political party.

(d) A political action committee may not make a loan or a loan guarantee to a candidate or to another political action committee.

(e) Two or more political action committees sharing a majority of their officers are considered to be a single group for purposes of the contribution limitations under (a) and (b) of this section.

(f) An expenditure for a communication in support of the election of more than one candidate shall be prorated equally among the candidates for purposes of calculating the amount of the expenditure made on behalf of one of the candidates.

(g) A political party and its state, regional, and local subdivisions are not subject to the limitations prescribed in this section, but each is subject to the reporting requirements of AS 15.14.070.

Sec. 15.14.130. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A candidate, a campaign officer of a candidate, a political action committee, and an officer of a political action committee may not accept a contribution in the form of a cash payment in excess of $100 in the aggregate during a year from a person or a political action committee.

(b) A candidate and a campaign officer of a candidate may not accept a contribution in excess of $2,000 in the aggregate during a calendar year in money, goods, or services.

(c) Except as provided in this subsection, a political action committee and an officer of a political action committee may not accept a contribution in excess of $2,000 in the aggregate during a calendar year in money, goods, or services. A political action

committee formed solely for the purpose of sponsoring or opposing an initiative or a referendum may

(1) accept any amount in money, goods, or services;

(2) not accept a contribution in the form of a cash payment in excess of $100 in the aggregate during a calendar year from a person.

(d) A candidate and a political action committee may not accept a contribution in the form of a loan or a loan guarantee.

Sec. 15.14.140. EXPENDITURES. (a) A political party may make a contribution or expenditure of money, goods, or services without limitation as to amount or value.

(b) Except as provided under AS 15.14.170, a candidate may make expenditures of money, goods, or services on behalf of the candidate's own campaign without limitation as to amount or value.

(c) A person or political action committee may make an independent expenditure as defined in AS 15.14.090 of money, goods, or services without limitation as to amount or value on behalf of or in opposition to a candidate or ballot proposition.

Sec. 15.14.150. PROHIBITED CONTRIBUTIONS. (a) A contribution may not be made and an expenditure may not be made or incurred either directly or indirectly in a fictitious name, anonymously, or by one person or political action committee in the name of another. A contribution made by a corporation is not a contribution in the name of a shareholder of the corporation for the purposes of this subsection.

(b) A contribution made by a person wishing to remain anonymous and received by a candidate or political action committee may not be accepted, but shall be returned to the donor if the identity of the donor is known. If the identity of the donor is not known, the contribution shall be donated to an organization that qualifies as a charitable organization under 26 U.S.C. 501(c).

(c) A candidate, a campaign officer of a candidate, political action committee, and a campaign officer of a political action committee may not accept a contribution described in this section. A contribution under this section is accepted unless it is returned or donated under (b) of this section within 10 days after the candidate or political action committee knows or should have known that the contribution is prohibited under this section.

ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

Sec. 15.14.160. CAMPAIGN OFFICERS. (a) Each candidate may and each political action committee shall appoint a campaign chairman. Each candidate and each political action committee shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. Each candidate and each political action committee may appoint deputy campaign treasurers at any time. A candidate may be a campaign treasurer.

(b) At the time a candidate registers with the commission under AS 15.14.040, the candidate shall file a statement in the central or a district office of the commission listing the name, address, and telephone number of the candidate's campaign treasurer. At the time a political action committee registers with the commission under AS 15.14.050, the political action committee shall file a statement in the central or a district office of the commission listing the name, address, and telephone number of the political action committee's campaign treasurer. Each candidate who appoints a campaign chairman and each political action committee shall include in the statement the name, address, and telephone number of the campaign chairman.

(c) An individual may not act as the campaign chairman, campaign treasurer, or deputy campaign treasurer for a candidate or political

action committee until the name, address, and telephone number of the individual has been filed with the commission. The address of a candidate's campaign treasurer is the address of the candidate unless the candidate files a different mailing address with the commission.

(d) In the case of the death, resignation, or removal of a campaign officer required to be appointed under this section, the candidate or political action committee shall file the name, address, and telephone number of the successor in the central or a district office of the commission within 10 days after the vacancy occurs.

(e) A candidate may receive contributions and make expenditures only in person or through a campaign chairman, a campaign treasurer, or a deputy campaign treasurer. A political action committee may receive contributions and make expenditures only through the campaign chairman, campaign treasurer, or deputy campaign treasurer of the political action committee. A person does not receive or make a contribution under this section on behalf of a candidate or political action committee if

(1) the person solicits a contribution and transfers or delivers that contribution to a candidate or a campaign officer of a candidate or political action committee and discloses to the candidate or political action committee the identity of the contributor;

(2) the person does not exercise discretion or control as to the amount or as to the identity of the recipient of the contribution; and

(3) the person is not a campaign officer of the candidate or political action committee ultimately receiving the contribution.

(f) The candidate is responsible for the performance of the campaign officers of the candidate. The campaign chairman of a political action committee is responsible for the performance of the other

officers of the political action committee. A default or violation by the officer is considered a default or violation by the candidate if the candidate knew or had reason to know of the default or violation. A default or violation by the officer of the political action committee is considered a default or violation by the campaign chairman of the political action committee if the campaign chairman knew or had reason to know of the default or violation.

Sec. 15.14.170. USE OF CAMPAIGN FUNDS. (a) Campaign funds received by a candidate or by a political action committee may be used only to

(1) influence or attempt to influence the actions of the voters for or against the election of a candidate or the passage or defeat of a ballot proposition or question; or

(2) repay a loan made to the campaign of the candidate.

(b) Campaign funds may not be used to repay a loan not timely reported as a loan under AS 15.14.060(a)(2).

(c) Surplus campaign funds shall be disposed of under AS 15.14.-190.

Sec. 15.14.180. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF CAMPAIGN ACCOUNTS. (a) A candidate shall close each campaign account relating to a designated election campaign on or before one of the following dates:

(1) for a legislative or statewide candidate in the general election, the date on which the successful candidate in the designated election is sworn into office;

(2) for a candidate in a municipal election, 30 days after the date of the election;

(3) for a candidate who loses in a primary election, 30 days after the date of the election;

(4) for a candidate who withdraws before an election, 30 days after filing a notice of withdrawal; or

(5) for a candidate who withdraws after registering under AS 15.40.040 but before filing for office, 30 days after the deadline for filing a declaration of candidacy or a nominating petition.

(6) for a judicial candidate or a delegate to a constitutional convention, 30 days after the date of the election.

(b) A candidate and a campaign officer of a candidate may not solicit or accept a contribution for the designated election campaign after the date on which the candidate is required to close campaign accounts under (a) of this section.

(c) A candidate and a campaign officer of a candidate may not make expenditures of any kind, except for the disposition of surplus funds, after the date on which the candidate is required to close campaign accounts under (a) of this section for

(1) goods or services provided to the candidate with respect to the designated election campaign;

(2) the payment of campaign debts to an individual, person, or political action committee; or

(3) the payment of loans made by the candidate to the campaign of the candidate.

Sec. 15.14.190. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall dispose of campaign funds that are not spent during the designated election campaign by

(1) donating the funds to an organization that qualifies as a charitable organization under 26 U.S.C. 501(c);

(2) donating the funds to the general fund of the state or of a municipality organized under AS 29;

(3) after registering with the commission under

AS 15.14.040, transferring the funds to a newly designated election campaign account for a designated state election to be held not more than four years after the election designated under AS 15.14.040(b);

(4) paying an individual who worked in the candidate's designated election campaign;

(5) transferring the funds to an account for the office, in the case of a successful candidate only, and using the funds only for communication with constituents and other voters in the state by telephone or newsletter;

(6) returning the funds to contributors on a pro rata basis.

(b) A candidate shall dispose of surplus funds under (a) of this section before the date on which a final report of expenditures is required to be filed under AS 15.14.070.

Sec. 15.14.200. SOLICITATION OF CONTRIBUTIONS. (a) A public officer or employee of the state or of a municipality of the state may not, while on the premises of a state or municipal office, solicit or request a contribution to a candidate, political action committee or political party.

(b) A public officer or employee of the state may not solicit or request another public officer or employee to contribute to a candidate, political action committee, or political party while the other public officer or employee is on the premises of a state or municipal office.

(c) A candidate, an officer of a candidate, a political action committee, and an officer of a political action committee may not knowingly accept a contribution obtained in violation of this section.

(d) Subsections (a) and (b) of this section do not apply to a public officer elected to office by popular vote.

Sec. 15.14.210. IDENTIFICATION OF COMMUNICATION. (a) An advertisement, billboard, handbill, paid-for television or radio announcement, or other communication intended to influence the election of a candidate or the outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, political action committee, or the person or persons paying for the communication.

(b) A person or political action committee making an independent expenditure for an item described in (a) of this section shall, within the printed material or during a broadcast, state: "This communication was not authorized by any candidate."

(c) The information required under (a) and (b) of this section need not be included on an object used for a campaign advertisement, if the object is one that the commission, by regulation, has determined is too small to practicably include the information.

ARTICLE 5. VIOLATIONS, CIVIL PENALTIES, AND PROCEDURES.

Sec. 15.14.220. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST DEGREE. (a) A person who, with intent to avoid disclosure, fails to file a report of contributions or expenditures required to be filed 30 days or seven days before an election under AS 15.14.060(b) or fails to file a report within 24 hours after receiving a contribution or making an expenditure under AS 15.14.060(c) is subject to a civil penalty of not less than $100 nor more than $300 for each day that the report is due but not filed up to a maximum of $25,000 for each report.

(b) A political action committee that, with intent to avoid disclosure, fails to file a report of contributions or expenditures required to be filed 30 days or seven days before an election under AS 15.14.070(b) or fails to file a report within 24 hours after

receiving a contribution or making an expenditure under AS 15.14.-070(c) is subject to a civil penalty of not less than $100 nor more than $300 for each day that the report is due but not filed up to a maximum of $25,000 for each report.

(c) A person who, with intent to avoid disclosure, files a report of contributions or expenditures containing a false or misleading statement as to a contributor, contribution, loan, or expenditure required to be included in a report under AS 15.14.060(a) is subject to a civil penalty

(1) of not less than $500 nor more than $5,000 for each false or misleading statement; and

(2) not to exceed twice the amount of the contribution or expenditure involving the false or misleading statement.

(d) A political action committee that, with intent to avoid disclosure, files a report of contributions or expenditures containing a false or misleading statement as to a contributor, contribution, loan, or expenditure required to be included in a report under AS 15.-14.070(a) is subject to a civil penalty

(1) of not less than $500 nor more than $5,000 for each false or misleading statement; and

(2) not to exceed twice the amount of the contribution or expenditure involving the false or misleading statement.

(e) A person who knowingly makes a contribution in excess of the $2,000 limitation under AS 15.14.110(b) or (c) is subject to a civil penalty

(1) of not less than $1,000 nor more than $5,000; and

(2) not to exceed twice the amount that the contribution exceeds the limitation.

(f) A political action committee that knowingly makes a

contribution in excess of the $2,000 limitation under AS 15.14.120(b) or in excess of the $25,000 limitation under AS 15.14.120(b) is subject to a civil penalty

(1) of not less than $1,000 nor more than $5,000; and

(2) not to exceed twice the amount that the contribution exceeds the limitation.

(g) Except as provided in AS 15.14.130(c), a political action committee that knowingly accepts a contribution in excess of the $2,000 limitation established in AS 15.14.130(c) is subject to a civil penalty

(1) of not less than $1,000 nor more than $5,000; and

(2) not to exceed twice the amount that the contribution exceeds the limitation.

(h) A person who knowingly makes a contribution in the form of cash during the year of more than $100 in the aggregate in violation of AS 15.14.110(a) is subject to a civil penalty of

(1) not less than $100 nor more than $1,000 if the contribution is less than $500, in the aggregate; and

(2) an additional civil penalty of not to exceed twice the amount of the cash contribution if it amounts to $500 or more in the aggregate.

(i) A political action committee that knowingly makes a contribution in the form of cash during the year of more than $100 in the aggregate in violation of AS 15.14.120(a) is subject to a civil penalty of

(1) not less than $100 nor more than $1,000 if the contribution is less than $500, in the aggregate; and

(2) an additional civil penalty of not to exceed twice the amount of the cash contribution if it amounts to $500 or more in the

aggregate.

(j) A person or political action committee that knowingly accepts a contribution in the form of cash during the year of more than $100 in the aggregate in violation of AS 15.14.130(a) is subject to a civil penalty of

(1) not less than $100 nor more than $1,000 if the contribution is less than $500, in the aggregate; and

(2) an additional civil penalty of not to exceed twice the amount of the cash contribution if it amounts to $500 or more in the aggregate.

(k) A person or political action committee that, with intent to avoid disclosure, makes or accepts a contribution in violation of AS 15.14.150(a) or (c) is subject to a civil penalty of

(1) not less than $500 nor more than $5,000; and

(2) if the contribution amounts to $500 or more, an additional civil penalty of not to exceed twice the amount of the contribution.

(l) A person or political action committee that knowingly accepts a contribution obtained in violation of AS 15.56.025 through a threat of physical force, job discrimination, or financial reprisals is subject to a civil penalty of not less than $1,000 nor more than $10,000.

(m) A person or political action committee that intentionally solicits or requests a contribution from a public officer or employee of the state or a municipality of the state in a manner prohibited under AS 15.14.200(a) or (b) is subject to a civil penalty of not less than $500 nor more than $5,000.

(n) A person or political action committee that knowingly accepts a contribution from a public officer or employee of the state

or a municipality of the state in a manner prohibited under AS 15.14.-200(a) or (b) is subject to a civil penalty of not less than $500 nor more than $5,000.

Sec. 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND DEGREE. (a) A person who fails to file a report of contributions or expenditures required to be filed 30 days or seven days before an election under AS 15.14.060(b) or fails to file a report within 24 hours after receiving a contribution or making an expenditure under AS 15.14.060(c) is subject to a civil penalty of not less than $25 nor more than $100 for each day that the report is due but not filed up to a maximum of $5,000 for each report.

(b) A political action committee that fails to file a report of contributions or expenditures required to be filed 30 days or seven days before an election under AS 15.14.070(b) or fails to file a report within 24 hours after receiving a contribution or making an expenditure under AS 15.14.070(c) is subject to a civil penalty of not less than $25 nor more than $100 for each day that the report is due but not filed up to a maximum of $5,000 for each report.

(c) A person who fails to file a report, registration, or statement required to be filed under this chapter, other than a report described in (a) or (b) of this section, is subject to a civil penalty of not less than $10 nor more than $100 per day for each day that the report, registration, or statement is due but not filed, up to a maximum fine of $3,000 for each report, registration, or statement.

(d) A person who files a report of contributions or expenditures containing a false or misleading statement as to a contributor, contribution, loan, or expenditure required to be included in a report under AS 15.14.060(a) is subject to a civil penalty

(1) of not less than $50 nor more than $500 for each false

or misleading statement; and

(2) not to exceed the amount of the contribution or expenditure involving the false or misleading statement.

(e) A political action committee that files a report of contributions or expenditures containing a false or misleading statement as to a contributor, contribution, loan, or expenditure required to be included in a report under AS 15.14.070(a) is subject to a civil penalty of

(1) not less than $50 nor more than $500 for each false or misleading statement; and

(2) not to exceed the amount of the contribution or expenditure involving the false or misleading statement.

(f) A person who makes a contribution in excess of the $2,000 limitation under AS 15.14.110(b) or (c) is subject to a civil penalty

(1) of not less than $50 nor more than $500; and

(2) not to exceed the amount that the contribution exceeds the limitation.

(g) A political action committee that makes a contribution in excess of the $2,000 limitation under AS 15.14.120(b) or in excess of the $25,000 limitation under AS 15.14.120(b) is subject to a civil penalty

(1) of not less than $50 nor more than $500; and

(2) not to exceed the amount that the contribution exceeds the limitation.

(h) A person who makes a contribution in the form of cash during the year of more than $100 in the aggregate in violation of AS 15.14.-110(a) is subject to a civil penalty

(1) of not less than $50 nor more than $500; and

(2) not to exceed the amount that the contribution exceeds

the limitation.

(i) A person who knowingly makes a contribution in the form of cash during the year of more than $100 in the aggregate in violation of AS 15.14.110(a) is subject to a civil penalty of not to exceed the amount of the cash contribution.

(j) A political action committee that makes a contribution in the form of cash during the year of more than $100 in the aggregate in violation of AS 15.14.120(a) is subject to a civil penalty of not to exceed the amount of the cash contribution.

(k) A candidate or political action committee that knowingly accepts a contribution in the form of cash during the year of more than $100 in the aggregate in violation of AS 15.14.130(a) is subject to a civil penalty of not to exceed the amount of the cash contribution.

(l) A candidate who fails to close a campaign account by the date established in AS 15.14.180(a) is subject to a fine of not less than $25 nor more than $100 per day for each day that the account should have been but was not closed, up to a maximum of $2,000.

(m) A person who fails to dispose of surplus funds by the date established in AS 15.14.190(b) is subject to a civil penalty of not less than $25 nor more than $100 per day for each day that the surplus funds should have been but were not disposed of, up to a maximum of $2,000.

(n) A person is subject to a civil penalty of not less than $100 nor more than $2,000 if the person

(1) solicits or accepts a contribution or makes an expenditure, other than a disposition of surplus funds, after the date that campaign accounts are required to be closed under AS 15.14.180;

(2) uses campaign funds for a purpose not permitted under

AS 15.14.170;

(3) uses surplus funds for a purpose not permitted under AS 15.14.190;

(4) acts as a campaign officer at a time when the name of the person has not been filed with the commission; or

(5) fails to include in a communication intended to influence the election of a candidate or the outcome of a ballot proposition or question the information required under AS 15.14.210(a) or (b).

Sec. 15.14.240. PAYMENT OF CIVIL PENALTY. A civil penalty imposed by the commission under AS 15.14.220 or 15.14.230 may not be paid from campaign funds.

Sec. 15.14.250. REMOVAL FROM OFFICE. (a) If, after being sworn into office, a person who was a successful candidate is found to have committed a violation in the first degree under AS 15.14.220, proceedings shall be held and appropriate action taken under

(1) art. II, sec. 12, Constitution of the State of Alaska, if the candidate is a candidate for the state legislature;

(2) art. II, sec. 20, Constitution of the State of Alaska, if the candidate is a candidate for governor or lieutenant governor;

(3) AS 29.20.170, if the candidate is a candidate for borough assembly;

(4) AS 29.20.280, if the candidate is a candidate for borough mayor;

(5) AS 29.20.170, if the candidate is a candidate for city council;

(6) AS 29.20.280(a), if the candidate is a candidate for city mayor;

(7) the provisions of the call for the constitutional

convention, if the candidate is a candidate for constitutional convention delegate;

(8) art. IV., sec. 10, Constitution of the State of Alaska, if the candidate is a candidate for judicial retention.

(b) Information developed by the commission under AS 15.14.270 shall be considered during a proceeding under (a) of this section.

(c) When, after being sworn into office, a successful candidate is charged with a violation in the first degree under AS 15.14.220(a), the commission shall promptly hear the matter and accord it a preferred position for purposes of argument and decision so as to assure a speedy disposition of the matter.

Sec. 15.14.260. LIMITATIONS ON ACTIONS. (a) A proceeding alleging a violation of AS 15.14.220 must be commenced within four years from the date of the alleged violation.

(b) A prosecution alleging a violation of AS 15.14.230 must be commenced within two years from the date of the alleged offense.

(c) For the purposes of this section, a violation involving the failure to file a report, statement, or registration is considered to have been committed on the day after the report, statement or registration was due.

Sec. 15.14.270. INVESTIGATIONS. (a) The commission may investigate a violation of AS 15.14.220, 15.14.230, AS 24.50 and AS 39.50 on its own motion or upon receiving a signed and sworn complaint from any person.

(b) If an investigation is commenced by a signed and sworn complaint by a person other than a member of the commission or its employees, the commission shall, within five days after receiving the complaint, mail a copy of the complaint to each person named in the complaint.

(c) If, after an investigation, the commission determines that there is probable cause to believe that a person has committed a violation, the commission may commence violation proceedings by filing and serving an accusation on the person alleged to have committed the violation. The commission shall serve an accusation in the manner provided by court rules for serving a complaint in a civil action.

(d) If the commission terminates an investigation without filing an accusation, the commission shall, within five days after terminating the investigation, inform the complainant and each person named in the complaint only of the fact that the commission has terminated the investigation and will not be taking further action concerning the complaint.

Sec. 15.14.280. ACCUSATIONS. (a) The accusation must be a written statement of the charges setting out in ordinary and concise language the acts or omissions with which the respondent is charged, so that the respondent is able to prepare a defense. The accusation must also specify the statute or regulation that the respondent is alleged to have violated, and the maximum penalty provided for the violation. The accusation may not consist merely of charges phrased in the language of the statute and regulation.

(b) The commission shall include in or with the accusation a statement in substantially the following form:

"To the Respondent: Unless you deliver or mail a written request for a hearing signed by you or on your behalf to the commission within 15 days after this accusation was personally served on you or mailed to you, the commission may proceed upon the accusation without further notice to you. You may request a hearing by delivering or mailing the enclosed form entitled 'Notice of Defense,' or by

delivering or mailing a notice of defense under AS 15.14.290 to the commission at its central office address (insert central office address)."

(c) The commission shall include with the accusation served upon the respondent a post card or other form entitled, "Notice of Defense" that, when signed by or on behalf of the respondent and returned to the commission constitutes a notice of defense under AS 15.14.290.

Sec. 15.14.290. NOTICE OF DEFENSE. (a) Within 15 days after service upon the respondent of the accusation, the respondent may file with the commission a notice of defense. In the notice the respondent may

(1) deny the accusation in whole or in part and request a hearing;

(2) object to the accusation on the ground that it does not state acts or omissions upon which the commission may proceed;

(3) object to the form of the accusation on the ground that it is so indefinite or uncertain that the respondent cannot identify the transaction or prepare a defense;

(4) present new matter by way of defense;

(5) admit or plead no contest to the accusation in whole or in part, and present material in mitigation of penalty.

(b) Within the time specified in (a) of this section, the respondent may file one or more notices of defense upon any or all of the grounds set out in (a) of this section but all of the notices must be filed within the period unless the commission in its discretion authorizes the filing of a later notice.

(c) The respondent is entitled to a hearing on the merits if the respondent files a notice of defense. The notice of defense is considered a specific denial of all parts of the accusation not expressly

admitted. Failure to file a notice of defense within the time specified in (a) of this section constitutes a waiver of the respondent's right to a hearing, but the commission in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in (a)(3) of this section, all objections to the form of the accusation are waived.

(d) The notice of defense must be in writing, signed by or on behalf of the respondent, and must state the respondent's address. The notice of defense need not be verified or follow a particular form.

Sec. 15.14.300. HEARINGS. (a) If a respondent requests a hearing on a contested accusation or, in the absence of a request, the commission in its discretion decides to hold a hearing, the commission shall mail or deliver a notice of hearing to the respondent at least 10 days before the hearing. The hearing may not be held before the expiration of the time within which the respondent is entitled to file a notice of defense. The notice to respondent must be consistent with the form for notice of hearing under AS 44.62.420.

(b) The commission shall conduct its hearings under AS 44.62.-440 - 44.62.500, except that

(1) the commission may, but is not required to, appoint a hearing officer under AS 44.62.350; and

(2) if a hearing officer is not appointed, the chairman of the commission, or the commission member designated by the chairman, shall preside at the hearing, and the attorney general shall assign an assistant attorney general to the commission to advise it on matters of law during the hearing.

(c) A hearing under this section shall be open to the public except that a respondent may request and the hearing officer or the

presiding commission member may order that the hearing be closed if one or more of the requirements for holding an executive session under AS 44.62.310(c) is met.

Sec. 15.14.310. IMPOSITION OF PENALTY. (a) The commission may impose the penalty provided by law for the violation only if the accused person, having been advised of the right to a hearing, admits or pleads no contest to the allegations contained in the accusation, or if the commission

(1) holds a hearing at which the person accused is afforded the right to appear, with or without counsel, the right to present witnesses or other evidence and the right to cross examine witnesses; and

(2) following the hearing, determines by clear and convincing evidence that the person has committed the violation of which the person was accused.

(b) The executive director of the commission may not formally or informally make a recommendation to the commission as to a particular penalty in a pending matter or make a commitment to the respondent to make a particular recommendation to the commission in the future until after the respondent has admitted or pleaded no contest to the accusation or until after a hearing and a final determination by the commission that the respondent has committed the acts charged in the accusation.

(c) Before the executive director of the commission may make a recommendation to the commission for the imposition of a particular penalty in a matter, the respondent must first be given notice of the recommendation and afforded an opportunity to respond to the recommendation in person or in writing.

(d) In imposing a penalty, the commission shall consider

(1) the seriousness of the violation in terms of the extent to which the violation has impeded public disclosure of information required to be filed with the commission as to the amount and source of contributions that are large enough to be of significant interest to voters; and

(2) the extent to which the respondent's conduct, including prior violations of this chapter, AS 24.50, AS 39.50, or of former AS 15.13 shows a continuing disregard for the law.

Sec. 15.14.320. SUMMARY DISPOSITION OF VIOLATIONS. (a) Notwithstanding the provisions of AS 15.14.280 - 15.14.310, the commission may establish by regulation the violations under AS 15.14.230 that are amenable to summary disposition without formal accusation or hearing and may establish a schedule of fines, not to exceed $500, for each violation.

(b) If an investigation by the commission discloses that a person has committed a violation included in the schedule of fines established under (a) of this section, the commission may, in lieu of serving an accusation on the person, mail a notice of fine to the person indicating the circumstances of the violation and the amount of the fine established in the schedule for the violation. The person to whom the notice is directed may pay the fine within 15 days after receiving the notice or may file a notice of defense under AS 15.14.-290.

(c) If the person does not pay the fine under (b) of this section, the notice of fine constitutes an accusation under AS 15.14.280 and the commission shall proceed against the person under AS 15.14.-280 - 15.14.310 and, upon determining that the person committed the violation, may impose a penalty for the violation not to exceed the maximum provided for the violation under AS 15.14.230.

Sec. 15.14.330. CONFIDENTIALITY. (a) An investigation by the commission under AS 15.14.270 is confidential unless and until the investigation results in the filing of an accusation under AS 15.-14.280.

(b) A member or a former member of the commission and an employee or a former employee of the commission may not divulge the fact of or any particular concerning a pending, past, or contemplated investigation by the commission unless and until the filing of an accusation by the commission.

(c) Knowing violation of the provisions of (b) of this section is a class A misdemeanor.

Sec. 15.14.340. JUDICIAL REVIEW. Judicial review of a final order of the commission may be had by filing a notice of appeal under applicable rules of court governing appeals from administrative agencies.

Sec. 15.14.350. POWERS OF THE COMMISSION. (a) In connection with an investigation or hearing under AS 15.14.270 - 15.14.310, AS 24.45, or AS 39.50, the commission may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the depositions of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the powers and duties assigned to the commission by law.

(b) The commission may examine the papers, books, records, accounts and documents of a person subject to this chapter to determine the correctness of a report filed with the commission or in conjunction with an investigation or inspection conducted under (a) of this section.

(c) Subpoenas may be issued and shall be served in the manner

prescribed by AS 44.62.430 and court rule. The failure, refusal, or neglect to obey a subpoena is punishable as contempt in the manner prescribed by law or court rule. The superior court may compel obedience to the commission's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

Sec. 15.14.360. LEGAL COUNSEL. (a) The attorney general is legal counsel for the commission. The attorney general shall advise the commission in legal matters arising out of the discharge of its duties and represent the commission in actions to which it is a party.

(b) When the public interest warrants, and if the attorney general concurs, the commission may employ temporary legal counsel from time to time in matters in which the commission is involved.

ARTICLE 6. GENERAL PROVISIONS.

Sec. 15.14.900. DEFINITIONS. In this chapter

(1) "candidate" means an individual who

(A) files for election to the state legislature, for governor, for lieutenant governor, for municipal office, for retention in judicial office, or for constitutional delegate;

(B) campaigns as a write-in candidate for an elective office; or

(C) accepts contributions totalling $1,000 or more in the aggregate from another person or political action committee for the purpose of seeking elective office or retention in judicial office;

(2) "contribution"

(A) means the purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a

candidate or for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, of compensation for the personal services of another person that are rendered to the candidate or political party;

(B) does not include

(i) services provided without compensation by an individual volunteering on behalf of a candidate or ballot proposition or question, unless the services are volunteered by an individual who would ordinarily be paid a fee or wage for the services;

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

(iii) services provided by an attorney relating to AS 15;

(iv) ordinary hospitality in a home;

(3) "expenditure"

(A) means a purchase or a transfer of money or anything of value or a promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) influencing the outcome of a ballot proposition or question; or

(iii) providing payment of compensation for the personal services of another person that are rendered to a candidate or political party;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(4) "individual" means a natural person;

(5) "municipality" has the meaning given by AS 01.10.060(4);

(6) "person" has the meaning given in AS 01.10.060 but does not include an entity organized to influence an election;

(7) "political action committee" means a person or combination of persons, including a political party and its state, regional, or local subdivisions that accepts contributions for the purpose of influencing an election and exercises discretion over the expenditure of the contributions;

(8) "political party"

(A) means a group of organized voters that

(i) claims to represent a political program; and

(ii) nominated a candidate for governor who received at least five percent of the total vote cast at the preceding general election for governor;

(B) does not include the campaign committee of a candidate.

* Sec. 2. AS 11.56.130 is amended to read:

Sec. 11.56.130. DEFINITION. In AS 11.56.100 - 11.56.130, "benefit" has the meaning <u>given</u> [ASCRIBED TO IT] in AS 11.81.900 but does not include

(1) political campaign contributions reported <u>under AS 15.14</u> [IN ACCORDANCE WITH AS 15.13];

(2) concurrence in official action in the cause of legitimate compromise between public servants; or

(3) support, including a vote, solicited by a public servant or offered by any person in an election.

* Sec. 3. AS 24.45.021(a) is amended to read:

(a) This chapter shall be administered by the Alaska Public Offices Commission established [CREATED] under AS 15.14.020 [AS 15.13.020(a)].

* Sec. 4. AS 24.45.091 is amended to read:

Sec. 24.45.091. PUBLICATION OF REPORTS. Copies of the statements and reports filed under this chapter shall be made available to the public at the commission's central office, the office of the lieutenant governor, the legislative reference library of the Legislative Affairs Agency, and at the commission's district offices [PRESCRIBED IN AS 15.13.020(j)] as soon as practicable after each reporting period.

* Sec. 5. AS 24.60.080 is amended to read:

Sec. 24.60.080. GIFTS. Unless otherwise provided for under AS 24.60.030, a person to whom this chapter applies may not solicit a gift in any amount, or accept or receive, directly or indirectly, a gift, whether in the form of money, services, a loan, travel, entertainment, hospitality, or other form, if the gift was intended as a reward or inducement for an official action by the person. A gift of travel and hospitality within the state received by a member of the legislature in obtaining information on matters of legislative concern is not prohibited by this section, nor are political contributions received and reported under AS 15.14 [AS 15.13.040].

* Sec. 6. AS 29.20.170 is amended to read:

Sec. 29.20.170. VACANCIES. The governing body may provide by ordinance the manner in which a vacancy occurs in any elected office except the office of mayor or school board member. Unless otherwise

provided by ordinance, the governing body shall declare an elective office, other than the office of mayor or school board member, vacant when the person elected

(1) fails to qualify or take office within 30 days after election or appointment;

(2) is physically absent from the municipality for 90 consecutive days unless excused by the governing body;

(3) resigns and the resignation is accepted;

(4) is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the governing body;

(5) is convicted of a felony or of an offense involving a violation of the oath of office;

(6) is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the governing body concur in expelling the person elected;

(7) is convicted of a violation of AS 15.14 or former AS 15.13;

(8) no longer physically resides in the municipality and the governing body by two-thirds vote declares the seat vacant; or

(9) if a member of the governing body, misses three consecutive regular meetings and is not excused.

* Sec. 7. AS 29.20.280(a) is amended to read:

(a) The governing body shall, by two-thirds concurring vote, declare the office of mayor vacant only when the person elected

(1) fails to qualify or take office within 30 days after election or appointment;

(2) unless excused by the governing body, is physically absent for 90 consecutive days;

(3) resigns and the resignation is accepted;

(4) is physically or mentally unable to perform the duties of office;

(5) is convicted of a felony or of an offense involving a violation of the oath of office;

(6) is convicted of a felony or misdemeanor described in AS 15.56;

(7) is convicted of a violation of AS 15.14 or former AS 15.13;

(8) no longer physically resides in the municipality; or

(9) if a member of the governing body in a second class city, misses three consecutive regular meetings and is not excused.

* Sec. 8. AS 39.50.050(a) is amended to read:

(a) The Alaska Public Offices Commission established [CREATED] under AS 15.14.020 [AS 15.13.020(a)] shall administer the provisions of this chapter. The commission shall prepare and keep available for distribution, standardized forms on which the reports required by this chapter shall be filed.

* Sec. 9. AS 39.50.200(a) is amended to read:

(a) In this chapter:

(1) "assistant to the governor" includes any executive, legislative, special, administrative or press assistant to the governor, and any person similarly employed;

(2) "child" includes a biological child, an adoptive child, and a stepchild;

(3) "commission" means the Alaska Public Offices Commission established [CREATED] under AS 15.14.020 [AS 15.13.020(a)];

(4) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska and the

Alaska State Housing Authority;

(5) "judicial officer" means a person appointed as a justice to the supreme court or as a judge to the court of appeals, superior court, district court, or magistrate court;

(6) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(7) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality;

(8) "public official" means a judicial officer, a member of the legislature, the fiscal analyst of the legislative finance division, the legislative auditor of the legislative audit division, the executive director of the Legislative Affairs Agency and the directors of the divisions within the Legislative Affairs Agency, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch, and assistant to the governor, chairman or member of a state commission or board, and each appointed or elected municipal officer;

(9) "source of income" means the entity for which service is performed or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self- employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership

or corporation, but if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source;

* Sec. 10. AS 39.50.200(b) is repealed and reenacted to read:

(b) In this chapter "state commission or board" means the

(1) Agricultural Revolving Loan Fund Board (created administratively to assist in administration of AS 03.10);

(2) Alaska Coastal Policy Council members and their alternates (AS 44.19.155);

(3) Alaska Commercial Fisheries Entry Commission (AS 16.43.020);

(4) Alaska Commission on Postsecondary Education (AS 14.42.015);

(5) Alaska Energy Center (AS 46.12);

(6) Alaska Housing Finance Corporation (AS 18.56.010 - 18.56.210);

(7) Alaska Judicial Council (art. IV, sec. 8, Alaska Constitution);

(8) Alaska Medical Facility Authority (AS 18.26.010 - 18.26.900);

(9) Alaska Municipal Bond Bank Authority (AS 44.85.020);

(10) Alaska Power Authority public directors (AS 44.83.030);

(11) Alaska Oil and Gas Conservation Commission (AS 31.05.005 - 31.05.170);

(12) Alaska Public Broadcasting Commission (AS 44.21.256);

(13) Alaska Public Offices Commission, including the executive director and employees of the commission (AS 15.14.020);

(14) Alaska Public Utilities Commission (AS 42.05.010);

(15) Alaska Resources Corporation (AS 37.12.010);

(16) Alaska Royalty Oil and Gas Development Advisory Board (AS 38.06.020);

(17) Alaska Seafood Marketing Institute (AS 16.51.010);

(18) Alaska State Council on the Arts (AS 44.27.040);

(19) Alaska State Housing Authority (AS 18.55.020);

(20) Alaska Teachers' Retirement Board (AS 14.25.035);

(21) Alcoholic Beverage Control Board (AS 04.06.010);

(22) Board of Education (AS 14.07.075);

(23) Board of Fisheries (AS 16.05.221(a));

(24) Board of Game (AS 16.05.221(b));

(25) Board of Parole (AS 33.16.020);

(26) Board of Trustees and executive director of the Alaska Permanent Fund Corporation (AS 37.13.040);

(27) Commission on Judicial Conduct (art. IV, sec. 10, Alaska Constitution);

(28) Council on Domestic Violence and Sexual Assault (AS 18.66.010);

(29) Employment Security Advisory Council (AS 23.20.025);

(30) Fishermen's Fund Advisory and Appeals Council (AS 23.-35.010);

(31) Governor's Commission on the Administration of Justice (AS 44.19.110);

(32) Local Boundary Commission (AS 44.47.565);

(33) Occupational Safety and Health Review Board (AS 18.60.-057);

(34) Public Employees' Retirement Board (AS 39.35.030);

(35) State Assessment Review Board (AS 43.56.040);

(36) State Commission for Human Rights (AS 18.80.010);

(37) State Personnel Board (AS 39.25.060);

(38) University of Alaska Board of Regents (AS 14.40.120);

(39) Workers' Compensation Board (AS 23.30.005).

* Sec. 11. AS 15.56 is amended by adding a new section to read:

Sec. 15.56.025. UNLAWFUL SOLICITATION OF CONTRIBUTIONS. (a) A person commits the crime of unlawful solicitation of campaign contributions if the person intentionally solicits a campaign contribution through a threat of physical force, job discrimination, or financial reprisal.

(b) Unlawful solicitation of campaign contributions is a class C felony.

* Sec. 12. AS 15.13 is repealed.

* Sec. 13. AS 15.56.010(1) and (2) are repealed.

* Sec. 14. Alaska Public Office Commission members serving on the effective date of this Act continue to serve out their terms as provided under AS 15.13.020, repealed in sec. 12 of this Act. Vacancies occurring after the effective date of this Act shall be filled in accordance with AS 15.14.020 enacted in sec. 1 of this Act.

* Sec. 15. Notwithstanding AS 15.14.010(b) as enacted in sec. 1 of this Act, the election of a municipality held under former AS 15.13.010(a) to exempt its officers from the application of AS 15.13 is confirmed as an exemption from the application of AS 15.14.

* Sec. 16. AS 15.14.180 as enacted in sec. 1 of this Act does not apply to campaign accounts for election campaigns held before the effective date of this Act and does not apply to contributions solicited or accepted and to expenditures made for the purpose of retiring campaign debts incurred by a candidate in an election campaign held before the effective date of this Act.

* Sec. 17. This Act applies to election campaign activities that take place after January 1, 1987, and that relate to state or municipal

elections held after January 16, 1987.

* Sec. 18. This Act takes effect January 1, 1987.

August 18, 1985

Alaska Public Offices Commission
610 "C" Street
Anchorage, Alaska 99501

Dear Commissioners,

As Jay Kerttula's campaign manager and treasurer, I am answering your letter as his representative. I can understand your concern with campaigns incurring but not discharging campaign debts for media. I can also understand the staff wanting to close the accounts and being done with them, however, there are several problems I would like to present to you concerning this regulation.

2AAC 50.313

1. The law dictates that a campaign cannot have fundraisers while in Juneau during Legislative Session. Senator Kerttula has been in Juneau most of this year. There are only four months left in the year and in that time, the Kerttula for Senate campaign must pay $20,000 which will require four to six fundraisers. This is next to impossible. This regulation, 2AAC50.313, is descriminatory against incumbants. It is absolutely unfeasible to require payment whithin a short period of time.

2. If debts are made contributions, does that mean anything over $1,000 is disregarded, or can you bring criminal/civil charges against the candidate and the person who donates for taking too much as a contribution?

3. What is an "unreasonable" amount of time to pay bills? What is a reasonable period of time?

4. The Kerttula for Governor campaign still owes debts to the candidate from the 1978 Gubernatorial campaign. Will campaign debts from pre-1984 also come under the new regulation? Will the candidate simply have to pay debts outstanding themselves?

5. Is it legal to retroactively pass a resolution concerning debts already incurred and apply it retroactively? I feel it would be unfair to apply this regulation retroactively. If candidates knew that APOC was going to limit the amount of time they had to repay debts, they would have planned accordingly. If the Commission now steps in midstream and tries to change planning which took place months ago, many people will be caught without available funds. If a candidate has enough collateral, then she/he can go to a bank and take out a personal loan. If she/he doesn't, then she/he will be placed in a difficult

[19A], 8/21/85

situation and one which may even cause her/him criminal liability if a bill over $1000 becomes a contribution.

2AAC 50.316

6. It is unfeasible for the Kerttula campaign to discharge the remaining accrued campaign debts as you are prescribing. What can be done about them if it is impossible to pay them immediately as requested?

7. I feel you are placing an extreme hardship on candidates who are not wealthy. People with money can pay the bills, but those of us without a substantial private income will find it extremely difficult to do so. It could also be impossible to borrow this much from a lending institution without sufficient collatoral.

8. This regulation will make it impossible for a person without private funds to run for office. While wealthy persons will find it easy to comply.

1984 was a difficult campaign year for all candidates. Not buying proper media could have meant defeat for many. I feel that good candidates may lose campaigns as a result of the regulation you are asking for since they will have to restrict their spending. Your requested regulation will simply have the effect of limiting spending in a campaign.

This rule will benefit the wealthy and hurt the poor candidates.

A criminal law should not be applied retroactively.

The fact that bills over $1,000.00 are not due until the future does not overcome the fact that the law would be retroactive. Since candidates relied on the old regulations in planning and unless the time allowed to pay back bills is truly reasonable then candidates could find themselves criminally liable under the new regulations when their actions were legitimate under the old regulations.

The new regulations should only be applicable to future campaigns when all candidates can plan ahead and so no one will be caught by a personal inability to get a bank loan, thus subjecting themselves to possible criminal liability.

For the above stated reasons, I protest the passage of the "contribution" regulation, 2.AAC.50.(a)(7).

I would like the opportunity for Senator Kerttula or myself to be allowed to speak before the Commission when they meet on this subject.

Would you please notify me if this cannot be done, or if there are any changes in the meeting dates, times or places? Thank you.

Sincerely,

Joyce Kertula

Joyce Kertula
Campaign Manager
Kertula for Senate

[18A], 8/21/85

MEMORANDUM State of Alaska

TO: Carol Horos
Staff Assistant
Senate State Affairs Committee

DATE: February 11, 1986

FILE NO: 366-209-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: SB 356 (Election financing)

By: Richard D. Monkman
Assistant Attorney General

The attached list identifies some technical problems we have identified with SB 356. Most of these are minor and can be easily changed. Assuming the Committee has no objection, perhaps you could pass this list on to the legislative drafters when the next draft of the bill is drawn up.

As far as substance goes, we have identified nine areas of Department of Law concern which I will be prepared to address tomorrow morning. These are:

1. Enforcement;
2. Expenditure reports;
3. Solicitation of contributions from public officers;
4. Investigations;
5. Hearings;
6. Statutes of limitations/fine schedules;
7. Deputy campaign treasurers;
8. Candidate responsibility;
9. Definition of contribution.

These nine areas have been discussed in detail with Ms. Burke, and she has recommended that we take them up directly with the Committee.

Please give me a call if you have any questions or comments.

HMB:RDM:cck

Attachment
cc w/attach.:
Harold M. Brown
Attorney General
Department of Law

Theda S. Pittman, Executive Director
Alaska Public Offices Commission
Anchorage

Page	Section #	Problem
3	15.14.020(c)	Changes number of nominees to 2 from 4
3	15.14.020(j)	Poorly worded re: number of votes required to take action. "The affirmative vote of at least three members..." would be better.
5	15.14.030(8)	Delete clause "and report to the AG," lines 26 - 29.
6	15.14.040(a)	Does not cover situation where a cantidate spends $1,000 of own money to begin campaign ("makes expenditures of $1,000 or more..." would be better approach)
7	15.14.050	"Political Interest Group" is particularly unappealling acronym. "Political action committee" tracks federal practice and common use.
7-8	15.14.050(e) and (f)	These sections are poorly drafted, esp. (f). Could lead to confusion in interpretation.
8	15.14.060	No disclosure of line of business, occupation, or principal interest of PIGs and corporate contributors. Burke says unintentional and will be fixed.
13	15.14.090(a)	Should be "A person who makes contributions with an aggregate amount of $250 or more..." to track present law.
15	15.14.110	If this is intended to be sworn under penalty of perjury, should so state in the text of "affidavit."
16	15.14.130(d)	"[s]haring a majority of officers" is very vague and probably unenforcable. "Sharing two or more common officers" or "with two or more officers in common" would be better.
17	15.14.160	Language in sections (a) and (b) does not match. (b) should read "a contribution made in violation of section (a) ...shall be returned." Section (c) contains left-over "acceptance/reciept" language from early drafts and should be deleted.
29	15.14.260	Delete "or by a court..."
30	15.14.280	Should change statutes of limitation to reflect de-criminalization. 2 years for 2cd degree and 4 years for 1st degree best.
31	15.14.290(b) (c), and (d)	Delete (b) lines 13 - 19; all of (c); and referral clause in (d) after de-criminalization
32-34	15.14.300-.340	Conflict with the Administrative Procedures Act, 44.62. Burke says will be fixed.
35	15.14.330(a)	No provision for default. If person does not appear, Comm'n can't fine. Conflicts with 15.14.300(b).
36	15.14.330(b)	Change in court established burden of proof may require 2/3ds vote of Legislature to stand up.

Page	Section #	Problem
37	15.14.370	Takes away present powers to subpeona documents etc. during investigation of lobbying and conflict of interest cases. Burke says unintentional and will be fixed.
38	15.14.380	Delete lines 4 - 7.
39	15.14.900(2)(B)(i)	Allows professionals $3,000 contribution ($2,000 cash and $1,000 in-kind). Left over from original "no-limit" draft, should be deleted.
40	15.14.900(6)	Does not include PIGs. Enforcement section only refer to "persons," if Comm'n is to enforce limit etc. against PIGs, must include them in this definition.

NEW APOC REGULATIONS EFFECTIVE JANUARY 4, 1986

[redacted] NO CHANGE FROM PREVIOUS REGULATION OR LANGUAGE

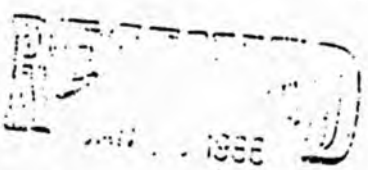
[redacted] NEW PROVISION OR LANGUAGE

ALASKA PUBLIC OFFICES COMMISSION

Administrative Regulations

AS 15.13 - Campaign Disclosure, Complaints and Hearings, General Provisions

January 4, 1986



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ALASKA ADMINISTRATIVE CODE
Title 2. DEPARTMENT OF ADMINISTRATION
ALASKA PUBLIC OFFICES COMMISSION REGULATIONS

CHAPTER 50. CONFLICT OF INTEREST, CAMPAIGN DISCLOSURE AND REGULATION OF LOBBYING

Articles 2, 3. & 5.

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2 AAC 50.310. FILING. (a) All reports that are required to be filed under the provisions of AS 15.13 and this chapter must be received by the commission on or before the due date. Except for the 24 Hour Report, "received" means either

(1) hand-carried to the commission's central office or its branch office in the state capital; or

(2) postmarked. The date shown by the postmark is presumed to be the date it was deposited in the United States mail.

(b) The 24 Hour Report required by AS 15.13. 110(b) must be filed with the commission's central office either by a collect telegram or by actual physical delivery within the prescribed time. 24 hour Reports may not be mailed.

(c) All forms will be available at the commission's central and branch offices, at district offices during state election years, and at the participating municipalities. (Eff. 5/14/80, Register 74)

Authority: AS 15.13.020(j) and (k); AS 15.13.030(10)
AS 15.13.110(a) and (b)

2 AAC 50.313. DEFINITION OF "CONTRIBUTION." (a) In 2 AAC 50.310 — 2 AAC 50.405, except as otherwise provided in this section, "contribution" includes a payment, gift, subscription, loan, advance, transfer, deposit of money, services, or anything of value made by a person or group for the purpose of influencing an election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and includes a personal contribution as described in 2 AAC 50.316.

(b) In this section and in 2 AAC 50.321, "loan" includes a guarantee, endorsement, and any other form of security. The following apply to loans:

(1) A loan that exceeds the contribution limitations of AS 15.13.070 is unlawful, whether or not it is repaid.

(2) A loan is a contribution at the time it is made.

(3) Except for a personal contribution loan as described in 2 AAC 50.316(d), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered to have contributed that portion of the total amount for which he or she agreed to be liable in a written agreement. If the agreement does not state the portion of the loan for which each endorser or guarantor is liable, the loan is considered a loan by each endorser or guarantor in the same proportion that each endorser or guarantor bears to the total number of endorsers or guarantors.

(c) In this section, "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

(d) In this section, "anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered.

(e) The provision of goods or services without charge, or at a charge which is less than the usual and normal charge for the goods and services in the market, is a contribution. If goods or services are provided at less than the usual or normal charge in the market, the amount of the nonmonetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(f) The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate, is a contribution.

(g) The payment by a person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No contribution results in the following circumstances:

(1) when an employee paid on an hourly or salaried basis engages in political activity during what would otherwise be a regular work period, if the time spent is made up by the employee within a reasonable period of time;

(2) when an employee paid on a commission or piecework basis, or an employee paid only for work actually performed whose time is considered the employee's own, engages in political activity during normal working hours;

(3) if time used by the employee during normal working hours to engage in political activity is bona fide vacation or other earned leave time.

(h) The extension of credit by a person to a candidate or political group for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(i) A debt owed by a political group or candidate, which is forgiven or settled for less than the amount owed is a contribution. The commission will, in its discretion, consider the following factors before directing staff to commence a preliminary investigation:

(1) whether, at the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(2) whether the campaign has made a good faith effort to repay all outstanding debts;

(3) whether the creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(4) whether the proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(5) whether the campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(6) whether the proposed settlement agreement is similar to others proposed by the campaign.

(j) An expenditure made by a person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. The financing by a person of the issuance, republication, or distribution of a broadcast or of a written, graphic, or other form of campaign material provided by the candidate, the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. This includes an expenditure:

(1) based on information about the candidate's plans, projects, or needs provided by the candidate or the candidate's campaign agents;

(2) made by or through a person who is, or has been, authorized to raise or expend money for the candidate, who is, or has been, an agent of a candidate's campaign, or who has received any form of compensation or reimbursement from the candidate, members of the candidate's campaign committee, campaign agents, or campaign consultants;

(3) made by any person or group based on data from a candidate's pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

(4) made by a political group for soliciting contributions to be paid or delivered directly to a candidate or the candidate's campaign agents.

(k) In (j) of this section, "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(l) In 2 AAC 50.310 — 2 AAC 50.405, "contribution" does not include the following payments, services, or other things of value:

(1) costs incurred in covering or carrying a news story by a broadcasting station, newspaper, or periodical of regular publication, unless the

facility is owned by or controlled by a political party, political group, or candidate; in that case, the cost of the news story is a contribution, unless the news story is a bona fide news account that is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

(2) a non-monetary contribution or in-kind donation of a single item with a usual and normal cost of $50.00 or less.

(3) a payment made by any individual for his or her own travel expenses, if such payments are voluntary and are made without any understanding that they will be directly or indirectly repaid.

(4) a payment is made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections to communicate directly with its members or employees, or their families, on any subject, if the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to do anything other than exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(5) a gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election.

(m) A contribution made by a married individual is not attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130

2 AAC 50.314. DEFINITION OF "GROUP"; REPORTING BY BUSINESS. (a) In 2 AAC 50.310 — 2 AAC 50.405, "group" includes

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or for directing or controlling those activities to secure or defeat the election to public office of an individual or candidate or to secure or defeat a ballot proposition;

(2) a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat, or recall, of any candidate for political office or to aid the passage or defeat of a ballot proposition;

(3) two or more persons who jointly make a contribution in the name of another as described in 2 AAC 50.357.

(b) A corporation, partnership, sole proprietorship, trade association, fraternal or charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as required by AS 15.13.040(d) and (e) as an individual* if

(1) all contributions and expenditures to influence the outcome of an election are made from the organization's general day-to-day operating account;

(2) the organization does not conduct a fundraising drive or assessment among its members or employees for the purpose of influencing an election;

(3) the organization does not exercise direction, control, or discretion over the choice of the recipient candidate or group, and the organization does not exercise direction, control, or discretion over the expenditure of money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.130(3)
AS 15.13.040

2 AAC 50.315. CONTRIBUTION LIMITATION EXEMPTION. (a) Groups that nominated a candidate for governor who received at least three percent of the total vote cast at the 1982 general election for governor are considered to be exempt from the contribution limitation set out in AS 15.13.070(a).

(b) Until the effective date of a statutory definition of "political party" that replaces AS 15.60.010(20) as it exists on the effective date of this section (and was held invalid in Vogler v. Miller, 660 P.2d 1192 (Alaska 1983)), a group, other than a group described in (a) of this section, desiring an exemption from the contribution limitation set out in AS 15.13.070(a) must submit to the commission an application for exemption. In accordance with (c) of this section, the commission will review the application and, in its discretion and on a case-by-case basis, grant the exemption.

(c) Among the criteria which will be considered in deciding whether to grant an exemption are:

(1) an organized membership, composed of registered voters, which represents a political program;

[redacted]

(2) prior history as a political group under AS 15.13.050 including the receipt of substantial contributions and the disbursement of substantial expenditures made for the purpose of influencing the election of legislative candidates in more than one district; and

(3) the percentage of votes received by a statewide candidate nominated in the name of the group in the preceding general election.

(f) Groups satisfying the criteria of (a) of this section and groups granted exemptions under (b) of this section are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) A candidate may make unlimited personal contributions from assets which, under Alaska law, the candidate had legal right of access to or control over and to which the candidate had legal and rightful title at the time he or she became a candidate. These assets include salary and other earned income from bona fide employment; dividends; proceeds from the sale of investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy; and gifts of a personal nature which had been customarily received before candidacy.

(b) A candidate may use a portion of jointly owned assets as a personal contribution. The portion of the jointly owned assets that may be used is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used is considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, if there is no instrument of conveyance or ownership, the portion of the asset belonging to the candidate is the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the present value by the number of owners.

(c) A candidate's donation of goods remaining from a prior campaign is a personal contribution.

(d) A loan of money by a regulated banking institution to a candidate is a personal contribution if the loan is made in accordance with applicable banking laws and regulations; bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Loans under this section are reported as a candidate's personal contribution.

(e) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing. Sale proceeds used by a candidate in a campaign must be reported as personal contributions. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY. (a) Each candidate and political group intending to raise or spend more than $5,000 in a calendar year shall designate on a registration statement or on the first campaign disclosure statement filed with the commission, one or more regulated banking institutions as its campaign depository or depositories. Each account title must indicate that it is a campaign account.

(b) All monetary contributions to, and expenditures by, a candidate or political group must be deposited to or made from a designated campaign depository.

(c) A candidate or political group required by (a) of this section, to designate a campaign depository may obtain and use credit cards in making travel-related campaign expenditures for transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. The credit card account name must indicate that it is a campaign account.

(d) Contributions that appear to be illegal must, within ten days after receipt, be returned to the contributor.

(e) A campaign treasurer shall make his or her best efforts to determine the legality of a contribution. If a contribution cannot be determined to be legal, a refund must be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. Alternatively, the contribution may be deposited into the campaign depository and reported. If it is deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of the contribution is in question must be included in the next required report. (Eff 1/4/86, Register 97)

Authority: AS 15.13.030 AS 15.13.060
AS 15.13.050 AS 15.13.070

2 AAC 50.320. GENERAL RECORDKEEPING REQUIREMENTS FOR CANDIDATES AND GROUPS. (a) Every candidate and group required to report contributions or expenditures under the provisions of AS 15.13 shall maintain detailed records of all contributions received and expenditures made in accordance with the uniform methods of bookkeeping set out in the commission's bookkeeping guide.

(b) A candidate or his treasurer, and the treasurer of a group, may issue a receipt, and shall record the receipt of every contribution received, unless otherwise exempted by this chapter, regardless of the dollar amount or value of the contribution. While the identity of a person who has contributed no more than $100 to a campaign is not required to be individually reported by the treasurer on a campaign disclosure report, the name of such a contributor, along with the amount and type of his contribution, must be recorded by the treasurer and maintained by the treasurer, for comparative purposes, in case that person makes additional contributions which total over $100.

(c) The identity of a person who has contributed over $100 in the aggregate per year to a candidate's or group's campaign must be reported in accordance with 2 AAC 50.321.

(d) Each bookkeeping record required under this section shall be maintained by the candidate or the treasurer of a group and may not be destroyed for a period of four years from the date of the contribution. The records shall be available for inspection by the commission upon request of the commission. (Eff. 5/14/80, Register 74)

Authority: AS 15.13.020(2) AS 15.13.040
AS 15.13.030(10) AS 15.13.120(e)

2 AAC 50.321. REPORTING CONTRIBUTIONS AND EXPENDITURES. (a) Each candidate or group filing reports under AS 15.13 must identify

(1) each monetary contribution, or aggregate of contributions from the same contributor, which totals in excess of $100 by reporting

(A) the date received;

(B) the check number;

(C) the name and address of the contributor;

(D) the principal occupation and employer of the contributor; and

(E) the amount;

(2) each non monetary contribution, or aggregate of non monetary contributions from the same contributor, valued at more than $100 a year, by reporting

(A) the date received;

(B) the name and address of the contributor;

(C) the principal occupation and employer of the contributor;

(D) a description of the contributions; and

(E) its estimated fair market value;

(3) each loan, or aggregate of loans from the same contributor which totals in excess of $100, by reporting

(A) the date received;

(B) the name and address of the lender, guarantor or cosigner;

(C) the principal occupation and employer of the lender, loan guarantor or cosigner;

(D) the interest rate; and

(E) the amount;

(4) each paid expenditure by reporting

(A) the date of the payment;

(B) the check number;

(C) the name and address of the payee;

(D) the purpose of the expenditure; and

(E) the amount;

(5) each accrued expenditure by reporting

(A) the date the expenditure was incurred;

(B) the name and address of the business or individual with whom the debt was incurred;

(C) the purpose of the accrued expenditure; and

(D) the amount.

(b) When reporting monetary and non-monetary contributions or loans, a cumulative total must be kept by each candidate or group of the contributions (including loans) made to it, regardless of the total, and reported pursuant to (a) of this section when

(1) monetary contributions by the same contributor bring the total to over $100; or

(2) nonmonetary contributions by the same contributor bring the estimated total value to over $100; or

(3) loans by the same lendor, guarantor, or cosigner bring the total to over $100; or

(4) a combination of monetary or nonmonetary contributions or loans by the same contributor brings the total to over $100. (Eff. 7/22/78, Register 67)

Authority: AS 15.13.030(10) AS 15.13.130(2) and (4)
AS 15.13.040(a) and (b)

2 AAC 50.322. RECORDKEEPING REQUIREMENTS FOR AUCTIONS AND GARAGE SALES. Repealed 5/14/80.

2 AAC 50.323. RECORDKEEPING REQUIREMENTS FOR CONTRIBUTIONS RECEIVED FROM THE SALE OF CAMPAIGN MATERIAL. Repealed 5/14/80.

2 AAC 50.324. SHARED CAMPAIGN REPORTING. Except for expenditures by the candidates for governor and lieutenant governor of the same political party who have been nominated to run in the general election, the following provisions apply to all candidates and groups, other than a political party, subject to the provisions of AS 15.13 and this chapter:

(1) The use, by one candidate, of the money, goods or services raised or generated by his campaign, to influence the election of another candidate, is considered a contribution and cannot exceed the $1000 limitation set by AS 15.13.070(a); nothing in AS 15.13 or this chapter, however, limits an individual's right to make any expenditure whatsoever to influence the election of a candidate, so long as that expenditure is not made at the suggestion of that candidate, directly or indirectly paid for by that candidate, or otherwise controlled by that candidate.

(2) An expenditure made by one group, other than a political party, on behalf of another group which is controlled by a candidate is considered a contribution and may not exceed the $1000 limitation set by AS 15.13.070(a).

(3) A candidate may not join his campaign committee with that of one or more candidates in order that they may file a single report of their joint campaign, nor may a group join with one or more groups in order that they may file a single report of their joint efforts.

(4) Candidates or groups prohibited from forming a joint campaign under (3) of this section may share in campaign efforts, under (5) of this section, so long as they keep separate campaign accounts and file separate statements of their contributions and expenditures under AS 15.13 and 2 AAC 50.

(5) Two or more candidates, or two or more groups, may share in campaign efforts so long as the cost of, and receipts from, shared efforts are allocated equally to each participating candidate or group's campaign.

(6) So long as the costs of, and receipts from, shared efforts are allocated equally to each participant of a shared campaign, neither the costs or receipts are considered as a contribution from one participant to any of the other participants.

(7) Each candidate or group filing reports pursuant to AS 15.13 and 2 AAC 50 must complete an APOC Form 15-8A, the "Shared Campaign Activities" form, which represents his or its proportionate share of the receipts and expenditures of a shared campaign effort.

(8) A proportionate share of the amount of an expenditure benefiting one or more candidates, or one or more groups, of a shared campaign effort, but paid for in full by one of the candidates, or by one of the groups, will be considered a contribution by

(A) the paying candidate to the other candidates; or

(B) the paying group to the other groups.

(9) Media communications regarding a shared campaign activity are considered properly identified so long as the identification includes the words "paid for by" and the name of each candidate or group sharing in the cost of the communications. The address and treasurer of each participating candidate or group need not be listed. However, if a communication is paid for in its entirety by only one of the participants then, in accordance with 2 AAC 50.369, full and proper identification is required. (Eff. 7/22/78, Register 67; am 6/14/80, Register 74; am 6/29/84, Register 90)

Authority: AS 15.13.030(10) AS 15.13.070(a)
AS 15.13.040(a) and (b) AS 15.13.090

2 AAC 50.325. RECORDKEEPING REQUIREMENTS FOR NONMONETARY CONTRIBUTIONS.

[redacted]

2 AAC 50.326. RECORDKEEPING REQUIREMENTS AND EXEMPTIONS WHEN REPORTING A FUND-RAISER. (a) A candidate or his treasurer, and the treasurer of a group, shall report all the contribution and expenditure activity related to a campaign fund-raiser in a format designated by the commission, and in accordance with this section. Fund-raisers sponsored in conjunction with several candidates or groups are viewed as shared fund-raising activities and, while subject to the provisions of this section, must be reported separately on APOC Form 15-8SA and in accordance with 2 AAC 50.324.

[redacted]

(b) When reporting a fund-raiser, a candidate or his treasurer, and the treasurer of a group, shall state the total number of contributing participants, the date and place where the event was held, if applicable, a description of the type of fund-raising activity, and the total costs of, and receipts from, the event.

(c) For the purposes of this section, "fund-raiser" includes, but is not limited to, a garage sale; a raffle or drawing; an auction; a spaghetti feed or pot-luck dinner; the sale of campaign material, such as posters, buttons, stickers, clothing, key chains and ashtrays; or a sponsored concert.

(d) The requirement in AS 15.13.040 and 2 AAC 50.320 that a candidate or his treasurer, or the treasurer of a group, must record the name of every person making a contribution, regardless of the amount of that contribution, does not apply to events which meet the following criteria:

(1) fund-raisers, similar in nature to spaghetti feeds, bingo games, dances, or concerts, where

(A) there are 25 or more paying participants; and

(B) except as described in (f) of this section, the cash amount received from any one person does not exceed $50;

(2) fund-raisers, such as a raffle, lottery or a drawing, where

(A) 25 or more tickets are sold; and

(B) except as described in (f) of this section, the price of a ticket or the amount received from any one person purchasing chances does not exceed $50;

(3) fund-raisers, the income from which is based on the sale of campaign material, where, except as described in (g)

(A) the price of an item being sold does not exceed $10; or

(B) the amount received from any one person purchasing items does not exceed $50;

(4) fund-raisers, such as garage sales and auctions, where, except as described in (g)

(A) the fair market value of an item donated for sale or auction does not exceed $50; or

(B) the amount received from any one person purchasing items at the garage sale or auction does not exceed $50.

(e) When reporting receipts from a fund-raiser which meets the recording exemption set out in (d) of this section, the candidate or his treasurer, or

the treasurer of a group, need only report the total amount of contributions received from or generated by the fundraiser, along with the total number of paying participants, tickets sold, or items purchased, as applicable.

(f) If a person contributes in excess of the exempted amounts stated in (d)(1)(B) or (d)(2)(B) of this section, then the name of that person, and the amount and type of that contribution, must be recorded as set out in 2 AAC 50.320.

(g) If the cost of or value of an item exceeds the exempted amount, or if a person contributes or pays in excess of the exempted amounts stated in (d)(3) or (4), then the name of that contributor or buyer must be recorded as set out in 2 AAC 50.320.

(h) A contribution made by a person to attend or otherwise participate in a "fund-raiser," as defined in (c) of this section, whether or not exempted from full recording under this section, may not be received by or on behalf of a candidate in violation of AS 15.13.070(a). (Eff. 5/14/80, Register 74; am 5/24/81, Register 78; am 6/29/84, Register 90)

Authority: AS 15.13.030(10)
AS 15.13.040

2 AAC 50.330 REPORTING CAMPAIGN EXPENDITURES FOR TRANSPORTATION.

[redacted]

2 AAC 50.332. REPORTING ZERO CONTRIBUTION OR EXPENDITURE ACTIVITY. (a) Each candidate or group required to file a full report of all contributions received and expenditures made in accordance with AS 15.13 and this chapter shall report in accordance with the reporting schedule set out in AS 15.13.110(a), regardless of the amount of their reportable contributions or expenditures. In the absence of any contribution or expenditure activity whatsoever during a reporting period, each candidate or group not already exempt from reporting under (b) or (c) of this section shall submit by the appropriate due date the "Short Form" on Schedule A of the Campaign Disclosure Statement certifying that no contributions have been received or expenditures made.

(b) A candidate who does not intend to receive or accept contributions, or make expenditures during his campaign for municipal or state public office, including any personal campaign contributions or expenditures, may file APOC Form 15-0, the "Campaign Reporting Exemption Form." A candidate who files the exemption form is not required to submit any other reports to the commission concerning his campaign. The reporting exemption is revoked if a candidate accepts contributions or spends money to influence his election. A candidate whose exemption is revoked must immediately register his change of status on APOC Form 15-1 and, in accordance with AS 15.13.110, must disclose his campaign contribution and expenditure activity beginning with the first campaign disclosure report due following his change in status. Failure to report campaign

contribution or expenditure activity after the reporting exemption is revoked subjects the candidate to both civil and criminal penalties for noncompliance with the reporting requirements of AS 15.13 and 2 AAC 50.

(c) The treasurer of a political party subdivision or political action committee previously registered with the commission which does not intend to receive or accept contributions, or make expenditures, during a municipal campaign may, in accordance with the requirements set forth in (b) of this section, file APOC Form 15-0. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10) AS 15.13.110
AS 15.13.040(a) and (b)

2 AAC 50.333. REPORTABLE DATE OF A CONTRIBUTION. A contribution is considered received, and reportable as such, on the day in which that contribution is in the possession of a candidate, or a treasurer or deputy treasurer of a candidate or group, in accordance with AS 15.13.070(e) and this chapter. (Eff. 7/22/78, Reg. 67)

Authority: AS 15.13.030(10)
AS 15.13.070(e)

2 AAC 50.334. PERSONS WHO MAY ACCEPT CONTRIBUTIONS. (a) A candidate's campaign committee, or a group, may authorize a person who is not registered as a deputy treasurer to accept or solicit campaign contributions on its behalf for any single event. Campaign committees or groups are not in violation of AS 15.13.070(e) if contributions collected by the authorized person are turned over to a candidate, treasurer, or deputy treasurer of the intended committee or group within 72 hours.

(b) An individual who is, or will be, fund-raising on a regular basis throughout a political campaign must be registered as a deputy treasurer in accordance with AS 15.13.060(e).

(c) Individuals that have not been "authorized" to accept campaign contributions by either a candidate or his treasurer, or the treasurer of a group, are prohibited from collecting campaign contributions on behalf of a candidate's campaign committee or a group. (Eff. 4/28/79, Register 70; am 5/14/80, Register 74)

Authority: AS 15.13.030(10) AS 15.13.070(e)
AS 15.13.060 AS 15.13.130(2)

2 AAC 50.340. EXPENDITURES TO ADVERTISING AGENCIES OR CAMPAIGN MANAGEMENT SERVICES. Whenever a required report includes an expenditure to an advertising agency, or to an individual or business which provides campaign

consultation or management services, the report shall be accompanied by a statement detailing all services rendered, including the identity of each business from which campaign goods or services were purchased or subcontracted, or media advertising placed, and their costs. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74).

Authority: AS 15.13.030(10)
AS 15.13.040(f)

2 AAC 50.342. REGISTRATION OF GROUPS SUPPORTING OR OPPOSING BALLOT ISSUES. Each group, before making an expenditure in support of or in opposition to a ballot proposition, shall register with the commission on forms provided by the commission. (Eff. 5/14/80, Register 74)

Authority: AS 15.13.010(b) AS 15.13.040(b)
AS 15.13.030(10) AS 15.13.050

2 AAC 50.350. CONTRIBUTION OF PROFESSIONAL SERVICES.

2 AAC 50.351. INDEPENDENT EXPENDITURES. (a) An independent expenditure is a disbursement of funds which is made expressly to support or oppose an individual's candidacy or a ballot issue. An independent expenditure is not made with the cooperation, consent, in consultation with, or at the request or suggestion of, a candidate, a candidate's campaign committee, or a group, and must be reported in accordance with AS 15.13.040(d)(2) and (e) by the maker of the expenditure.

(b) An expenditure made at the request of, in consultation with, or at the suggestion of a candidate, a candidate's campaign committee, or a group supporting or opposing a ballot issue, is considered an in-kind contribution by the person making the expenditure, and must be reported in accordance with AS 15.13.040(a) by the candidate or group benefiting from the contribution, and by the "contributor" in accordance with AS 15.13.040 (d)(1) and (e).

(c) There is no limit on the amount or frequency of independent expenditures.

(d) The report of an expenditure to influence the outcome of a ballot issue required to be filed under AS 15.13.040(d)(2) will be closed to the public only if the commission determines, in response to a written request, that the individual who makes the expenditure would likely be subject to undue harassment, threats, or economic reprisals as the result of public disclosure. After publication, the person granted an exemption shall provide the commission with

a copy of the communication in order to enable the commission to verify which communications were sponsored by that person. (Eff. 5/14/80, Register 74; am 6/29/84, Register 90)

Authority: AS 15.13.030(10) AS 15.13.090
AS 15.13.040

2 AAC 50.355. LOANS. [redacted]

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by a person other than in the legal name of the original source of the contribution.

(b) No person, employer, principal, supervisor, or contractor may lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employee's, agent's, or other person's name, or in a name other than the original source of the contribution.

(c) A contribution made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another. Contributions by two or more organizations to the same recipient are in the name of another if the organizations

(1) share the majority of members of their board of directors;

(2) share two or more corporate or organizational officers;

(3) are owned or controlled by the same shareholders or members;

(4) are in a parent-subsidiary relationship.

(d) If a minor makes a contribution of money or any thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130

2 AAC 50.360. MUNICIPALITIES. (a) If a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report as an individual under AS 15.13.040(d) and (e).

(b) All communications which are paid for by a municipality and which are related to an election are considered to be intended to influence the outcome of an election unless they are only notices of the election or unless they are required by statute, charter, or ordinance.

(c) The municipality shall file with the commission a list of candidates and their mailing addresses within seven days following the deadline for filing for municipal office.

If a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group under AS 15.13.040(b) and (c) and AS 15.13.050. (Eff. 5/16/76, Register 58; am 1/4/86, Register 97)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.090
AS 15.13.030(10) AS 15.13.050

2 AAC 50.361. REPORTING BY SPECIAL INTEREST GROUPS. Repealed 10/18/81.

2 AAC 50.362. DRAFT GROUPS. (a) A draft group must report its contribution and expenditure activity as a group, under the requirements of AS 15.13 and this chapter.

(b) A draft group

(1) may make expenditures in order to raise, through contributions to the group, the money necessary to

(A) defray its own administrative costs; and

(B) attempt to draft persons to become candidates, including the expenditure of money to

(i) extoll the qualities of persons the group is attempting to draft; and

(ii) inform the general public both of the group's position on issues, as well as the qualities of leadership it seeks in potential candidates; and

(2) may not

(A) engage in any political activity other than an activity described in (b)(1) and (c) of this section;

(B) accept contributions in excess of $1000 from any person or group;

(C) except for personal travel expenses, opinion surveys, or polls, make any expenditure that might benefit a person who the group has successfully drafted for office and who has made it known that he or she will be seeking election to public office; however, the group may continue in its attempts to draft other persons for elective office; and

(D) except as provided in (c) of this section, make contributions to, contribute previously produced material to, or expend funds on behalf of, any person who has declared that he or she is seeking office or who has filed a declaration of candidacy or nominating petition or become a candidate by any other means.

(c) A draft group that expends more than 50 percent of its funds in an effort to draft one individual or, in the case of gubernatorial and lieutenant gubernatorial candidates, a team of individuals, to campaign for public office is, for the purposes of AS 15.13.130(3) and this chapter, considered a controlled group. If the person or team subject to the draft formally declares for public office, then the amount contributed to the draft group must be added to any contributions made the same year to the drafted candidate's or team's own campaign committee, in order to determine whether a contributor has made the maximum allowable contribution as outlined in AS 15.13.070(a). As a controlled group, the draft group may contribute the maximum allowed by law to the candidate or team of candidates. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 6/29/84, Register 90)

Authority: AS 15.13.010 AS 15.13.040(b) AS 15.13.100
AS 15.13.030(10) AS 15.13.070(a) AS 15.13.130(2), (3) and (4)

2 AAC 50.363. SUBCOMMITTEES OF A CANDIDATE'S CAMPAIGN COMMITTEE OR OF A CONTROLLED GROUP. A subcommittee may be created within a candidate's campaign committee or within a controlled group. These subcommittees are not considered separate groups and shall not maintain separate bank accounts and records or file separate reports. The name of the candidate or controlled group must be a part of the name of the subcommittee. The name of the subcommittee shall not be used when identifying political advertising under AS 15.13.090 and 2 AAC 50.369. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74)

Authority: AS 15.13.030(10) AS 15.13.040(a)
AS 15.13.050 AS 15.13.090

2 AAC 50.369. PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS. (a) Except as provided in (d) of this section, "proper identification" of a communication intended to influence the election of a candidate or the outcome of a ballot issue means that the communication is clearly identified with the words "paid for by," followed by the name and full address of the candidate, group, or individual actually paying for the advertising. The name of the campaign chairman must also be identified. If the candidate and the chairman are the same person, the name need not be repeated.

(b) Standard English abbreviations may be used in the written identification.

(c) "Clearly identified," as used in AS 15.13.090, means that

PAXTON OBORN
4500 BAYVIEW • ANCHORAGE, ALASKA 99516 • (907) 345-2124

RECEIVED
AUG 20 1985
APOC - ANOH
PM HC
8/19

August 16, 1985

State of Alaska Alaska Public Offices Commission
610 C Stset Suite 211
Anchorage, Alaska 99501

Att. Rebecca Dye O'Hara

Dear Ms. O'Hera,

This letter is to reply to your inquiry regarding my outstanding campaign debts.

I have paid a portion of the debt that was outstanding on January 1, of this year. That payoff and any subsequent will be reflected in my yearend report to be filed this coming January.

Let me point out that these debts are in fact debts which I must pay off. I am paying them off as fast as I can. For you to say they are subject to the $1000.00 limit would be to say they are a contribution and to assume that I do not have a responsiblity to pay them, this is something you have no basis to assume.

While I can understand the staff's concern, and apprecate the potential for abuse of long outstanding campaign debts, to assume that because some abuses take place everyone must be punished is unfair. Also I question your authority to change the regulations to make them retroactive to the the 1984 campaign.

Finally, after reading your proposed changes to the regulations, I feel that the inclusion of loans as a contribution is unfair to the first time campainer and would shift even more advantage to the incumbant canidates. There are few newcomers to the political contests that can launch a campaign without obtaining loans or credits.

[18A], 8/21/85

It is one thing to require the reporting of loans and obligations and quite another to limit the amount. The effect of the first is make the public aware of where the canidates money is comming from and the second is to limit the amount an individual can donate to his own campaign. This would be a very dangerous step and quite possibly unconstitutional.

Sincerely,

Paxton Oborn

[8A], 8/21/85

IT'S A MESSAGE TO THEDA FITTMAN RE THE APOC HEARINGS TOMORROW AND FRIDAY AND READS:

[188]

TO: THEDA FITTMAN
FROM: WALTER WOOD, BOX 868, VALDEZ, AK 99686

PER OUR CONVERSATION SEVERAL MONTHS AGO, I PROPOSE:

(1) NO EXPENDITURES AFTER NOON ON THE DAY BEFORE THE ELECTION POLLS OPEN,
(2) NO CONTRIBUTIONS AFTER NOON BEFORE THE DAY THE POLLS OPEN,
(3) NO CONVERSION OF CONTRIBUTIONS TO PERSONAL INCOME,
(4) NO FUNDS CARRY OVER TO NEXT ELECTION, AND
(5) ALL EXCESSES MUST BE RETURNED TO CONTRIBUTORS OR DONATED TO CHARITIES.

THANKS FOR LISTENING.

EOM

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
August 22-23, 1985

A regular meeting of the Alaska Public Offices Commission was called to order at 9:00 a.m., Thursday, August 22, 1985 by Chairman Jean Rogers. The meeting was held in the Quadrant Room of the Hotel Captain Cook in Anchorage.

Commissioners: Chairman Jean Roger[illegible] Chairman Arlayne Knox; Mildred Op[illegible] O'Tierney.

Staff: Theda Pittm[illegible]r; Chris Johansen, Asso[illegible]ign Disclosure; Jane B[illegible], Conflict of Inter[illegible] Secretary.

Others: [illegible]ey Gen-[illegible] Joyce [illegible]mann; [illegible]in; [illegible]er;

Available via [illegible] Jeanette [illegible]. Dist. 18.

August Commission Mtg
Regulation Hearing

85-2-CD: S[illegible]

Mr. JOHANS[illegible] action has been taken on this matter sinc[illegible]me time to get a Hearing Officer assigned. [illegible]ference in the near future, after which the sta[illegible] for the Commission.

85-4-CD: McGowan v. De[illegible] Conservation [2]

Mr. JOHANSEN explaine[illegible]plaint was filed by Mr. McGowan alleging that the Dept. of Environme[illegible]nservation was engaged in influencing the outcome of an election by way [illegible]placing a television ad. Staff believes this is not a matter of influencing an election, and recommends dismissal of the complaint.

Ms. OPLAND asked if staff checked to see if the ad was permissable. Mr. JOHANSEN said that he had the tape, but hadn't seen the ad itself. Federal law provides that the Dept. of Environmental Conservation has a duty to undertake public information on this subject or risk loss of federal funds to the state.

Ms. OPLAND voiced her approval of dismissing the complaint.

Mr. JOHANSEN stated that this was a pretty clear-cut case, as there is an Attorney General's opinion that says the Campaign Disclosure Law does not cover state agencies.

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Commissioners:	Chairman Jean Rogers; Vice-Chairman Arlayne Knox; Mildred Opland; Daniel O'Tierney.
Staff:	Theda Pittman, Executive Director; Chris Johansen, Associate Coordinator, Campaign Disclosure; Jane Barcott, Associate Coordinator, Conflict of Interest; Teresa Garrison, Recording Secretary.
Others:	Elizabeth Page Kennedy, Assistant Attorney General; Bob Manners, Secretary, NEA-PACE; Joyce Kerttula; Rep. Katie Hurley; Jean von Dohrmann; Maureen Kennedy; Dale Fox; Rep. Terry Martin; Patty Macklin; Catherine Zalewski; Janet Moyer; Steve DeLisio, Individuals for Randolph.
Available via telephone:	Allen Vezey, Chairman, Rep. Dist. 18; Jeanette James, Treasurer; and Gary Wood, Rep. Dist. 18.

85-2-CD: Staff v. Clossey, McConkey, Norris [11]

Mr. JOHANSEN explained to the Commission that no action has been taken on this matter since the June meeting, as it took some time to get a Hearing Officer assigned. There will be a pre-hearing conference in the near future, after which the staff will have more information for the Commission.

85-4-CD: McGowan v. Dept. of Environmental Conservation [2]

Mr. JOHANSEN explained that a complaint was filed by Mr. McGowan alleging that the Dept. of Environmental Conservation was engaged in influencing the outcome of an election by way of placing a television ad. Staff believes this is not a matter of influencing an election, and recommends dismissal of the complaint.

Ms. OPLAND asked if staff checked to see if the ad was permissable. Mr. JOHANSEN said that he had the tape, but hadn't seen the ad itself. Federal law provides that the Dept. of Environmental Conservation has a duty to undertake public information on this subject or risk loss of federal funds to the state.

Ms. OPLAND voiced her approval of dismissing the complaint.

Mr. JOHANSEN stated that this was a pretty clear-cut case, as there is an Attorney General's opinion that says the Campaign Disclosure Law does not cover state agencies.

Ms. Knox MOVED, to dismiss the McGowan complaint.
SECONDED by Ms. Opland,

Mr. O'TIERNEY stated that apparently this was an educational-type TV advertisement. Mr. JOHANSEN said that the Dept. of Environmental Conservation has a duty to promote general welfare, and that is what protects them.

Mr. O'TIERNEY stated that the Commission has concluded that this act was not intended to influence the outcome of an election. Ms. ROGERS and Mr. JOHANSEN said yes.

Motion passed unanimously.

Fink 1984 Mayoral Campaign [27]

Mr. JOHANSEN said that staff sent a letter to Mr. Fink asking him to obtain signatures of those who contributed on joint checking accounts but did not actually sign the checks. Mr. Fink will provide the information and staff will present it at the November meeting. There is also an excessive contribution from the Holland family which staff has asked Mr. Fink to return. This was a non-monetary contribution of leased space.

Mr. O'TIERNEY asked if Mr. Fink's response may be that this situation is similar to the Quadrant contribution issue, and to protest requiring that a candidate carry the burden if it is an excessive contribution.

Mr. JOHANSEN stated that it was a non-monetary contribution and a different issue. Staff will present more information on this matter at the November meeting.

84-12-CD: Zency v. Tischer [13]

Mr. JOHANSEN explained that Mr. Zency alleged Mae Tischer didn't use a disclaimer on a newsletter. Staff concluded that the newsletter was to promote the election of the candidate and should have a disclaimer. Staff believes the mailer was worth approximately $1,400 and believes a letter of admonition should be sent to Ms. Tischer.

Ms. KNOX said she was disturbed by the comment on page 2 of the August 6 letter where Ms. Tischer maintains this was not reportable. Mr. JOHANSEN said that perhaps Ms. Tischer had overlooked the question or didn't understand it.

Ms. KNOX stated that Ms. Tischer is asking for contributions to her campaign, and it sounds like this is from a campaign fund. Mr. JOHANSEN said that there is nothing which says a candidate has to distinguish different accounts. Staff believes Ms. Tischer's reports were in substantial non-compliance for failing to report the newsletter expense.

Mr. O'TIERNEY asked if she was to be admonished because the action was reportable. Mr. JOHANSEN said that contributions were to be mailed to the campaign, which suggested Ms. Tischer used the money from this mailer as a campaign fund.

Ms. Opland MOVED, to send a letter of admonition to Ms. Tischer. SECONDED by Mr. O'Tierney,

Ms. KNOX stated the Commission should include in the letter of admonition a request that Ms. Tischer amend her reports.

Motion passed unanimously.

84-18-CD: Schade v. Marrou [verbal]

Mr. JOHANSEN explained that the Conflict of Interest complaint against Rep. Marrou is still continuing, and that staff has made an effort to go ahead with this complaint also, making it clear there are two separate issues involved. Staff will continue this matter at the next meeting.

85-1-CD: Schade v. Davis [verbal]

Mr. JOHANSEN explained that Mr. Davis did not use a disclaimer and that this issue is being delayed because it is tied in with the Marrou matter. Staff is continuing the investigation.

85-3-CD: Stout v. McAlpine [verbal]

Mr. JOHANSEN explained that Mr. Stout filed a complaint aginst Lt. Governor McAlpine because he received $30,000 from Lewis Dischner in 1982. Mr. McAlpine stated that Mr. Dischner was a client and the money was a fee for services. Mr. Stout believes this is an excessive contribution. Since this issue involves a legal fee, staff referred the matter to the Alaska Bar Association. Staff believes it could not be a campaign contribution if it was not an excessive fee. The Bar Association will determine if it was an excessive fee. Staff has just received correspondence from the Bar Association dismissing the complaint and would like the Commission to set the matter over for further investigation, pending review of the Bar letter. If there is no merit to the complaint, staff would like the authority to dismiss the matter, or the Commission could take it up again at the November meeting.

Ms. ROGERS suggested it be taken care of via teleconference.

Ms. OPLAND asked if the $30,000 appears on Mr. McAlpine's 1982 Conflict of Interest Statement. Mr. JOHANSEN couldn't say for sure.

Ms. OPLAND said that it would be substantiated as income if it was reported on the Conflict of Interest Statement. If the Commission gives staff the authority to dismiss the matter, staff should consult with Pat Kennedy.

Ms. ROGERS said that she prefers the Commission consider the matter themselves. All Commissioners agreed to deny staff's request for authority to dismiss the matter.

Advisory Opinions

Barbara Lacher, State Recall Group, 8/7/85 [3A]

Ms. PITTMAN explained that an inquiry regarding this matter was received

in July of 1985. Ms. PITTMAN and Ms. Kennedy had discussed this matter, and felt that a group campaigning for recall and the individual defending himself from recall should be in the same situation in regards to the campaign contribution limit of $1,000. Staff responded only to the group inquiry as there is no recallee at this time.

Ms. OPLAND stated that she was bothered about people calling and asking for Advisory Opinions, and that there should be a written request, so a record can be kept of all questions and responses. Ms. PITTMAN noted that the draft regulations state the inquiry should be in written form.

Mr. O'TIERNEY noted that page 2, cites the $1,000 limit as applicable to candidates competing for office. Does that mean, if there is only one candidate in a race, he is not subject to the limitation?

Ms. PITTMAN said she didn't presume that.

Mr. O'TIERNEY stated that he thought the Advisory Opinion was well done. Ms. ROGERS said she hoped the people will follow staff's advice.

Ann Parrish, Defense Fund - Draft [3C]

Ms. PITTMAN stated that staff tried to call Ms. Parrish back to request her inquiry be in written form. The concepts in the draft letter have been discussed by the Commission before. Subsequent to the phone call, the press reported that Governor Sheffield did not intend to seek help with his defense funds. There is no difference if it is an office or personal expense - whoever gives more than $100 needs to be disclosed on the official's Conflict of Interest Statement.

Sen. Paul Fischer, Outside Employment, 7/25/85 [3B]

Ms. BARCOTT explained that Senator Fischer wrote to staff on July 5, 1985, regarding Legislators working for a company that gave campaign contributions. Staff stated there is no prohibited acts section under the Campaign Disclosure Law, but there are Prohibited Acts under the Conflict of Interest Law. Senator Fischer has not made an additional inquiry.

Mr. O'TIERNEY inquired as to the prohibited acts in the Conflict of Interest Law. Ms. BARCOTT explained that a public official is prohibited against using his or her office for financial gain; soliciting money for advice given during the official's public employment; and representing a client before a state agency for a fee. There does not seem to be such a problem in this instance.

Individuals for Randolph [16]

Personal appearance by Mr. Steve DeLisio

Mr. JOHANSEN explained that this group was being assessed $80/day until names and addresses are provided for contributors of more than $100. Staff believed there to be approximately 501 places where either names and/or addresses were missing from the group's reports. Staff made an error in the math calcu-

lations on the May 1985 correspondence in regard to the maximum civil penalty assessment. It should be $6,080. Staff received material that the group sent to contributors asking for their employers, and also received the groups completed reports in September. Staff has not heard why the information was missing from the original reports, but the Commission can hear the mitigation and set forth any amount of civil penalty they feel applicable, or direct staff to send a letter of admonishment to the group. This is the first major group that staff has had to request such a tremendous amount of information from, and the group has made a substantial effort to provide the information. Staff believes mitigation should be brought forth, or the maximum civil penalty be assessed.

Mr. O'TIERNEY asked what the civil penalty is accruing for. Mr. JOHANSEN said that it is for failing to submit the information initially on their reports. The civil penalty is from the date staff gave the group notice of their incomplete reports, and the assessment ended on the last date that staff received the information.

Mr. DELISIO stated that the group has not alleged fraud, but harassment. The Commission has had many issues which have been more severe than this, where no civil penalties were levied. By contrast, the Libertarians are hit every time they turn around. Staff has acknowledged that there has been no hiding of the contributions, and no fraud on the group's part, but just a failure to provide all of the information. The group submitted the requested information in two and one half months, with great effort. All the information has been provided, and there was no attempt to trick the public or hide information. By assessing a maximum civil penalty, it makes it appear the group made a wilfull attempt to evade the law or to trick the public and the Commission. Mr. DELISIO said that many names had addresses and occupations when the reports were submitted and he doesn't know why all the information was not available. Some people felt the information required was an invasion of privacy. The group is outraged by staff's suggestion of the maximum civil penalty, which suggests to the group that Libertarians get zapped by the Commission and these instances are insignificant compared to other instances. It is not appropriate for a state or federal agency to pick on a select group of people, and staff should help and inform the groups instead of coming down like a ton of bricks. This group does not feel they've done anything wrong.

Mr. JOHANSEN stated that the group has made a substantial effort to provide the information, but when substantial non-compliance is found, staff has no choice but to assess a maximum civil penalty until the mitigation is presented. Addresses or occupations were lacking for 501 people.

Ms. KNOX stated that Mr. Delisio said there <u>were</u> names that had all of the information required, and she would like to know the percentage of those that did not provide all the information.

Mr. DELISIO said he didn't know the percentage, but of the $500,000 contributed, the majority of the contributions ranged from $1 to $5.

Mr. JOHANSEN said that the percentage was probably less than 50% where people omitted both addresses and occupations.

Mr. DELISIO stated that names <u>were</u> disclosed, but there was a technical failure on the group's part to disclose occupations and addresses, although the

omissions were not of malicious intent, rather a failure to gather the information.

Ms. OPLAND stated that the group must have had the addresses, or they wouldn't have been able to send the contributors a letter asking for the information needed.

Mr. DELISIO said that he agrees that not all of the information was unavailable.

Mr. O'TIERNEY stated for the record, that on page 25, last paragraph, there is a mention of fraud. He would like this statement clarified.

Mr. DELISIO said that statement was to point out that if the Commission drives out this group for this small violation, then the Commission is encouraging fraud when they don't fine others for more substantial violations.

Ms. ROGERS said that each person who comes before the Commission with their mitigation feels they've been "selected."

Mr. O'TIERNEY said he doesn't see how the Commission is an instrument of fraud when it is the statutes that set forth the requirements.

Mr. DELISIO inquired as to the fine for the Democratic Party not reporting names, addresses or occupations. Ms. PITTMAN said staff has no knowledge of missing information from their reports. The issue was of birthday fund-raisers, and the information was provided.

Mr. O'TIERNEY said there is no question that the information was omitted on the reports from Individuals for Randolph and there was a great effort to comply with staff's request.

Mr. DELISIO stated the group complied as soon as possible, as there was quite a lot of information to gather and supply, which took time.

Mr. O'TIERNEY informed him that the civil penalty wouldn't have accrued if the information would have been supplied at the beginning, and the group now believes that the Commission should not assess the maximum fine.

Mr. DELISIO replied that the fine should be minimal or none, and inquired as to the appropriate way to deal with oversights. Mr. O'TIERNEY stated that the Commission is not responsible for the resistant attitude of the Libertarian Party if they don't want to provide the information required..

Mr. DELISIO said that hopefully, it will help to understand that there was no deliberate attempt to avoid the issue.

Ms. ROGERS said that the Commission hopes he understands that it is not selective and that the Commission tries to be fair and is obliged to follow through on complaints and investigations.

Ms. OPLAND said that the group made a substantial effort to provide the information requested, and although she was not in favor of dismissing the is-

sue, she does think the civil penalty is excessive.

Ms. Opland MOVED, to assess 50% of the civil penalty ($3,040)
SECONDED by Mr. O'Tierney,

Ms. KNOX stated she would like to remind Mr. Delisio that candidates are responsible for the information required on the forms. The Commission does not want to discourage volunteers, but people should be better informed of the requirements.

Motion passed unanimously.

NEA-ALASKA PACE [17B]

Personal appearance by Mr. Bob Manners

Mr. MANNERS stated that the concerns in this issue are timeliness in filing reports in 1981 and 1982. He said that for over 1 year, all reports were timely and accurate, and the group requests a waiver or reduction of the civil penalty, or perhaps a letter of admonishment. Mr. MANNERS does not contest the untimely filings in 1981 and 1982, and when the group was notified they responded promptly. The group employed an auditor to review the reports and also sent staff people to the APOC office to get information. All information for reports is now computerized. This group has a membership organization of 6,000 members and dues are not used in political contributions to candidates. The group raises the money for contributions through direct solicitations, fundraisers, and a payroll deduction dues check off system. The recordkeeping and reporting is substantial and the group has improved their techniques to report timely. The Commission staff has been tremendously helpful, but Mr. MANNERS requested a reduction or waiver of the fine.

Mr. JOHANSEN said that although staff agrees with Mr. Manners' mitigation, and the group has made a good effort to comply, staff's recommendation is for a $4,225 civil penalty assessment.

Mr. O'TIERNEY stated that it is now August of 1985, and the missing information was discovered in 1981. Why did it take 3 years to find the extent of the group's problems?

Mr. JOHANSEN explained that staff had sent audits to the group which were never answered or followed up. Staff has been using a more extensive audit process since 1984.

Mr. O'Tierney MOVED, to accept staff's recommendation of reducing the
SECONDED by Ms. Knox, civil penalty to 50% ($4,225).

Ms. KNOX stated that there should also be a letter of admonishment for the reporting problems of 1981 through 1983. She also said she would like to commend them for their improvement.

Motion passed unanimously.

The Commission recessed for lunch and reconvened at 1:00, at which time they approved a motion by Daniel O'Tierney, seconded by Arlayne Knox to go into Executive Session to discuss Litigation reports.

No motion was offered following the Executive Session and the Commission opened its public hearing on proposed regulations.

Campaign Disclosure Regulations [18], [18A], [18B], [19], [19A]

Ms. PITTMAN explained that approximately 1,000 copies of the draft regulations were mailed out to officials and the public, and notices of the hearing were published in the newspapers. Written public comments are included in [18A] and [18B].

Personal appearance by Ms. Joyce Kerttula

Ms. KERTTULA stated that she was present because she functions as a Campaign Manager and Treasurer for Jalmar Kerttula. She asked, in regard to the proposal making a contribution of a debt if it is not paid off within a certain period of time, what would happen if the debt could not be paid? A candidate would have to finance his own campaign, which would probably be no problem for a candidate with private income. But others may not be able to fund their own campaigns, which may cause less people to become candidates.

Mr. JOHANSEN said there is an existing policy decision that if a debt is not paid within 30 days, it becomes a contribution. The new regulations require that if accrued expenditures remain unpaid beyond a normal amount of time, they will then become a contribution. The procedures provide candidates the option of coming before the Commission. Mr. JOHANSEN stated that for debts which occurred before the date the regulations pass, a candidate should be given perhaps a year to pay off the debt, or the Commission could address this issue when such a situation arises.

Ms. PITTMAN said she had received a call from Sen. Abood regarding the timing of the regulations package in light of the Senate State Affairs contract with Gross and Burke to re-draft the Campaign Disclosure Law. Senator Abood informed Ms. Pittman that in September or October of 1985 the draft should be ready, he would like the Commission's cooperation in reviewing it, and believed the regulations hearing today may be a disadvantage to this process. Ms. PITTMAN said she explained to Senator Abood that the Commission needs to make regulation changes in between elections, and the regulations address the existing statute. Ms. PITTMAN informed him that she would convey his concern to the Commission. Ms. KENNEDY said she had received a call from Mr. Gross and his concerns were the same as Sen. Abood's. He felt there was a difference of opinion regarding the regulations and that this was an unfortunate time to hold a hearing on them. He expressed concerns about 2 AAC 50.401 which Ms. Kennedy found to be justified and she indicated she would discuss those concerns when that item came up. Ms. KENNEDY had asked Mr. Gross if he would like to testify, and he said no.

Mr. O'TIERNEY asked why Sen. Abood and Mr. Gross thought there was a problem with the timing of the regulations hearing. Ms. PITTMAN explained that it was frustrating to know others are working on a proposal with similar subjects when their draft is not ready yet. Mr. O'TIERNEY asked whether the Gross draft would speak to the changes the Commission has made. Ms. KENNEDY said maybe, maybe not. There was general discussion that the Commission had to proceed with its regulations, as there is no guarantee that the statutory changes would

be passed by the Legislature. Ms. ROGERS stated that it would have been helpful to have Sen. Abood, Mr. Gross or Ms. Burke present at the Comission's hearing.

Personal appearance by Katie Hurley

Rep. HURLEY stated that she is Chairman of the House State Affairs Committee and she would like to see the Commission proceed with work on the regulations, as it takes a long time for regulations to go into effect. She still has debts because she borrowed money to pay off her campaign debts, so it is possible to have debts many years after the campaign. With these regulations, maybe a candidate wouldn't incur such debts.

Ms. ROGERS asked her if she thought the proposal on ending campaigns would pose a hardship. Rep. HURLEY said it is somewhat discriminatory against people who don't have assets, but if there is a limited amount of time to pay off the debts, a candidate may not go so far into debt.

Ms. KNOX said that after the regulations pass, any debts then are subject to be paid off as required. Ms. KENNEDY agreed.

No other members of the public wished to speak at this time and the Commission suggested taking up each regulation in turn.

Ms. PITTMAN noted that packets [18] and [19] were the drafts prepared by staff, based on the Commission's suggestions at its last meeting. Packet [18A] incuded the appropriate repealers, written comments by Joyce Kerttula and Paxton Oborn, as well as staff re-drafts for 2 AAC 50.313(a)(4), 2 AAC 50.313(a)(8)(A)(iii) and 2 AAC 50.313(b)(4). She noted that the definition of contribution should be numbered 2 AAC 50.313 rather than .314. Packet [19A] included a staff re-draft to 2 AAC 50.460(d) and counsel's rationale for that change.

Mr. JOHANSEN gave an individual summary of each section of the regulations so the Commission could address their concerns for each:

2 AAC 50.313, CONTRIBUTION [18], pages 1-8; [18A], pages 8-9.

There was a comment from the audience that if candidates and contributors are required to report, consultants should also be required to report their activities. Ms. KENNEDY said the point is that candidates are responsible for their campaign people - if campaign people make an arrangement for an independent expenditure, they should be aware that such an expenditure is a non-monetary contribution.

This section was discussed and the Commission agreed to adopt 2 AAC 50.313, Contributions, as amended by [18A], pages 8-9.

Ms. Knox MOVED, to adopt 2 AAC 50.313 as amended by [18A], pages
SECONDED by Ms. Opland, 8-9.

Motion passed unanimously.

Chairman ROGERS noted that she wished to pause to allow additional public comment on the regulations.

Personal appearance by Jean von Dohrmann

Ms. VON DOHRMANN stated that she was in favor of the revisions to 2 AAC 50.380, Early Campaigning, because potential candidates are presently too limited in what they can do in deciding whether to run. Prospective candidates are too vulnerable to potential violations especially when traveling to an area where a candidate is not well known. Ms. VON DOHRMANN said she thought the "letter of intent" section is good.

Ms. VON DOHRMANN said that there is beginning to be a problem for volunteer treasurers, especially in large campaigns. She believes there will be a need for professional treasurers soon or legal help, and she hopes the regulations will simplify matters.

Personal appearance by Maureen Kennedy, Director of AKPIRG

Ms. M. KENNEDY said she would like to compliment staff on the regulation changes and additions regarding loans and advisory opinions. In general, a good job was done. Ms. M. KENNEDY asked if the disclaimer size is still a minimum of 3 1/2" x 5". Ms. OPLAND said yes. She expressed a concern about the possibility of association officers making contributions without authority of the members. Mr. JOHANSEN replied that the section she referred to dealt with reporting of associates' contributions.

There being no further public comments, the Commission continued with packet [18].

2 AAC 50.401, POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS [18], pages 9-10.

Mr. JOHANSEN explained that the Commission needs to determine when one campaign ends and another begins because of the provisions in AS 15.13.100. Ms. KENNEDY said she has no real problems with subsections (a) and (b) but the statute, by establishing the year-end report deadline implies that a campaign may not close for 2-3 years. She also stated that the Commission had no authority to require that money be given to the General Fund, or that the ending date of a campaign be December 31 of a particular year. Ms. PITTMAN requested more time for staff to address Ms. Kennedy's concern in light of the fact that this objection has just been brought up. Ms. OPLAND suggested deleting some of the repetitious language near the end of subsection (b).

The Commission returned to discussion of 2 AAC 50.380, EARLY CAMPAIGNING, [18], page 11.

Ms. KNOX observed that Ms. von Dohrmann's comments suggested the proposal would simplify things for potential candidates and that was the Commission's intent.

Ms. Knox MOVED, to adopt 2 AAC 50.380, Early Campaigning.
SECONDED by Ms. Opland,

Motion passed unanimously.

2 AAC 50.319, DESIGNATED CAMPAIGN DEPOSITORY [18], pages 12-13.

Mr. Johansen summarized the draft.

Mr. Dale FOX, a member of the audience, inquired as to what was considered a banking institution - how about E. F. Hutton? There was general discussion on this, and it was agreed that a banking institution included a savings and loan institution, and E. F. Hutton would be considered an acceptable depository under the regulation.

The Commission discussed this section and agreed to amend it as follows: Eliminate all of (d) except "...and shall indicate it is a campaign account," which should be added at the end of (c). Ms. OPLAND suggested the changes as she felt it was too restrictive to require that the depository and campaign credit cards be from the same institution.

Ms. Opland MOVED, to adopt 2 AAC 50.319 with the amended language.
SECONDED by Mr. O'Tierney,

2 AAC 50.905, ADVISORY OPINIONS [18], Pages 14-15

Ms. OPLAND expressed concern that the regulation does not require the request to be in writing. Mr. JOHANSEN urged that staff be allowed some discretion to respond to oral requests in situations where the time element required such.

After discussion, the Commission directed the following changes: Under (g): third line, "by" should be changed to "of"; Under (g)(1): second line, "such" should be changed to "an"; "and" should be deleted, and add: "...approving the activity; or..." after the word rendered.

Ms. Knox MOVED, to adopt 2 AAC 50.905 with the amended language.
SECONDED by Ms. Opland,

At this time the Commission recessed until 9:00 a.m. Friday, August 23, 1985.

Minutes, June 24-25, 1985 [1]

The Commission discussed the June meeting minutes and agreed to amend them as follows:

Page 1: "Chairperson" should be changed to "Chairman"; Page 4: third paragraph - "Mr. McKay" should be in capital letters.

Ms. Opland MOVED, to accept the June minutes as amended.
SECONDED by Ms. Knox,

Motion passed unanimously.

Also on the June minutes, the Commission took a final vote on the amended motion dealing with [17C], Substantial Non-compliance: Senator V. Fischer.

Ms. Knox MOVED, SECONDED by Ms. Opland, to accept the motion as amended at the June meeting.

Motion passed unanimously.

The Commission resumed its regulations hearing.

Campaign Disclosure Regulations & Staff Re-draft/Written Testimony [18], [18A]

Personal appearance by Rep. Terry Martin

Rep. MARTIN stated that he had one major concern with the regulations, this being the number of years that people sometimes run for office. There needs to be an end date for campaigns. He believes that 90 days after an election should be enough time to get things in order. A candidate could pay the bills in advance, so there would be no debts accrued. There are numerous loopholes, e.g., Campaign '84, which should be looked into, for filtering money and targeting 5 candidates. He believes the group got away with it because they are affiliated with the Democratic Party. There is a way of filtering money so no one knows who really gave the money to a candidate, and that's the information people are really after.

Ms. PITTMAN explained that there was a point in time where the Commission asked the Parties to inform them as to how they are organized. The purpose of the request was to determine how the Commisison could know that an entity was an official party subdivision. The result of this was a situation where the Commission decided they could not tell the Parties how to organize or whether an entity qualified as a Party subdivision, but would rely on notice from the Parties.

Mr. JOHANSEN said that there is a problem with party subdivisions and the policy has been for non-geographical subdivisions to submit a letter from the Party confirming official subdivision status. There are loopholes for abuse, but maybe these can be tightened up.

Rep. MARTIN suggested use of the voting structure at Party conventions as a guideline to whether a group is truly party affiliated.

2 AAC 50.356, GROUP [18], Pages 16-17

Mr. JOHANSEN explained that staff had no changes to suggest in the initial draft. He noted that the new language continues the provision that an on-going organization may report like an individual. He said staff hoped the new regulation would make it easier for organizations to understand whether they were required to register and report as a group.

Mr. O'TIERNEY asked about the use of the words "...final decision of the recipient candidate or group." After discussion, the Commission requested that the word "decision" be changed to "selection." Ms. OPLAND suggested adding the phrase "and the organization must file as a group." Staff requested additional time to double check the effect of such a change on the grammatical structure of the language.

2 AAC 50.316, PERSONAL CONTRIBUTIONS BY A CANDIDATE, [18], Pages 18-19

Ms. KNOX asked how personal contributions by a candidate differ from a personal loan to the campaign? She understands a loan to be made in anticipation of repayment.

Mr. JOHANSEN said that in the past, the Commission has said that personal contributions create a debt. Some people believe that a campaign is a separate entity that can owe money to the candidate.

Ms. PITTMAN said she believed that when the Commission established this philosophy, it was on the basis that if recovery of personal funds wasn't prohibited, it was allowed. The policy was reflected in the manual as the fact that one could put money into a campaign and recover it whenever able to do so. The Commission can change the interpretation of what is allowed. The Commission used to believe that personal contributions and personal loans were not distinguishable.

Mr. JOHANSEN asked how much money the Commission should let a candidate recover.

Ms. PITTMAN said there was an absence of any specific item in the Statute saying a candidate could not take money as personal income. Ms. KNOX asked if this regulation should deal with how much money a candidate can get back. Mr. JOHANSEN said then there is a problem with post-election fund-raisers. Ms. OPLAND said the public should know if a candidate is contributing to, or loaning money to, a campaign.

Ms. KENNEDY said that contribution is defined in the Statute to include loans. Ms. KNOX stated that many post-election fund-raisers are held to recoup the candidate's money. Ms. PITTMAN said that in regard to the candidate hoping to recoup the money, maybe the candidate should be asked if he or she was planning to recoup the money. If a candidate gives a definite answer, the Commission could deal with his or her adherence to that answer.

Ms. ROGERS suggested holding this item until after the scheduled phone call with Republican District 18.

Campaign Disclosure Affidavits [20]

Available by phone - Allen Vezey, Gary Wood & Jeanette James

Republican District 18 - Allen Vezey, Trsr.

This group requested reconsideration of the civil penalty assessed them for the following:

$ 1,090 CPA, 30 Day Pre-primary, 109 days late;
$ 4,350 CPA, 7 Day Pre-primary, 87 days late;
$ 700 CPA, 10 Day Post-primary, 70 days late;
$ 380 CPA, 30 Day Pre-general, 38 days late;
$ 50 CPA, 7 Day Pre-general, 17 days late.
$ 6,570 CPA total

At the June meeting the Commission accepted staff's recommendation for reduction of the assessment to 10%. This group did not know their affidavit was to be reviewed at that meeting, and wanted a chance to respond and be heard.

The representatives of the group presented their mitigation. The Commission agreed to uphold the staff recommendation of 10% of $6,570 ($657), which is to be paid within 30 days and noted that if this is a hardship on the group, they should contact staff and request an extension of time to pay the fine.

2 AAC 50.316, PERSONAL CONTRIBUTIONS BY A CANDIDATE - continued

Personal appearance by Patti Macklin

Ms. MACKLIN stated she had a question in subsection (c) regarding jointly owned assets. She owns a duplex with her mother - is that an asset? She also had some concern regarding assets owned with a spouse. Mr. JOHANSEN said that assets owned jointly with any other person can be used by the candidate.

Ms. MACKLIN inquired as to why she could contribute an unlimited amount of money to her own campaign, but only $1,000 to another. Ms. KENNEDY informed her that was set in the statute.

Ms. ROGERS suggested striking out (c). Mr. JOHANSEN said that by including "his or her spouse" typifies the usual situation. Without this language, a person can assert that it is acceptable to convey the property to a candidate just before an election, so the candidate can then convert his share of the assets into his or her campaign.

Mr. O'TIERNEY said that there could be an unlimited number of jointly owned assets, which are legitimate. To resolve this dilemma, "including but not limited to spouse" could be entered.

The Commission discussed this section and agreed to amend it as follows: change (C) to (2); strike out "with his or her spouse"; add "In the case of property jointly owned with a spouse, if no specific share...."; add a new sentence to read, "In the case of property jointly owned by a non-spouse where there is no instrument of conveyance or ownership, the percent of the asset belonging to the candidate shall be the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the value by the number of owners."; change (2) to (3); (3) to (4); (4) to (5); and on the second line of (5), correct the typo of "nto" to "not."

Ms. Opland MOVED, to adopt 2 AAC 50.316 as amended.
SECONDED by Ms. Knox,

Motion passed unanimously.

2 AAC 50.357, CONTRIBUTIONS IN THE NAME OF ANOTHER, [18], Pages 20-21

Mr. JOHANSEN said the purpose of the regulation was to provide specificity about the conduct considered to be a prohibited contribution in the name of another. Such specificity is especially important for provisions that are subject to criminal prosecution. He noted that (a)(2) represents a change in interpretation with respect to whether the contribution limitation applies to the com-

bined value of contributions by a corporation and its subsidiary or by a parent organization and its local units. He expressed the view that this language represents uniform treatment for corporations, unions, and other entities and would not be greeted with objection on that basis.

Personal appearance by Catherine Zalewski

Ms. ZALEWSKI said that a 17 year old child who has political knowledge, should be allowed to make a contribution. The voting age has been discussed as determining the age at which a person could be considered old enough to decide for themselves if they want to make a contribution. Ms. MACKLIN said she thought the voting age was a good idea. Ms. ROGERS stated that she felt anyone under the age of 18 should not be allowed to make a contribution, as that is the age when they are considered to be adults. In her view, it would be logical to go by the voting age.

Ms. MACKLIN stated that people under the age of 18 could show their support in ways other than contributing money. Ms. KNOX stated that it should be the voting age, as the contribution process deals with an election. Ms. ROGERS said she believes it to be clear and fair to require a person to be 18 years old in order to contribute.

Ms. ZALEWSKI asked if it was the really young children that the Commission wants to cover in this. A 16 or 17 year old may be politically oriented and may want to help by contributing money to a campaign. Ms. PITTMAN said there is a problem with parents giving children money to make a contribution. Ms. ZALEWSKI said it could be worded "a child using money received from a parent specifically for political purposes."

Ms. OPLAND noted that subsection (e) sould be "(c)."

Ms. Knox MOVED, to adopt 2 AAC 50.357.
SECONDED by Ms. Opland,

After further discussion on the provision related to contributions by minors, Ms. ROGERS called for the vote which failed 2-2. Mr. O'Tierney and Ms. Opland voted nay; Ms. Knox and Ms. Rogers voted yea.

Ms. OPLAND suggested that the language could be more specific concerning a child using money received from a parent specifically for contributing. Mr. O'TIERNEY suggested that the need to signal potential problems with children's contributions could be served by including a reference in (a)(2).

The Commission agreed to take this subject up again after lunch.

85-1-LOB: Moyer v. Caverly Center, Salvation Army, Chugiak Center [31]

Personal appearance by Janet Moyer

Ms. MOYER said she began lobbying in 1982, and when she began to see the amount of money spent, was shocked. She feels state agencies have blocked her from finding out information and is curious why three agencies didn't have registered lobbyists, yet received several million dollars. She requested the APOC to check into this, but did not get a response. She feels that she is

harmed by these groups and wanted help from the APOC. She understands that Ms. Miles needed more information, so she provided her with a sworn statement. People need to be aware of the laws, and it is only fair that other organizations adhere to the rules and laws. There is a need for consistency in applying the laws and standards.

Ms. PITTMAN explained that staff response to the complaint has been slow. The problem is that although Ms. Moyer's letter was given to Brooke Miles in January, Ms. Pittman received it in March, as Brooke was under the impression that she was to hold onto it for awhile, so there was a problem of misunderstanding. Of the three statutes, the APOC has the least people to work on AS 24.45. When Ms. Pittman received the letter, she discussed it with staff and Ms. Kennedy, and believed it to be insufficient. At this point, staff is prepared to proceed with the complaint.

Ms. MOYER said that it looks like proving this case is left up to her. It should be up to the Commission. Ms. PITTMAN said she would encourage Ms. Moyer to document events that support her allegations to allow staff to do its work more efficiently. Ms. MOYER said she would try to get more documentation, but believes the Commission is able to get information to which she does not have access Ms. ROGERS said that the staff and Commission will do their best.

The Commission recessed for lunch and reconvened at approximately 1:30.

2 AAC 50.357, CONTRIBUTIONS IN THE NAME OF ANOTHER - continued

Ms. MACKLIN asked how the Commission would know that a parent's purpose in giving a child money was to contribute. Ms. ROGERS noted that the Commission frequently had to deal with issues of that nature.

Language changes were discussed to allow a child to make a contribution with the child's own money.

The Commission agreed to accept this subsection worded as: "(c) If a minor makes a contribution, the source of which is money or a thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another."

Ms. Opland MOVED, to adopt 2 AAC 50.357 as amended.
SECONDED by Mr. O'Tierney,

Motion passed unanimously.

2 AAC 50.401, POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS - continued [18C]

Ms. PITTMAN explained that staff had redrafted this section, which is presented in [18C]. The focus of the draft is to establish a time line for Commission review of whether outstanding debts are considered to be debts or contributions. Ms. KENNEDY indicated that the re-draft removed the approach which she had found objectionable in the previous version. The Commission discussed the redraft, and agreed to accept it with one addition: on page 2, seventh line, add "...a candidate's personal contributions or loans made from his or her...."

Ms. Knox MOVED, to adopt the [18C] re-draft of 2 AAC 50.401.
SECONDED by Ms. Opland,

2 AAC 50.910, AVAILABILITY OF REPORTS FILED WITH THE COMMISSION [18], Page 22

Mr. JOHANSEN noted that this was a technical amendment suggested by the Department of Law to make this regulation compatible with the fact that 2 AAC 50.351(d) allows some reports to be kept confidential. Subsection 351(d) was promulgated in response to the Court's suggestion in the Messerli Case.

Ms. Opland MOVED, to adopt 2 AAC 50.910.
SECONDED by Mr. O'Tierney,

Motion passed unanimously.

2 AAC 50.360, MUNICIPALITIES [18], Page 23

Ms. PITTMAN explained that the effect of the proposed changes is to reverse the Commission's instructions to municipalities about the way to report. The new language allows them to report as individuals rather than groups so long as they are using budget funds, not accepting donations to fund their activity.

Staff has not found any examples of municipalities using solicited funds and feels that group reports create more paper but do not disclose meaningful information.

Mr. O'Tierney MOVED, to adopt the amendments to 2 AAC 50.360(a) and
SECONDED by Ms. Opland, the new subsection (d).

Motion passed unanimously.

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS [18], Page 24

Ms. PITTMAN explained that campaigns have frequently overlooked the fact that fund raiser invitations are considered by the Commission to be subject to the identification requirements. This new subsection is intended to help campaigns understand the "paid for by" requirements.

Ms. Opland MOVED, to adopt 2 AAC 50.369(e).
SECONDED by Ms. Knox,

Motion passed unanimously.

2 AAC 50.370, OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION [18], Page 25

Ms. PITTMAN explained that the Commission established a policy some time ago that objects which are no bigger than minimum mailing size need not be identified. This language adds that decision to the regulation.

Ms. OPLAND suggested that the language should read "...other objects which are smaller than '3 1/2 x 5'..." to accurately convey the fact that an item large enough to be accepted by the Post Office must be identified. The Commission agreed.

Ms. Knox MOVED, to adopt 2 AAC 50.320 as amended.
SECONDED by Mr. O'Tierney,

2 AAC 50.390(d)(1), CIVIL PENALTY ASSESSMENTS FOR LATE FILING OF A CAMPAIGN DISCLOSURE REPORT [18], Page 11.

Ms. OPLAND asked whether the new proposal would eliminate the Commission's ability to mitigate a fine. Ms. PITTMAN said that would not be the case. The new language provides for intial assessments to be made at the statutory maximums; there would no longer be any regulatory limit confining the Commission to fining only $1 or $5 for particular reports. Initial assessments will be higher but the Commission will still be able to reduce fines that are appealed.

Ms. Opland MOVED, to adopt 2 AAC 50.390(d)(1) as presented.
SECONDED by Ms. Knox,

2 AAC 50.315(d), CONTRIBUTION LIMITATION EXEMPTION [18], Page 27

Ms. Opland MOVED, to adopt the new subsection (d) of 2 AAC 50.315.
SECONDED by Ms. Knox,

The Commission discussed these sections and agreed to accept them as presented.

Repealers [18A], Page 2

Ms. PITTMAN noted that the adoption of the items in packet [18] meant that some of the existing regulations need to be repealed:

2 AAC 50.325: Recordkeeping Requirements for non-monetary contributions;
2 AAC 50.330: Reporting Campaign Expenditures for Transportation;
2 AAC 50.350: Contribution of Professional Services;
2 AAC 50.355: Loans;
2 AAC 50.405(4): "Contribution";
2 AAC 50.385: Reporting by Organizations & Business or Trade Associations;
2 AAC 50.395: Reporting by a Business Entity or Labor Organization.

Ms. Knox MOVED, to repeal the existing regulations listed on
SECONDED by Mr. O'Tierney, page 2 of [18A].

Motion passed unanimously.

2 AAC 50.460(d), PRELIMINARY INVESTIGATION, [19A], Page 1

Ms. KENNEDY explained that the intent of this proposal was to make it clearer that one of the options available as the result of a preliminary investigation was the assessment of civil penalties, subject to appeal by affidavit.

Ms. Opland MOVED, to accept the amendment to 2 AAC 505.460(d) in
SECONDED by Ms. Knox, [19A].

Motion passed unanimously.

Complaint/Inves./Hearing Req. Amendments [19], Page 1; pages 3-8

Ms. PITTMAN explained that the amendment on Page 1 was a minor one suggested by the Ombudsman. It requires staff to notify the subject of a rejected complaint that the complaint has been rejected.

Ms. Knox MOVED, to adopt the amendment to 2 AAC 50.450(d).
SECONDED by Ms. Opland,

Ms. PITTMAN explained that pages 3-8 are proposed amendments to the hearing regulation. The draft reflects a change in advice concerning whether APOC hearings are subject to the requirements of the Administrative Procedures Act that a hearing officer be used. The current position of the Dept. of Law is that when the APOC holds a hearing, it must be in accordance with the APA.

Ms. Knox noted that in line 1 of 2 AAC 40.470(g), the word "there" should be changed to "those."

Ms. Knox MOVED, to adopt 2 AAC 50.470 as amended.
SECONDED by Ms. Opland,

Motion passed unanimously.

Campaign Disclosure Affidavits [20]

Mr. Johansen presented the Campaign Disclosure Affidavits.

Alaska Life Underwriters PAC - Denise Perry, Treasurer
Appeal: $1,700 CPA 7 Day Pre-primary report, 34 days late;
$ 10 CPA 10 Day Post-primary report, 17 days late;
$ 50 CPA 7 Day Pre-general report, 11 days late;
$ 10 CPA 10 Day Post-general report, 13 days late.
Total: $1,770 CPA
Appeal accepted; fine waived.

Democrats for Pignalberi
Appeal: $ 970 CPA 10 Day Post-primary report, 97 days late.
Appeal accepted in part; fine reduced to $48.50 if paid within 30 days.

Ketchikan Education Association PACE - Carol Mitchel, Chairperson
Appeal: $ 2,180 CPA 30 Day Pre-general report, 218 days late;
$ 9,800 CPA 7 Day Pre-general report, 196 days late;
$ 1,790 CPA 10 Day Post-general report, 179 days late.
Total: $13,770 CPA
Appeal accepted in part; fine reduced to $68.50 if paid within 30 days.

Art Vergere - Candidate, Valdez City Council
Appeal: $ 50 CPA 7 Day Pre-municipal report
Appeal denied; fine upheld.

Ms. Knox MOVED, to accept all actions taken on the Campaign
SECONDED by Mr. O'Tierney, Disclosure Affidavits.

Motion passed unanimously.

Conflict of Interest Statutory Recommendations [5]

Ms. BARCOTT stated that staff would like to suggest the Commission propose three statutory recommendations for the Conflict of Interest Law and proposed Ethics Legislation:

1) Revision of the definition of "Public Official"

Staff would like the definition of "public official" to be revised to incorporate changes in job titles in the executive branch and include key administrative personnel with the Court System and the University of Alaska.

2) Revision of the definition of "Municipal Officer"

Staff would like the definition of "municipal officer" to read "....city or borough manager or administrator...."

Staff would further propose that a new definition be added which would read (10) "candidates for elective municipal office" includes only candidates for those offices defined in AS 39.50.200(a)(6).

3) Ethics Legislation

While the scope and shape of a proposed ethics bill for the executive branch is not known, staff would like the Commission to endorse the concept that the ethics bill be tied to the existing Conflict of Interest Law. Staff believes it appropriate that positions covered by the ethics bill be required to file Conflict of Interest Statements.

Conflict of Interest Affidavits [6]

Ms. Barcott presented the Conflict of Interest Affidavits.

Jacob Stepetin - Mayor, City of Akutan
Appeal: $ 24 CPA 1985 COI Statement filed 8 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Jennie Robinson - Member, Akutan City Council
Appeal: $ 24 CPA 1985 COI Statement filed 8 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Colleen Kuderin - Member, Akutan City Council
Appeal: $ 24 CPA 1985 COI Statement filed 8 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Zenia Borenin - Member, Akutan City Council
Appeal: $ 24 CPA 1985 COI Statement filed 8 days after receipt of delinquency notice.
Appeal accepted; fine waived.

John Pingayak - Mayor, City of Chevak
Appeal: $ 64 CPA 1985 COI Statement filed 16 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Tony Umugak - Member, Chevak City Council
Appeal: $ 64 CPA 1985 COI Statement filed 16 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Joseph Paniyak - Member, Chevak City Council
Appeal: $ 34 CPA 1985 COI Statement filed 10 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Peter Boyscout - Member, Chevak City Council
Appeal: $ 34 CPA 1985 COI Statement filed 10 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Leo Moses - Member, Chevak City Council
Appeal: $ 34 CPA 1985 COI Statement filed 10 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Eugene Asicksik - Mayor, City of Shaktoolik
Appeal: $ 49 CPA 1985 COI Statement filed 13 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Matilda Hardy - Member, Shaktoolik City Council
Appeal: $ 54 CPA 1985 COI Statement filed 14 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Ethel Takak - Member, Shaktoolik City Council
Appeal: $ 54 CPA 1985 COI Statement filed 14 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Mary Katchatag - Member, Shaktoolik City Council
Appeal: $ 54 CPA 1985 COI Statement filed 14 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Edgar Jackson - Member, Skaktoolik City Council
Appeal: $ 29 CPA 1985 COI Statement filed 9 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Gabriel Takak - Member, Shaktoolik City Council
Appeal: $ 9 CPA 1985 COI Statement filed 5 days after receipt of delinquency notice.
Appeal accepted; fine waived.

James Carroll - Member, Fort Yukon City Council
Appeal: $ 14 CPA 1985 COI Statement filed 6 days after receipt of delinquency notice.
Appeal accepted; fine waived.

Val Angason - Member, Board of Fisheries
Appeal: $ 187 CPA 1985 COI Statement filed 32 days late.
Appeal denied; fine upheld.

Barbara Dale - Member, Commission on Judicial Conduct
Appeal: $ 147 CPA 1985 COI Statement filed 28 days late.
Appeal accepted in part; fine reduced to $73.50 if paid within 30 days of notice.

Michael Minder - Member, Oil & Gas Conservation Commission
Appeal: $ 57 CPA 1985 COI Statement filed 17 days late.
Appeal accepted; fine waived.

Sylvester Neal - Director, Division of Fire Protection
Appeal: $ 97 CPA 1985 COI Statement filed 23 days late
Appeal accepted in part; fine reduced to $48.50 if paid within 30 days of notice.

Jana Varrati - Member, Council on Domestic Violence & Sexual Assault
Appeal: $ 77 CPA 1985 COI Statement filed 21 days late
Appeal accepted in part; fine reduced to $38.50 if paid within 30 days of notice.

Municipal Reporting Statistics [6A]

Ms. BARCOTT explained that 11 municipal officials had not yet filed their 1985 Conflict of Interest Statements and that continued failure to do so may subject them to criminal charges. AS 39.50.060.

Concerning the officials from Anvik, there seems to be confusion over who has filed their Statements and the date they were filed. Staff has requested that the City Clerk submit a sworn statement listing the name of each public official who has filed, the date the Statement was filed, and copies of the Statements.

Attorney General - Civil Referrals [4]
Failure of State Public Officials to Pay COI Civil Penalties

Ms. BARCOTT explained that the following four people have been referred to the Attorney General's Office for civil collection of outstanding civil penalty assessments for late filing of their 1985 Conflict of Interest Statements: Edward Janzen, Darryl Pederson, Morgan Solomon, and Marco Pignalberi.

Municipal Officials Who Failed to File 1985 Conflict of Interest Statements [7]

Ms. BARCOTT explained that staff is requesting that the Office of the Attorney General pursue formal collection efforts on the civil penalties which are accruing at $10/day for those officials who have not filed a 1985 COI Statement. Additionally, staff is giving notice to the local city attorney that the APOC recommends the official(s) be removed from office for failure to comply with AS 39.50.

Ms. ROGERS stated that she feels staff is pursuing the right course of action.

84-4-COI: Bradley Exemption Request [Verbal]

Ms. BARCOTT explained that a Hearing Officer has been appointed, but she does not know if a hearing date nas been set. The hearing will take place in Juneau.

Next Meeting Dates [23]

The Commission agreed that the next regular meeting will be held on November 19-20, 1985 in Anchorage. The tenative date for a February meeting was set for February 27-28, 1985 in Anchorage.

FY 87 Budget Request [22]

Ms. PITTMAN explained the budget request that has been submitted to date.

85-3-COI: Staudenmaier 1985 Municipal Candidate COI [8]

Ms. BARCOTT explained that staff requests a hearing to decide if Mr. Staudenmaier's name should be withheld from the ballot for failure to properly file a Conflict of Interest Statement. If the Commission grants this request, there is immediate need for a hearing officer, as the hearing regulation requires 30 days notice to the individual.

Mr. O'TIERNEY asked if Mr. Staudenmaier had ever filed the client names required on his COI Statement as a 1984 state candidate. Ms. BARCOTT said that he has not filed them with the APOC, nor the Attorney General's Office.

Ms. Opland MOVED, to accept staff's recommendation for a hearing
SECONDED by Ms. Knox, on this matter.

Motion passed unanimously.

Ms. BARCOTT said that staff would try to schedule the hearing as soon as possible within the timeline for notice set by the regulation; it appeared that it might be possible to hold it around September 23, 1985.

84-7-COI: Sheldt v. Wilson (Thorne Bay)
85-2-COI: Barnes v. Thorne Bay City Council [Verbal]

Ms. BARCOTT explained that staff has requested a response date of August 28 from officials in Thorne Bay. This is a serious complaint which involves many people and serious allegations.

85-1-COI: Miller v. Rutledge, et. al. (Cold Bay) [Verbal]

Ms. BARCOTT explained that there has been no progress on this complaint, and staff will take this matter up at the next Commission meeting.

Ms. Opland MOVED, to adjourn the meeting.
SECONDED by Ms. Knox,

Motion passed unanimously.

The meeting adjourned at 4:20 p.m. on August 23, 1985.

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
June 24-25, 1985

A regular meeting of the Alaska Public Offices Commission was called to order at 9:05 a.m., Monday, June 24, 1985 by Chairman Jean Rogers. The meeting was held in the Easter Island Room of the Captain Cook Hotel in Anchorage.

Commissioners:	Chairman Jean Rogers; Vice-Chair Arlayne Klein; Mildred Opland; Burke Riley.
Staff:	Theda Pittman, Executive Director; Chris Johansen, Associate Coordinator, Campaign Disclosure; Jane Barcott, Associate Coordinator, Conflict of Interest; Brooke Miles, Juneau Branch Administrator; and Teresa Garrison, Recording Secretary.
Others:	Elizabeth Page Kennedy, Assistant Attorney General; Senator Vic Fischer; William Moffatt; John McKay, counsel for William McConkey; John Wood, counsel for Sarah Clossey Norris and Joe Norris; Tom Staudenmaier.
Available via telephone:	Rep. Andre Marrou; Robert Reed Shelley, counsel for Rep. Marrou.

Ms. PITTMAN explained that Commissioner O'Tierney was in Seattle, and that he had given her a telephone number where he could be reached.

Ms. Opland MOVED, SECONDED by Ms. Klein,	for the Commission to go into Executive Session to discuss Litigation Reports. AS 44.62. 310(c)(3).

Motion passed unanimously, at which time the Commission went into Executive Session, and reconvened at 9:25 a.m. No motions were made following the Executive Session.

Draft Complaint/Inves./Hearing Reg. Amendments [9]

Ms. PITTMAN explained that the existing hearing regulation, 2 AAC 50.470, was written by Ms. Kennedy to account for a perceived difference between APOC decisions and the kinds of decisions addressed by Administrative Procedure Act hearing procedures. A recent memorandum by Assistant Attorney General Dick Monkman suggests that APOC hearings are subject to the Administrative Procedure Act. The draft revisions to 2 AAC 50.470 would make that regulation consistent with the Administrative Procedure Act. This is appropriate in

light of recent decisions by the Commission to hold Administrative Procedure Act-type hearings either at the request of respondents or because such appears prudent due to probable litigation. The draft does not explicitly address the criteria for determining when an Administrative Procedure Act hearing would be held. Nor does it respond to the statutory language regarding civil penalties which provides that they can be appealed via affidavit.

Ms. Kennedy and Mr. Monkman are in disagreement over whether civil penalties are subject to hearing procedures. Staff suggests Ms. Kennedy be asked to draft language for the Commission which might clarify the review process for civil penalties.

Ms. KENNEDY said that a formal hearing process for civil penalty affidavits would be a slow mechanism for respondents. Ms. OPLAND agreed and indicated a concern that the Commission would never get anything done if hearings were conducted on all civil penalties.

Ms. PITTMAN said that under Mr. Monkman's suggestion, he recommended that only a Hearing Officer be present to listen to a staff presentation and the affiant. She believes there is a disadvantage to a person not being able to appear before the Commission. The appeal process would be more difficult and impersonal than it is at present.

Ms. KENNEDY said that the Commission may want to think over the hearing process as it relates to civil penalties. Ms. OPLAND asked if anyone could request a hearing. Ms. KENNEDY said not necessarily.

Ms. KLEIN asked if there was a problem in using the word "hearing" and if another term was available for the civil penalty items. Ms. KENNEDY said that "appearance" may be used as opposed to "hearing," which could be used for formal proceedings. Ms. ROGERS stated that she would like to be as informal as possible.

Ms. PITTMAN noted that if the Commission approved these revisions for public notice, a regulations hearing could be held in August. Ms. ROGERS asked if that was agreeable to the Commission.

Mr. Riley MOVED, SECONDED by Ms. Opland, to approve the draft revisions of 2 AAC 50.450, .460, and .470 for hearing at the August meeting.

Motion passed unanimously.

85-2-CD: Staff v. Clossey, McConkey, Norris [3]

Mr. JOHANSEN said that staff requests an issuance of Notice of Hearing, with the hearing separate from the regular Commission meeting. At the meeting, the Commission should address the matter of whether one or all of the persons should be referred for criminal prosecution or if civil penalties should be assessed. The Commission should institute criminal proceedings when there is evidence of criminal conduct. Ms. Clossey was informed of the

need to file disclosure reports when she inquired about distributing flyers, but she filed late. Staff also attempts to show that a campaign cannot be conducted independently of a candidate when it is prepared by his or her campaign consultants, and staff believes that this is a serious enough matter for criminal referral.

Personal appearances by Mr. John Wood, counsel for Sarah Clossey and Joe Norris; and John McKay, counsel for William McConkey.

Mr. WOOD stated that his clients don't want to prolong the matter in front of a political body, and that he differs with staff on the level of evidence necessary to commence with criminal proceedings. They request no hearing, but request that the matter be sent to the Attorney General for determination of criminal prosecution. Regarding depositions of Ms. Clossey and Mr. Norris, he would like to add that the depositions are unsigned, and his clients cannot be forced to sign them now. He has advised his clients to take the 5th Amendment.

Ms. ROGERS explained that the Attorney General would not take the case without a hearing from the Commission first. Mr. WOOD stated that the present hearing was enough to satisfy his clients. Ms. ROGERS said that may not satisfy the Attorney General.

Mr. WOOD stated that the evidence would not satisfy the Attorney General. Mr. Wood had asked if the matter was instituted by a complaint and the staff has said no. Mr. Wood said that he had looked at the Abood and Flood files. He believed the Commission was aware of the fliers in November of 1983 and also of the Flood lawsuit against Ms. Clossey, which has been settled. According to Mr. Wood, it appears the true complaintant is Joe Flood. If the Commission thinks a hearing is necessary, the respondents should have the right to depose Joe Flood, Charles Dunnagan, and Chris Johansen. Mr. Wood then submitted to the Commission, a letter from Mr. William McConkey to Sarah Clossey showing the expenditures for the flier.

Mr. WOOD said that there is confusion over the May 13, 1985 meeting between his clients and Chris Johansen, at which time his clients were granted an extension to May 31, 1985 to respond to staff. At that time, their attorney failed to show. Ms. Clossey filed a disclosure report and did not try to hide any information. Mr. WOOD asked how broadly the Commission defines group - if a husband drives his wife to place an ad, is this a group? If they go to a political consultant, is this a group? Mr. McConkey was involved with Senator Abood's campaign, but was also involved in 17 other campaigns. Mr. WOOD asked the Commission to dismiss the matter, file a civil penalty assessment so they can appeal, or refer the matter to the Attorney General.

Ms. ROGERS asked if there were any questions. In the absence of any questions, Ms. ROGERS asked John McKay, counsel for Mr. McConkey, to proceed.

Mr. McKAY stated that Mr. McConkey has been a professional campaign consultant for 10 years and has never had a complaint against him. He stressed that there are three people involved in this matter and all three are lumped together. He has consulted with Mr. McConkey who said that there had been no

continuing relationship between McConkey and the other two. He sees no reason to proceed further against Mr. McConkey. Proceeding with a hearing could take a year or longer, which would damage Mr. McConkey's business and his reputation. The statutes provide regulations for professional campaign consultants and until now, Mr. McConkey never considered it group activity when he consulted with his clients. He wants fair notice of what is considered group behavior.

Mr. McKAY noted that staff's case appears to be based on a single fact, that Senator Abood had the same information about Flood as Ms. Clossey. Further, staff contends that as a matter of law Mr. McConkey's actions could not have been independent of Senator Abood. But staff offers no case law to support its contention.

Mr. McKAY asserted the only relevant evidence is that it is clear Mr. McConkey wasn't consulted as a campaign manager for Senator Abood. Ms. Clossey had a Constitutional right to make expenditures against Joe Flood. Why can contributions be limited but not expenditures? The courts have said that expenditures are a right of "free speech." Contributions are limited to limit corruption of candidates. There is no danger of this between Abood and Clossey as there is no evidence that ties them together.

Ms. ROGERS asked if there were any questions.

Ms. OPLAND said that Mr. McKay spoke to a lot of issues but not all of them. In a two-candidate race, an expenditure against one candidate is considered a contribution to the other candidate. Mr. McKAY stated that if this is a contribution issue, it would exceed the limit, but it was an expenditure. The regulations require Ms. Clossey to report her expenditures and she did file a report. She did have the right to make an independent expenditure. It may be a contribution depending on the case (if Ms. Clossey wanted to support Senator Abood). If she just wanted to oppose Joe Flood, she had the right to make an independent expenditure.

Ms. ROGERS said that the Commission needs to decide if there is any evidence to conduct a hearing against any of these three people. Mr. JOHANSEN stated there is evidence of a failure to report, and this supports cause for a hearing. Staff has depositions that raise questions of the need for these people to file reports, and staff is suspicious of the actions taken by Sarah Clossey on the flier. Ms. Clossey and Mr. Norris will not disclose from whom they received the money to pay for the flier. Staff believes there is evidence of criminal conduct. Although the depositions of Ms. Clossey and Mr. Norris are not signed, they are sworn documents.

Ms. OPLAND said that a hearing should be held, and if the evidence is not substantial, the matter could be dismissed.

Ms. Opland MOVED, to give Notice of Hearing, as requested by
SECONDED by Ms. Klein, staff.

Motion passed unanimously.

Ms. KENNEDY asked whether there were any issues in the staff paper that the Commission did not want to raise in the hearing. Commissioners replied negatively.

Mr. WOOD requested authority to take depositions. Ms. KENNEDY stated that was up to the Hearing Officer. Mr. WOOD said that staff does not want to give him all of the evidence, but he wants any and all evidence. Mr. JOHANSEN said that was to be decided by the Hearing Officer, but that staff doesn't see any problem with that. What causes staff's reluctance at this time, is protection of witnesses. There is no problem with the documents, but the witness names will be given only if the Hearing Officer specifies.

Mr. McKAY said that he hoped to get all the information and doesn't understand the need for a hearing. He has heard no evidence that Mr. McConkey did anything wrong, and a Hearing Officer cannot decide a matter of law. The hearing portion on where the money came from may decide if Mr. McConkey is implicated, but at this time there is no basis for proceedings against Mr. McConkey. Mr. McKAY asked that the Commission consider all three people as separate individuals and wait to see if Mr. McConkey needs to go through the hearing process.

Ms. OPLAND said that the Commission has the option to divide it into two separate hearings. Mr. McKAY said that would be appropriate. Ms. KENNEDY said that all three should be at one hearing.

Mr. RILEY asked if the matter is divisable at the option of the Hearing Officer. Ms. KENNEDY said yes. Ms. OPLAND suggested the hearing be handled in two segments, with the matter of Ms. Clossey and Mr. Norris being taken up first. Mr. McKAY asked if the Hearing Officer has the power to wait on the McConkey matter. Ms. KENNEDY stated that the Hearing Officer has the authority to separate people for hearings.

Ms. ROGERS said that the Commission would like to proceed with Notice of Hearing.

Substantial Non-compliance: Senator V. Fischer [17C]

Mr. JOHANSEN explained that there has been an initial finding by staff that three reports of Senator Vic Fischer's 1982 Senatorial campaign are in substantial noncompliance with the requirements to file properly completed Campaign Disclosure Statements. Omissions of $3,653 from the 1982 30 Day Preprimary report and $3,426 from a 10 Day Post-general report occurred. Staff recommends the Commission find both are substantially incomplete. The 1982 Year-end omitted in the aggregate the amount of $800 in contributions but did not omit a maximum contribution. Staff did not feel fines were appropriate for omission of a single $500 contribution and $300 in contributions of $100 or less, especially when the total campaign activity is over $60,000. At most, staff sees the Year-end report situation as appropriate for a strongly worded letter of Admonishment rather than the assessment of a civil penalty.

Staff recommends reduction of the civil penalties to 50%, as the candidate provided staff with all requested information. The problem was with the treasurer not completing the reports and lack of coordination between the treasurer and the candidate.

Ms. OPLAND asked if $26,550 was the total civil penalty assessment for the three reports. Mr. JOHANSEN said that there was no fine recommended for the 1982 Year-end report. A civil penalty assessment of $8,000 for a report that omits $800 is excessive.

Ms. OPLAND asked, in regard to the 1982 10 Day Post-general report omitting the raffle, if the Commission had changed the policy on raffles. Ms. PITTMAN explained that the Attorney General's memo on this subject was dated December, 1982, which was after the date of Senator Fischer's raffle.

Senator FISCHER stated that he felt the staff recommendation was totally unreasonable. There is no question that the omissions were unintentional and resulted from a problem in the bookkeeping and the treasurer's interpretation of the regulations. The problem was brought to the Senator's attention on March 18, 1985, in a letter from staff, and was the first notice he had received. The letter asked for information and the information was supplied within 10 days. That was almost 2 1/2 years after the problem was discovered.

Senator FISCHER said that he believed the assessment should start from the time he was informed of the problem. All the letters from staff were very "light," and said that staff and the campaign treasurer were working on the problem. Staff should have said the problem was more serious. The raffle omissions were an honest mistake. The problem was due to a misinterpretation of the regulations regarding raffles. The contributions were reported to the Department of Revenue, and Sen. FISCHER believes the reduction of civil penalties from $10/day to $5/day is not generous. If the report had been the first to be audited, the civil penalty assessment may have been minimal. It wasn't taken care of because the Alaska Public Offices Commission is understaffed and could not take care of the matter immediately. Sen. FISCHER said that he feared being penalized for supporting the Commission. The Commission may feel it necessary to lean over backwards to fine him to show that they are not partial.

Ms. KLEIN said that the questions began in 1982 and asked if the problem hadn't been resolved because there was no communication between the treasurer and Sen. Fischer. Sen. FISCHER replied that his treasurer told him there were questions by staff and that he was giving them the requested information. Staff had not said anything about there being a violation or a civil penalty assessment.

Mr. JOHANSEN said that a stern audit request including the possibility of a civil penalty assessment was sent in the 1983 Year-end audit report. The audit said that there was a negative cash-on-hand and the questions had continued through the reporting period. On the 1982 Year-end report there had been a question about the negative cash-on-hand. On these reports, the questions were still not answered. A stern letter (dated March 15, 1984) was sent to the campaign asking them to explain this.

Ms. KLEIN asked if this letter was addressed to the treasurer, and if it stated the possibility of a civil penalty assessment. Mr. JOHANSEN said yes.

Sen. FISCHER said that he received a copy of that along with a memo from the Executive Director which said staff was working on it. He spoke with his treasurer regarding the audit and was informed that the treasurer was following up on it. At that time, he assumed all was in order.

Ms. KLEIN said that this has taken too long to resolve, and there is also a problem in Sen. Fischer's interpretation of the civil penalty assessment. Statutes set the time the assessments are to start accruing, not the Commission. The solution is to have sufficient staff to get things done quicker.

Ms. ROGERS asked if there was further discussion. Ms. OPLAND said that a misunderstanding of the requirement to report the raffle is part of the problem.

Ms. Opland MOVED,
SECONDED by Ms. Klein,

to reduce the civil penalty assessments as follows: 50% on the 30 Day Pre-primary report; 10% on the 10 Day Post-general report; and 10% on the Year-end report, for a total of $5,550, if paid within 30 days of notice.

Ms. KLEIN asked if there was any correspondence from staff prior to the March 18, 1985 letter that mentioned the possibility of civil penalties. Mr. JOHANSEN said that it was mentioned in the March 15, 1984 audit.

Ms. KLEIN said she thought the civil penalty assessment should begin from the time of the first notice, since there was no mention of the civil penalty assessment prior to that.

Sen. FISCHER stated that there was carelessness on the campaign's part, but that assessing a fine back to 2 1/2 years ago is unreasonable. With a timely warning it could have been corrected, and the assessment should not start from 1982.

Ms. KLEIN said that 377 days had passed from the March 15, 1984 notice until March 27, 1985 when staff received the requested information. The maximum civil penalty assessment for this would be $3,770 for each report.

Ms. Opland MOVED,
SECONDED by Ms. Klein,

to amend the motion for the civil penalty assessment to begin March 15, 1984 and to conclude on March 27, 1985. The assessments would be mitigated as follows:

30 Day Pre-primary report - 50% ($1,885);
10 Day Post-general report - 10% ($377); and
Year-end report - 10% ($377).

Mr. RILEY stated that while there may be the rationale of one report being a greater offense than the others, he would like the assessment of the 30 Day Pre-primary report to be 20% instead of 50%.

Ms. OPLAND said that in this case, the contribution amounts are substantial and it is careless to let these slip by when they should have been reported.

There was a roll call vote on the motion:

Commissioner Riley - Nay
Commissioner Klein - Yea
Commissioner Opland - Yea
Commissioner Rogers - Nay

Ms. ROGERS suggested the assessment of the 30 Day Pre-primary report be 10%.

Mr. Riley MOVED, to amend the motion for assessment of 20% on
SECONDED by Ms. Klein, the 30 Day Pre-primary report.

There was a roll call vote:

Commissioner Riley - Yea
Commissioner Klein - Yea
Commissioner Opland - Nay
Commissioner Rogers - Nay

Ms. Opland MOVED, to amend the motion for assessment of 30% on
SECONDED by Ms. Klein, the 30 Day Pre-primary report.

There was a roll call vote:

Commissioner Riley - Nay
Commissioner Klein - Yea
Commissioner Opland - Yea
Commissioner Rogers - Yea

Motion to amend passed 3-1.

(NOTE: A final vote for the amended motion was not taken. Staff will ask the Commission to address this action at its August meeting.)

Mr. JOHANSEN asked if this was for 30% of $3,770 for a total of $1,885. Ms. ROGERS said yes.

Ms. KLEIN asked if this was to be paid within 30 days. Ms. ROGERS said yes, and asked Senator Fischer if this was a hardship for him. Sen. FISCHER said yes, and he would like to have 4 months to pay the fine.

Ms. ROGERS asked if there were any objections to this. Mr. JOHANSEN said staff had no objections.

Campaign Disclosure Affidavits [23]

Personal appearance by William Moffatt

William Moffatt - 1984 District 12 House Candidate

Appeal: $400 CPA, 10 Day Post-general report, 40 days late.

Ms. O'HARA said that staff's recommendation is to deny the affidavit and uphold the fine. Mr. Moffatt has a history of late reporting and unpaid fines. Furthermore, Mr. Moffatt has provided staff with insufficient reasons for the extreme lateness of this report. In addition, he has been delinquent in the appeal procedure set forth by the Commission. The late report in question did contain campaign financial activity that should have been available for public review at the appointed time. Staff sees no basis for the mitigation of this assessment.

Mr. MOFFATT stated that his appearance does not indicate recognition of the Commission's constitutionality, and that he has a complaint filed with the Ombudsman. He wanted to note that he shares the opinion of Cliff Groh that the Commission is improper.

Mr. MOFFATT said that he was unaware of being delinquent in his appeal, as he made his appeal in a timely manner to the Commission instead of to staff. He stated that his letters to the Commission were timely postmarked, and now staff says he was late so as to pillory him in the press. Staff is in error. He stated that as to his history of late filings, his extreme sin is that he was once 7 days late. He believes his position with regard to the Commission is irritating to staff and that staff is selective in who they "go after." Mr. MOFFATT said his report was not extremely late. It was due after the election. Since he was a minor candidate, there was no public thirst for knowledge of a minor campaign. The fines should be consistent and not depend on whether a person is friendly with the Commission.

Ms. ROGERS asked if this was his reason for requesting mitigation. Mr. MOFFATT stated that the report was 40 days late and he was assessed $1/day for the first 30 days. He believes it is distasteful that there is no set policy for civil penalty assessments.

Ms. ROGERS asked him to stick to his own assessment and mitigation.

Mr. MOFFATT stated that he wants the Commission to be consistent and not base the assessments on friendliness to the Commission. Ms. ROGERS informed him that the Commission does not base the civil penalty assessments on friendliness.

Mr. MOFFATT asked on what the assessments and their mitigation is based. Ms. ROGERS said that most commonly they are based on lateness due to illness.

Mr. MOFFATT said that he was being facetious in his affidavit but could give all kinds of reasons for his late reporting. Mr. MOFFATT said that despite the feelings of the Commission, he has a right to believe what he wants.

He believes $400 is excessive for what the Commission does for others. He said he did not avoid making the report, and that he didn't feel well at the time. He asked for the assessment to be reduced, and for the Commission to be consistent in reducing fines.

Ms. ROGERS said that the Commission will accept his statement that the civil penalty is excessive and that he would like a reduction in his fine.

Mr. Riley MOVED, to accept staff's recommendation of a civil penalty assessment of $400.
SECONDED by Ms. Klein,

Ms. KLEIN stated that the statutes, not the Commission, set the fines for reports. When the Commission considers the fine, they consider the history of the person. Here there is a history of noncompliance. It shows that Mr. Moffatt does not comply with the Laws. Also, the Commission does not appreciate verbal abuse.

Ms. OPLAND said that if a person has a history of filing reports on time, the civil penalty may be reduced. If a person is consistently late, the Commission feels the repetition of error is the fault of the filer.

Motion passed unanimously.

Ms. ROGERS said that the Commission isn't "out to get" anyone, and is not responsible for "pillorying" in the press. The Commission does its best as a citizen Commission to uphold the laws of the state.

Mr. MOFFATT asked how long he has to pay the fine and would like four months. Ms. ROGERS asked if there were any objections to allowing 4 months for payment. There were no objections.

84-8-CD: McConkey v. Flood [verbal]

Mr. JOHANSEN said that Mr. McConkey and Senator Abood filed a complaint alleging that there had been a violation of the Campaign Disclosure Law. Staff recommended and the Commission upheld that a request be made to recipient candidates of Quadrant contributions to repay excessive amounts. Mr. Knowles repaid the contributions. Don Smith contacted staff and said the money he received wasn't a contribution. It was to defeat a municipal air quality proposition and so wasn't a political contribution.

Mr. JOHANSEN said that Tom Fink informed staff he was not going to repay the money. Staff has not heard from Jalmar Kerttula. Rather than complete this item piecemeal, staff would like to take the matter up at the next Commission meeting in order to be able to contact all candidates and get their responses.

Ms. ROGERS agreed with staff's recommendation.

Mr. JOHANSEN said that the complaint alleged that Joe Flood received excessive contributions from Alaskan Star. Mr. Flood will make a repayment to

Quadrant, but his attorney has stated that he can't make the repayment to Alaskan Star. On the Alaskan Star matter, contributions were on separate checks (from Alaskan Star) for separate sales agents.

Ms. PITTMAN said she didn't think this matter was ready for Commission review until staff requests that Mr. Flood make the Alaskan Star repayment also.

Ms. ROGERS directed staff to ask Mr. Flood to repay Alaskan Star.

84-6-COI: R. Schade v. Andre Marrou [2]

Telephone call to Andre Marrou and Robert Reed Shelley

Ms. BARCOTT explained that in December of 1984, staff received a complaint filed against Rep. Marrou by Ms. Roxie Schade alleging the following violations: that on his 1984 Conflict of Interest Statement, Rep. Marrou failed to disclose the sources of commission income received from Bay Realty during 1983; that on his 1982 Conflict of Interest Statement he failed to disclose the source of commission income received in 1981 from the Land Market; that on his 1984 Conflict of Interest Statement he failed to disclose clients of Eagle Realty from whom more than $100 was received in 1983; that he failed to disclose a contract with the City of Homer; that he intentionally withheld disclosure of the contract between the City of Homer and Eagle Realty because he reimbursed himself $2,500 more than owners of adjoining property of similar size were paid.

Ms. BARCOTT explained that staff considers the most serious aspect of the complaint to be the failure to properly designate major sources of income and identify client names. The failure to properly report, by category and client name, income from Bay Realty and Eagle Real Estate, despite an audit specifically explaining the sources of income definition and requesting information on these firms, is a major flaw in the accuracy of the report itself. The failure in June, 1984, and thereafter, to amend the Statement and furnish the required information is seen by staff as the basis of a hearing into the omissions representing a refusal, knowing failure, or knowingly providing false or misleading information on the report. Staff puts a lesser emphasis on the failure to report clients of the Land Market on the 1982 Statement. This report was unaudited. However, once notice was given in December, 1984, on these clients, the failure to comply is also seen by staff as a refusal to file.

As a result of completing a preliminary investigation, staff finds reason to believe that sources of income were not properly reported on the 1984 and 1982 Conflict of Interest Statements and that the failure to properly complete a Statement is subject to a civil penalty assessment of $10/day. Staff also finds there is reason to believe the omissions on the 1984 Conflict of Interest Statement were knowingly and recklessly committed.

On March 20, 1985, Mr. Shelley filed, in Superior Court, a Complaint for Declaratory Judgment and Injunctive Relief. No judgment has been had to date.

Ms. BARCOTT said that staff recommends Notice of Hearing, and if the Commission accepts staff's recommendation, the Notice of Hearing be deferred until the court case is completed. A civil penalty can be assessed when the client list is submitted, which can then be appealed.

Mr. SHELLEY said that he agrees with deferring the hearing until after the court case has been decided. In regard to the client list being acknowledged, Rep. Marrou has not acknowledged this. Since the lawsuit is still going on, he won't acknowledge the list at this time. Staff keeps pointing to the June 1984 audit. Rep. Marrou believed that he didn't have to submit a client list.

Rep. MARROU said that he had nothing further to add.

Mr. SHELLEY said that in regard to the civil penalty assessment, if Rep. Marrou had acknowledged the client list, the assessment would be halted at that point. Mr. SHELLEY requested that the civil penalties be stopped at the time the information was received from the subpoenas issued by staff.

Ms. BARCOTT stated that this information may or may not be complete and that the civil penalty assessment should accrue until the court decides if the information is required.

Mr. SHELLEY said fine, and had nothing further to add.

Ms. Klein MOVED,	to accept staff's recommendation for notice
SECONDED by Ms. Opland,	and opportunity for a hearing, and that the hearing be delayed until the litigation can be decided.

Motion passed unanimously.

84-18-CD: L. Schade v. A. Marrou [verbal]

Mr. JOHANSEN said that Rep. Marrou has been informed of the complaint and asked to respond. The Conflict of Interest complaint was filed at the same time as the Campaign Disclosure complaint. Since both were quite lengthy, staff believed it appropriate to proceed on them one at a time.

Ms. OPLAND asked if staff was requesting more time to continue with the investigation. Mr. JOHANSEN said yes. Ms. OPLAND asked if Rep. Marrou understood that the staff had been holding off on this complaint. Mr. JOHANSEN said no, but that staff will inform him of such. Ms. OPLAND stated that it makes sense to do the complaints separately.

The Commission agreed with staff's recommendation for continuance.

84-12-CD: Zency v. Tischer [verbal]

Mr. JOHANSEN stated that this complaint arose out of a primary campaign in regards to "paid for by" disclaimers. Staff is continuing investigation.

Campaign Disclosure Advisory Opinions [15]

Kerttula - Mat-Su Mayoral Poll, 1/16/85

Mr. JOHANSEN explained that this arose out of a possible oral complaint by Barbara Lacher saying that Jalmar Kerttula conducted a poll regarding the Mat-Su Mayoral Race. Mr. Kerttula informed staff that the poll was done, and that access was provided to all mayoral candidates who wished to look at it. The Kerttula campaign says that they informed Barbara Lacher that she could look at the poll, but that she didn't. Staff doesn't believe there is a contribution in this situation, because access was provided. Staff believes it is not necessary to continue with a preliminary investigation as there was no contribution to the opposing candidate.

Ms. KLEIN asked staff if, when a letter from Joyce Kerttula stated that Ms. Lacher was informed she could look at the poll, staff contacted Ms. Lacher. Mr. JOHANSEN said yes, and that Ms. Lacher had no response.

Ms. ROGERS asked if Ms. Lacher had been informed that staff believes it is not necessary to pursue the matter. Mr. JOHANSEN said that he will confirm it in writing to her.

Brady - '86 Group, 3/1/85

Mr. JOHANSEN said there was an adivsory opinion issued to Mr. Brady of Bayly, Martin and Fay setting forth the reporting consequences for a draft/controlled group. Staff does not see any major issues in the opinion letter. It was given to the Commission as a review of the regulations in this complex area.

Sea-land Services, Inc., 4/25/85

Mr. JOHANSEN said that Sea-land, Inc. recently requested an opinion on the limitations and reporting consequences for attendance of Governor Sheffield, Mayor Knowles and Commissioner Knapp at a dock dedication ceremony in Seattle, Washington. Staff has opined that the event is reportable under the Conflict of Interest Law (by the public officials), the Lobbying Act, and under the Campaign Disclosure Law if certain conditions are fulfilled.

Draft Campaign Disclosure Regulations: [8]

Mr. JOHANSEN reviewed the regulation package and briefed the Commission on proposed changes drafted by staff.

The Commission recessed until 9:00 AM Thursday at which time it reconvened for a regulations hearing on amendments to the Conflict of Interest Regulations.

Conflict of Interest Regulations - Hearing & Adoption [5]

Ms. BARCOTT noted that notice had been given for oral hearings from 9-11 AM. No member of the public was present to testify. One letter had been received. Ms. BARCOTT reviewed the regulation package and briefed the Commission on minor changes to the draft package.

The Commission reviewed the written testimony received from the Mat-Su Borough. There was a question regarding reportable clients. Ms. BARCOTT said that Mr. Sharp's comments are inaccurate because the statute stipulates who are "reportable clients."

Ms. ROGERS stated that Mr. Sharp may have misinterpreted the intent of the regulations and requested that staff inform him that he has misread the intent. Staff indicated it wished to review his comments further before recommending final adoption of the regulations.

Ms. BARCOTT suggested the public hearing be left open to see if anyone wishing to testify comes in. The Commission agreed.

Campaign Disclosure Affidavits [23]

Ms. Rebecca O'Hara presented the Campaign Disclosure Affidavits.

John Danner - 1984 North Slope Borough Assembly Candidate
Appeal: $1,760 CPA, 10 Day Post-municipal report, 176 days late.
Appeal accepted in part; fine reduced to $88.00 (5%) if paid within 30 days of notice.

Neta Dortland - 1984 Wasilla City Council Candidate
Appeal: $1,030 CPA, 10 Day Post-municipal report, 103 days late.
Appeal accepted in part; fine reduced to $51.50 (5%) if paid within 30 days of notice.

Kent Harding - 1894 Bethel City Council Candidate
Appeal: $40 CPA, 7 Day Pre-municipal report, 8 days late.
Appeal denied; fine upheld.

Katie Hurley - 1984 District 16 House Candidate
Appeal: $550 CPA, 1984 Year-end report, 55 days late.
Appeal accepted in part; fine reduced to $55.00 (10%) if paid within 30 days of notice.

William Moffatt - 1984 District 12 House Candidate - Personal Appearance
(See Pg. 8-10)
Appeal: $400 CPA, 10 Day Post-general report, 40 days late.
Appeal denied; fine upheld.

Leslie Simutis - 1984 Seward City Council Candidate
Appeal: $420 CPA, 10 Day Post-municipal report, 42 days late.
Appeal accepted in part; fine reduced to $42.00 (10%) if paid within 30 days of notice.

Johnny Watson - 1984 District 15 House Candidate
Appeal: $1,080 CPA, 10 Day Post-general report, 108 days late.
Appeal accepted in part; fine reduced to $108.00 (10%) if paid within 30 days of notice.

Jules Wright - 1984 House District 24 Candidate
Appeal: $450 CPA, 1984 Year-end report, 45 days late.
Appeal accepted in part; fine reduced to $225.00 (50%) if paid within 30 days of notice.

APEA - Fairbanks North Star Borough Chapter EPIC - by Juanita Rice, Treasurer
Appeal: $4,550 CPA, 7 Day Pre-general report, 91 days late.
Appeal accepted in part; fine reduced to $45.50 (1%) if paid within 30 days of notice.

Ms. ROGERS suggested the Commission wait to vote on the affidavits until the appearance by Tom Staudenmaier representing the Alaska Conservative PAC.

Draft Lobbying Regulations [10]

Ms. MILES presented the proposed Lobbying regulations to the Commission for their review. The Commission unanimously accepted the regulations for notice. Ms. MILES noted that she would be on vacation in August and staff did not anticipate a hearing until November.

Ms. Opland MOVED, to give notice of proposed lobbying regulations
SECONDED by Ms. Klein, (no A.G. file number) as drafted by staff.

Motion passed unanimously.

Lobbying Affidavit [14]

Anchorage Convention & Visitor's Bureau
Appeal: $125 CPA, 1st Quarter Employer of Lobbyist report, 29 days late.
Appeal denied; fine upheld.

Mr. Riley MOVED, to deny the appeal.
SECONDED by Ms. Opland,

Motion passed unanimously.

Campaign Disclosure Affidavits - continued [23]

Alaska Conservative PAC - Appearance by Tom Staudenmaier, Treasurer
Appeal: $ 570 CPA, 30 Day Pre-primary report, 57 days late;
$ 1,750 CPA, 7 Day Pre-primary report, 35 days late;
$ 880 CPA, 30 Day Pre-general/10 Day Post-municipal report, 88 days late;
$ 3,500 CPA, 7 Day Pre-general report, 70 days late;
$ 530 CPA, 10 Day Post-general report, 53 days late.
$ 7,230 Total CPA

Mr. STAUDENMAIER indicated there were two reasons for the late filings: the death of his father required a trip to Wisconsin and activities involved in the Electric Merger. He asserted that he was responsible for the reports and would willingly pay the $1,214 recommended by staff but would appreciate an extension of time to make payment.

Ms. Klein MOVED, SECONDED by Ms. Opland, to accept the appeal in part (for Primary reports-10%; for General reports-20%); and reduce the fine to $1,214 if payment is received within 4 months.

Motion passed unanimously.

Ms. Opland MOVED, SECONDED by Mr. Riley, to accept the entire packet of Campaign Disclosure Affidavits as amended.

Motion passed unanimously.

Draft Campaign Disclosure Regulations - continued [8]

Mr. Johansen and Ms. Pittman finished staff's review of the proposed Campaign Disclosure regulation amendments. The Commission recommended the following amendments to staff's draft be made prior to notice being issued:

2 AAC 50.314(a)(6)(c), Contribution - clarify that the phrase "bonafide" applies to the use of time;
2 AAC 50.314(a)(8)(A) - use parallel grammatical structure;
2 AAC 50.314(b)(1) - add reference to AS 15.13.100;
2 AAC 50.380(b), Early Campaigning - substitute "designate" for "include" in the last sentence;
2 AAC 50.370 - Substitute reference to electronic media for television or cable in the last sentence;
2 AAC 50.315(d) - delete "all" before expenditures and delete the phrase "as provided by..."

Ms. Klein MOVED, SECONDED by Ms. Opland, to give notice of proposed regulations (A.G. File 399-132-85) with the changes suggested by the Commission.

Motion passed unanimously.

Minutes, April 1985 Meeting [1]

The Commission reviewed the draft minutes and requested the following changes:

At the bottom of page 1, last paragraph, the word "jive" should be "jibe"; on page 2, third paragraph, there should be an "es" added to "business"; on page 4, fourth paragraph, the word "from" should be changed to "by"; on page 16, second paragraph, this should be one sentence instead of two; and on page 20, for the District 5 Republicans, the amount assessed should be "225.00" instead of "$275.00"

Ms. Klein MOVED, to accepted the minutes of the April meeting
SECONDED by Ms. Opland, as corrected.

Motion passed unanimously.

Minutes, Special Meeting, May 1985 [1A]

The Commission reviewed the draft minutes of the May meeting and requested that at the bottom of the page, the word "count" should be changed to "call."

Ms. Opland MOVED, to accept minutes as corrected.
SECONDED by Ms. Klein,

Motion passed unanimously.

Campaign Disclosure Statutory Recommendations [24]

Ms. PITTMAN summarized the 1985 statutory recommendations on Campaign Disclsoure and stated that the Governor may ask for 1986 APOC recommendations prior to the Gross & Burke draft. Ms. PITTMAN said that, although the problem areas are serious and need attention, she could not in good conscience recommend a 1986 effective date for major changes. Perhaps the changes could be made after the 1986 elections.

Campaign Disclosure Reporting Schedule [25]

The Commission unanimously accepted the 1985 due date of September 5 for the 30 Day Pre-municipal report.

Next Meeting Dates: August 22-23 & November [28]

The Commission confirmed August 22 - 23, 1985, as the next regularly scheduled meeting of the Commission and set November 14-15, 1985 as the tentative dates for the following meeting.

Budget Request [26]

Ms. PITTMAN stated that she will be requesting a 1986 upgrade, and will include the cost of moving the office to another location. The current lease is up in October. Typically, in late August, the vendor will be requesting bid waiver, etc. She stated that she is somewhat unsure of the actual budget allotment and whether pay raises will be funded or come out of an approved budget. The budget request should come in August.

Moffatt Complaint/Ombudsman's Report [27]

Ms. PITTMAN explained that on July 30, 1984, Bill Moffatt filed a complaint with the Anchorage Office of the Ombudsman. The allegations being:

1. contrary to law, the Commission improperly elects its officers and appoints its members in closed session and without notice to the public;
2. contrary to law, the Commission fails to hold open meetings to decide on the appeals of civil penalties;
3. contrary to law, the Commission fails to hold open meetings to decide on the removal of candidates from the ballot;
4. the Commission acted unfairly by failing to notify the complainant of the meeting to decide on his appeal of a civil penalty and of the meeting to decide on the removal of candidates from the ballot;
5. the Commission acts unfairly by failing to notify candidates that a complaint has been filed against them or that the Commission plans to investigate candidates on its own motion.

On February 4, 1985, Ms. Pittman received a letter from the Ombudsman stating that he had decided to conclude the investigation and close the case file in this matter. The letter stated that in acting to advise the Lieutenant Governor or other state officers concerned with the administration of an election, the Commission must convene and meet as a prerequisite to recommending removal of candidates from the ballot. It is staff's understanding that the bylaws' reference to decisions made by telephone now conforms to state law because of a teleconferencing bill which passed and the Commission is authorized to conduct its business by teleconference or telephone conference call meetings.

According to the Ombudsman, the Commission should give notice of the time and date on which civil penalty appeals will be decided and also specify that the person filing the appeal may address the Commission at the meeting. Staff has already adopted that practice.

The Ombudsman also noted the staff of the APOC should clarify the point at which a staff initiated investigation begins; be consistent with applicable regulation; provide for notice to a respondent prior to the initiation of any investigation; and provide to each respondent a copy of the staff's complaint, documentation, and a copy of the hearing process and investigations procedures.

Ms. PITTMAN said that there is a question as to when an audit becomes an investigation. Sometimes second and third audit notices are given. Staff does not know how serious the problem is until a response is received. She noted that the Ombudsman investigator had been able to offer no assistance in addressing the question.

Brochure/Press Release/Misc. [29]

The APOC Brochure draft was passed around for the Commission's review, and Ms. Pittman presented a draft press release regarding affidavits. Ms. PITTMAN said that in the matter of business cards for the Commissioners, she

will contact them regarding telephone numbers to be used.

Ms. Klein MOVED, SECONDED by Ms. Opland, to go into Executive Session to discuss audit criteria - AS 44.62.310(c)(2)

Motion passed unanimously.

The Commission reconvened at 2:17 p.m. No motions were made following the Executive Session.

Conflict of Interest Regulations - Hearing & Adoption [5]

Ms. BARCOTT noted that no members of the public had appeared to give oral testimony. The only written comments received were from the Mat-Su Borough Attorney. Staff had discussed the letter with Ms. Kennedy as well as some concerns about the filing procedures for candidates.

As recommended by counsel and staff, the Commission agreed to the following amendments in the proposed language:

1) 2 AAC 50.010 - 1st sentence to read, "Retail businesses are characterized by high volume sales of fixed maximum price goods or services available to the general public."

2) 2 AAC 50.010 - 3rd sentence to read, "However, customers who represent ongoing business through an established line of credit not payable in a single billing cycle; a contract to purchase multiple goods or services; or, a discount not available to the general public on volume sales are required to be disclosed."

3) 2 AAC 50.105 - Delete the sentence which reads, "Such statement will be considered timely filed upon receipt by the commission."

4) 2 AAC 50.105(g) - First sentence to read, "An incumbent municipal official who becomes a candidate for state elective office must file a state conflict-of-interest statement with the commission or in accordance with 2 AAC 50.105(h)."

Ms. BARCOTT noted that staff will ask the Division of Elections to establish a policy of providing candidates with proof that Elections accepted the Statement.

Ms. KLEIN asked if there was some way to highlight that the signature on the Statement must be an original. Ms. BARCOTT said that it could not be taken care of in the regulations format. Ms. PITTMAN stated that if staff has an opportunity to proof read the Running Booklet, it might be done that way.

Ms. Opland MOVED, SECONDED by Ms. Klein, to close the public hearing and adopt the Conflict of Interest regulations package (A.G. File 399-102-85) with amendments recommended by staff.

Motion passed unanimously.

Conflict of Interest Affidavits [no number]

Pedro Denton - Director, Department of Natural Resources
Appeal: $17 CPA, 1985 Conflict of Interest Statement, 9 days late.
Appeal accepted; fine waived.

Robert Morgan - Member, Alaska Seafood Marketing Institute
Appeal: $27 CPA, 1985 Conflict of Interest Statement, 11 days late.
Appeal accepted in part; fine reduced to $13.50 (50%) if paid within 30 days of notice.

Cheryl Taylor - Member, Alaska Coastal Policy Council
Appeal: $47 CPA, 1985 Conflict of Interest Statement, 15 days late.
Appeal accepted in part; fine reduced to $11.75 (25%) if paid within 30 days of notice.

Bix Bonney - Member, Board of Fisheries
Appeal: $157 CPA, 1985 Conflict of Interest Statement, 29 days late.
Appeal accepted in part; fine reduced to $78.50 (50%) if paid within 30 days of notice.

Jonathan Solomon - Member, City Council of Fort Yukon
Appeal: $39 CPA, 1985 Conflict of Interest Statement, 11 days late.
Appeal accepted in part; fine reduced to $19.50 (50%) if paid within 30 days of notice.

David Allison - Member, Alaska Power Authority
Appeal: $97 CPA, 1985 Conflict of Interest Statement, 23 days late.
Appeal denied; fine upheld.

Sarah Scanlan - Member, Board of Game
Appeal: $217 CPA, 1985 Conflict of Interest Statement, 35 days late.
Appeal accepted in part; fine reduced to $160.00 if paid within 30 days of notice.

Kay Wallis - Representative
Appeal: $107 CPA, 1985 Conflict of Interest Statement, 24 days late.
Appeal accepted; fine waived.

Keith Hursh - Member, Kenai Peninsula Borough Planning & Zoning Commission
Appeal: $14 CPA, 1985 Conflict of Interest Statement, 6 days late.
Appeal accepted in part; fine reduced to $7.00 (50%) if paid within 30 days of notice.

Gerry Winner - Member, Assessment Review Board
Appeal: $47 CPA, 1985 Conflict of Interest Statement, 15 days late.
Appeal accepted in part; fine reduced to $23.50 (50%) if paid within 30 days of notice.

Clark Boston - Director, Department of Community and Regional Affairs
Appeal: $27 CPA, 1985 Conflict of Interest Statement, 11 days late.
Appeal accepted in part; fine reduced to $13.50 (50%) if paid within 30 days of notice.

Joseph Inukuk - Member, Tununak City Council
Appeal: $2 CPA, 1985 Conflict of Interest Statement, 2 days late.
Appeal denied; fine upheld.

Agnes Holmberg - Member, Sand Point City Council
Appeal: $1 CPA, 1985 Conflict of Interest Statement, 1 day late.
Appeal denied; fine upheld.

Lloyd Morris - Member, Alaska Public Broadcasting Commission
Appeal: $157 CPA, 1985 Conflict of Interest Statement, 29 days late.
Appeal accepted in part; fine reduced to $78.50 (50%) if paid within 30 days of notice.

Peter Green - Member, Eek City Council
Appeal: $19 CPA, 1985 Conflict of Interest Statement, 7 days late.
Appeal accepted in part; fine reduced to $5.00 if paid within 30 days of notice.

Susan Jerue - Member, Anvik City Council
Appeal: $54 CPA, 1985 Conflict of Interest Statement, 14 days late.
Appeal accepted; fine waived.

Charity Kadow - Director of Public Services, Legislative Affairs Agency
Appeal: $57 CPA, 1985 Conflict of Interest Statement, 17 days late.
Appeal accepted in part; fine reduced to $28.50 (50%) if paid within 30 days of notice.

Mark Tall - Member, Hooper Bay City Council
Appeal: $29 CPA, 1985 Conflict of Interest Statement, 9 days late.
Appeal accepted in part; fine reduced to $10.00 if paid within 30 days of notice.

Ms. Opland MOVED, to accept the actions on the entire packet of
SECONDED by Ms. Klein, Conflict of Interest Affidavits.

Motion passed unanimously.

84-7-COI: Sheldt v. Wilson (Thorne Bay) [verbal]
85-1-COI: Miller v. Rutledge, et. al. (Cold Bay) [verbal]

Ms. BARCOTT explained that these two municipal Conflict of Interest complaints have been filed and staff is proceeding with preliminary investigations.

84-4-COI: Bradley Exemption Request [verbal]

Ms. BARCOTT explained that this matter is continuing.

84-11-CD: Staff v. Citizens For A Better Legislature [verbal]

Ms. BARCOTT explained that this group was assessed a civil penalty of $240.00 for failing to file a properly completed 1984 30 Day Pre-general report. The fine was paid June 24, 1985.

COI Advisory Opinion: Muni of Anchorage, 5/30/85 [4]

Ms. BARCOTT explained that staff received an inquiry regarding the application of the Conflict of Interest Law to hearing officers for the Planning and Zoning Commission of Anchorage. Staff's position is that they are not subject to the Law. While there may be a compelling argument in favor of their filing disclosure Statements, given the broad delegation of authority they have, staff's negative response is based largely on the opinion of the Attorney General (84-70). Since the Law has criminal provisions, it must be strictly construed. Only those offices expressly stated in the Law are subject to it. While the hearing officers have many powers of the Commission, they serve at the Commission's pleasure. They appear to be adjunct to, rather than a replacement, for the Commission. Finally, their decisions are subject to appeal to the Commission as a whole.

Conflict of Interest Statutory Recommendations [6]

Ms. BARCOTT stated that staff has been preparing a proposal for two statutory amendments to the Conflict of Interest Law. The first recommendation would be to revise the definition of public official to include some of the positions at the University of Alaska, staff at the Alaska Court System, and provide for changes in executive branch job titles.

The other proposal is one which specifically exempts candidates for municipal service area boards from the Law. These people are currently required to file because they are a candidate for an elective municipal office. However, once elected to office, they are not required to file annual Statements since they are not, by statutory definition, municipal officials.

In regard to the existing proposal on exempting cities under 1,000 from the Law, the past year has seen a growth in the number of inquiries on municipal complaints, which may be reason to retain existing language. On the other hand, this part of the Law is impossible to administer - there is no "quality control" on the reports filed; haphazard distribution of information to officials by the clerks; resistance to filing Statements by officials who live in rural towns where such information is common knowledge; and unclear authority to take any action for failure to file, other than civil penalties or referral on charges of criminal "willfulness."

Ms. KLEIN stated that she likes the procedures staff used this year in trying to get the municipal officials to file their Statements, and would like to continue these efforts at least one more year.

Guidelines for Municipal Officers on Conflicts of Interest [6A]

Ms. BARCOTT presented a handout on "What is a Conflict of Interest?" There were suggestions from Ms. Pittman and Ms. Kennedy that have given cause for staff to do further work on this guideline. Ms. BARCOTT said that she would pursue the questions of prohibited acts.

Conflict of Interest Update [7]

Ms. BARCOTT explained the staff procedure for contacting all cities subject to the Conflict of Interest Law, and the results of such.

Ms. ROGERS asked if there was any remaining business.

Ms. Opland MOVED, to adjourn the meeting.
SECONDED by Ms. Klein,

Motion passed unanimously, at which time the meeting adjourned.

MEMORANDUM State of Alaska

TO: APOC Members

DATE: October 17, 1985

TELEPHONE NO: 276-4176

FROM: Theda S. Pittman
Executive Director
Chris Johansen
Associate Coordinator

SUBJECT: Campaign Disclosure
Revisions - 9/19/85 Draft
of AS 15.14.

The September 19 Work Draft by Gross & Burke as well as a Sectional Analysis of the same date were sent to you immediately following the Senate State Affairs Committee meeting. The following remarks represent staff's follow-up on technical/administrative provisions and includes notations concerning changes the Committee recommended. By copy of this memo, Ms. Kennedy and Mr. Monkman are requested to provide any observations they deem appropriate. Major policy issues such as abolition of the $1,000 limitation are not discussed in this paper. The Committee has scheduled a public hearing on the next draft October 29. Within the next few days, we will poll you by telephone to see whether it is your desire to offer a Commission position on the policy questions at the October 29th hearing. A courtesy copy of this memo is being provided to Mr. Gross and Ms. Burke in the event that some of the technical information may be helpful.

Before proceeding with a sectional discussion, we note that Mr. Gross has described the two major purposes of this effort as to provide adequate disclosure and permit unlimited contributions (rather than through a proliferation of groups) to candidates. Campaign Disclosure touches upon the fundamental rights of expression and association. As you may recall from the COGEL meeting in Seattle, Charles Steele, General Counsel of the FEC, stressed the value of a clearly-worded "Findings and Purpose" section, especially in statutes touching upon the free exercise of fundamental rights. With respect to the two purposes articulated, it is questionable whether the draft provides better disclosure. A substantial portion of that question may be the result of confusion in the sections on independent expenditure reports which will be discussed later. It is clear that the proposal, in an apparent effort to alleviate some of the present burden on candidates and groups, provides less disclosure prior to an election. It is also unclear whether allowing corporations, organizations and individuals to make unlimited contributions to candidates will have much effect on the growth of groups. With the exception of the political parties, many groups are created to give a particular interest a unique identity in the candidates' perception, e.g., the insurance industry. That purpose may continue to be a viable reason to give money to a group even if one can give an unlimited amount to a candidate directly.

310.10

ARTICLE I

ALASKA PUBLIC OFFICES COMMISSION

AS 15.14.010 - Applicability

(a) - The Committee agreed that language such as "every election for state office" should be included to reflect the possible creation of new elective offices on the state level (i.e., Attorney General). In addition, the language about municipal elections is to be made more specific to delete applicability to service area candidates. Although the present regulatory exemption for those making no expenditures [2 AAC 50.332(b)] works quite well, the universal tendency of service area candidates to spend almost nothing suggests that a statutory exemption would not deprive the public of information.

(b) - If the Committee is in agreement with Ms. Kennedy that contributions or expenditures made solely for petition costs to establish a ballot issue are not reportable, it would be helpful to include such a statement in this subsection. An additional question which might be clarified here is whether activity by the State or the University is reportable. See Attorney General's Opinion J-66-365-78, dated January 5, 1978, copy enclosed.

AS 15.14.020 - Alaska Public Offices Commission

(d) - The specific "February 1" to determine beginning and end of a Commissioner's term has been deleted. Its presence is useful in preserving the specific 5-year terms despite occasional slippage in prompt appointments, i.e., a late appointment does not change the effective date of the term.

(e)(3) - The Committee deleted the provision allowing Commissioners to donate to Presidential campaigns.

(f) - The Committee reduced the honorarium from $200 a day to $100 a day, a figure which is still an improvement over the present $50 a day. Mr. Gross cites Billy Berrier of Legislative Affairs as his source that the average commission honorarium is $200 a day.

- The Committee suggested changing the quorum requirement from three to four so that two votes would not be sufficient to decide a matter. Your bylaws already require three votes to carry a measure. Since the present quorum requirement is three, you can hold a meeting with three Commissioners, but they must be in unanimity to take action. The effect of changing the quorum requirement in the statute would be to prohibit any meeting unless four of you could attend. This would prohibit you from appointing a three member subcommittee to hear a particular matter. During bad weather, travel problems might disrupt a whole meeting if more than one of you could not attend. If the Committee could be so persuaded, it would be wise to leave the quorum at three for that rare occasion when only three of you could attend.

(i) & (j) - These subsections which deal with regional or district offices, where reports may be filed, and where forms and copies are available have been redrafted to come somewhat closer to practicality and actual procedure. The language still causes considerable confusion among those who aren't familiar

with our actual procedures. At the request of the Committee, we have tried to suggest some further changes:

(i) - All state reports shall be filed directly with one of the Commission's offices. In major population areas where the Commission has no office, regional offices shall be established to maintain copies of reports filed by statewide candidates and by Legislative candidates in that region. Regional offices will also supply forms and pertinent materials supplied by the Commission to candidates, groups, and persons required to file reports under this chapter.

(j) - In municipalities subject to this chapter where the Commission has no office, the Commission will supply the municipal clerk with forms and pertinent materials for candidates, groups, and persons required to file reports of activity in the elections of that municipality. In municipalities where the Commission has no office, municipal reports shall be filed with the municipal clerk who shall insure that copies are made available for public inspection and that the originals are forwarded to the Commission promptly.

AS 15.14.030 - Duties of the Commission

The body of section .030 incorporates present law except for a minor modification in the language which provides that, within 60 days of an election, a list of all persons and political groups who have failed to comply with the law be made available to the public instead of sent to the Attorney General. The language needs additional modification to reflect what can actually be done. The literal meaning of the existing language would require staff to list and allege, within 60 days of an election, each and every possible campaign disclosure violation against candidates, groups, individuals, corporations, etc. More realistically, a list can be compiled of candidates and registered groups which have failed to file reports or have filed delinquent reports.

Although times and circumstances can always change, the Attorney General's report is more of an internal document for our purposes than of any use by the Attorney General. We have prepared this report for a number of years and consider it to be a public document. It is unclear whether the Attorney General has ever found it to be useful. However, the document could be of use to the public and that may be sufficient justification for retaining some form of the provision.

ARTICLE 2

REGISTRATION AND REPORTS

AS 15.14.040 - Registration by Candidates

(a) - This provision, coupled with the new definition of candidate, requires an individual who has not filed a declaration to register with the Commission and abide by the requirements of the law. Two suggestions come to mind: use the word "individual" rather than "person" since only individuals can become candidates and insert "in the aggregate" after "more than $1,000".

(b) - The draft is somewhat more restrictive than the Commission's proposed regulation in that those who have not filed must indicate whether they are seeking legislative, statewide or municipal office. For administrative purposes, the designation of state or municipal may be sufficient. Potential opponents may be more interested in the difference between "legislative" and "statewide" and we wonder whether it wouldn't be better to avoid fruitless hassles over whether someone hedged when they indicated the level of state race for which they might file.

(c) - A new subsection should be added specifying that the registration shall include required information about campaign officers as provided in AS 15.14.170.

AS 15.14.050 - Registration by Political Groups

(a) & (b) - These subsections are much like the present law in requiring a group to register prior to making a contribution to a candidate. The draft adds the making of an independent expenditure as a trigger for registration, but not ballot proposition expenditures which the Commisison has added by regulation. 2 AAC 50.342.

Noticeably lacking in both AS 15.13 and AS 15.14 is detail about the required contents of a registration statement or any requirement to re-register annually. Content requirements might be handled by a cross-reference to AS 15.14.170. Annual registration would assure accurate information about officers and assist in determining the applicability of Political Contribution Credits in a given year to a given group. Failure to re-register should invoke civil penalties because effective reporting enforcement is dependent upon accurate registration information.

Public awareness of groups could also be enhanced by requiring groups to specify "type" (e.g., official party subdivision, corporate PAC, labor PAC, etc.) or affiliation, and to include as part of the registered name the name of any sponsoring organization. At present staff uses the following categories for its annual summary of group activity: Ad Hoc, controlled, corporate, municipal entity, political party, special interest, trade association, and Union. FPPC bulletin, October 1, 1985, enclosed.

(b) - Continues the present reference only to state initiative groups, without mention of their municipal counterparts. See also the question raised under applicability.

(c) - Contains provisions related to the VECO litigation. The Committee suggested a re-drafting effort. The FEC addresses this type of provision in 2 CFR 110.6.

A question not clear in subsection (c) is what actions a "conduit" can take in the normal course of business in passing on an earmarked contribution without running afoul of the general prohibitions against making a fictitious contribution or one in the name of another. AS 15.14.160; 15.13.070(d). It seems natural and logical that one element (but not the only element) of these crimes is an act of nondisclosure to the recipient candidate or group. See

Abood v. Flood, Staff Memorandum, dated August 16, 1985, not considered by the Commission as of yet. (enclosed). Payroll deduction checks are usually issued by the "conduit," but the recipient candidates or political groups often follow the check masthead rule and do not record or report the contribution as received from the original member or employee. This custom raises the appearance the original source was intentionally, knowingly, or inadvertantly undisclosed. It not only causes confusion on the Campaign Disclosure Statements, but confusion with the Political Contribution Credit as well. A requirement that conduits report in writing to the recipients that the check is a payroll withholding or other earmarked contribution, file some special report with the Commission, or provide recipients with a copy of the payroll authorization form might be in order.

AS 15 14.060 - Reports by Candidates of Contributions and Loans Received

This section begins the unusual split reporting system for candidates. Candidates make pre-election disclosure of "contributions" and post-election disclosure of "expenditures." In our review of other states, we have not seen a bifurcated reporting system (although we will continue to look) and we look forward to discussion which may emerge at the October 29 hearing.

The requirement to identify "occupations and employers" was omitted in the draft and a restoration requested by the Committee. Federal law [11 CFR 104.8(a)] and all of the states with these type of laws require this information. Contributor names without identifying information simply don't represent significant disclosure.

Subsection .060(a) requires reporting of contributions received by a candidate. "Received" contributions are reportable when they are "accepted." Subsection (b) provides that acceptance occurs when the contributions are used for campaign purposes or retained at the end of the reporting period.

We see no substantial problems with adopting a special acceptance rule for candidates for the 30 Day, 7 Day, and Final Reports; however, substantial non-disclosure could occur if the "acceptance rule" is applied during the 24 Hour Reporting period. We can speculate a candidate could receive a contribution at the beginning of the 24 Hour reporting period, hold on to it until the end, and then report it on election day when it is too late for anyone to have meaningful access to the information. Under present law, acceptance comes when the candidate, treasurer, or deputy treasurer has possession of the contribution, and we think the Commission's rule is in conformity with a large number of states and the FEC. See 2 CFR 102.8. It may be possible to use a special "possession rule" for the 24 Hour contributions and preserve the policy of section (b) for other contributions.

The allowance of 30 days after a report is due to return non-accepted contributions and the lengthy reporting period covered by 30 Day reports will effectively mean that funds can be held for months before a decision to accept is required. With contributors required to report within 10 days of making a contribution, it appears probable that confusion will arise in some cases over whether a contribution was not reported or not accepted. See U.S. v. Hankins, 607 F.2d 611 (3rd Cir. 1979) for some problems.

There has been substantial litigation in California concerning candidates who allegedly manipulate an acceptance rule to avoid meaningful and timely disclosure to the public. Our worse fear with this new "acceptance rule" is that it will provide an avenue for abuse that we have largely avoided to date. The "possession rule" has its own simplicity and it may be preferable. See 2 AAC 50.333. If the intent is to establish criteria dictating the circumstances under which a contribution can be returned without any reporting, the timespan between receipt and return should be short.

Paragraph .060(a)(2) puts in different words the present Commission regulations that loans and loan guarantees are reportable. See 2 AAC 50.355. Proposed 2 AAC 50.313(a)(2). It adds a provision that campaign loans not reported in a timely fashion cannot be repaid from campaign funds. Although not clear from the statute, it appears the Commission could expand upon its present regulations and provide for complete disclosure of all personal contributions by a candidate from his or her personal funds and assets for the benefit of a campaign. Under present statute and regulations, a candidate can report personal contributions as a lump sum with no further documentation on the terms, guarantors, or security for the loan. If it is the intent of the provision that the APOC and public will demand to know more about these otherwise lump sum contributions, the statute should make some further reference for clarification purposes to what is reportable under paragraph (a)(2).

Paragraph .060(a)(3) provides for lump sum reporting of contributions of $250 or less but does not require reporting the number of contributors. The increased amount is in conformity with previous Commission proposals to alleviate the burdens of itemization for the "small" contributors. However, the staff is not quite certain the present Commission still has the same views with regard to raising the disclosure threshold from $100 to $250. The number of small contributors is a useful audit tool which should be included.

Subsection .060(c) requires 30 Day, 7 Day and December 31 (or Final) contribution reports. Location of filing should be clarified consistent with AS 15.14.020(i). The December 31 due date means that activity occuring on December 29-31 is not required to be included. A January 16 deadline would allow treasurers a breather over the holidays and account for the fact that January 15 is a federal holiday with no postal service.

AS 15.14.070 - Reports by Candidates of Expenditures Made

(a) - Suggested due date would be January 16, see comment above. Expenditure reports should also include the address of the recipient of the expenditure. (December 31 due date also appears in sections .080 and .090.)

AS 15.14.080, .090, & .100 - Political Group Reporting

A Political Group reporting under AS 15.14 must review all three sections for the due dates of different kinds of activity. Some expenditure activity appears not to be required to be reported at all. In addition, the reports required of individuals and entities not meeting the definition of group are also specified in section 100. The result is both confusing and subject to serious abuse by groups which might wish to take advantage of the lack of clarity.

As nearly as we can track a group's reporting requirements, the schedule would look like this:

Section	Information Required	Due Date(s)
.080	Incoming Contributions & Loans ("... all information required under .060(a) for candidates." Because the reference is about candidate requirements, it reads as though a group should report loans to candidates).	30 Day, 7 Day, December 31, 24 Hour
.090	Independent Expenditures of any size on behalf of a candidate	30 Day, 7 Day, December 31, 24 Hour
.100	Expenditures of more than $250 which are monetary or non-monetary contributions to candidates or other political groups or which are not independent expenditures.	within 10 days.
N/A	Expenditures of $250 or less which are monetary or non-monetary contributions to candidates or groups or which are not independent expenditures.	Not required.

It is our impression that a group treasurer is intended to comply with the due dates set out in three separate sections: .080, .090, and .100. Presumably AS 15.14.080 and .090 intend that a group which has both incoming contributions and outgoing independent expenditures will show both on one report due 30 days before an election but the draft does not say that. Adding a "within 10 days" reporting requirement (AS 15.14.100) for large contributions made by the group will make a treasurer's task very confusing. It will also generate hundreds of separate reports to be collated by staff if a complete picture of a group's activity is to be available to the public. The picture will be incomplete in any event because group expenditures of $250 or less are not required to be reported at all.

There's good reason to require groups to report both their income and expenses at the same time. Income tells you who is giving to the group, i.e., its actual sources of income. Expenditures tell you which candidates are receiving the group's money as well as benefiting from any independent expenditures made by the group. The fact that group expenditures are a combination of administrative expenses, contributions to candidates, and independent expenditures argues in favor of pre-election disclosure of expenditures. It would also be helpful to clarify in the statute that the group is required to identify on its expenditure report those items that are contributions or independent expenditures as well as the beneficiary of the contribution or expenditure.

Instructions for group reports should not be intermingled with instructions for organizations which are not required to report the source of their funds. The intermingling is likely to confuse both groups and "non-groups." It also

offers the potential for unnecessary litigation resulting from a group that uses the confusion to claim it is not required to report its income.

Our recommendation is that the "within 10 days" reporting deadline be reserved for individuals and organizations (not required to register as political groups) which:

1) make contributions exceeding $250; or
2) make independent expenditures of any amount.

As explained above, a change to the registration language would assure that the Commission knows which groups exist and should report.

Paragraph (a)(1) incorporates the candidates' instructions in AS 15.14.060(a) pertaining to reportable information. For clarity, the group instructions should be expressly set out in the statute. There are practices that make a political group different from a candidate and the candidate language could be misconstrued by a group treasurer. Groups do not solicit funds or receive loans for a clearly identified candidate in most circumstances. Their fund-raising seems to be intended to influence the outcome of an election which, in most instances, concerns the political future of various candidates. Sometimes their activities are devoted to ballot propositions, initiatives and other purposes. Further, at the time their fundraising occurs the group usually has no identified candidate which to support because it has not chosen one to endorse. Both the staff and the Commission may be hard-pressed to show that a reportable contribution must be made for or on behalf of a candidate, much less an identified one.

As to the definition of "independent expenditures" we note this comes from 2 CFR 109. As a practical matter, we suggest that the statutory provisions drawn upon in the Commission proposed regulation 2 AAC 50.313(8). As additional clarification, it may be helpful to describe those campaign agents and actors which the Commission will construe as prima facie evidence of cooperation and consultation with a candidate's campaign.

In AS 15.14.060(b)(2) there is a reference to a candidate's "authorized committee." This was apparently picked off the above FEC regulation. If it has any independent significance, it may be helpful to describe what an "authorized committee" is. Our fear here is that it is being used in the same sense as the FEC, and we have some speculations whether all the duties under 2 CFR 102 are to apply with equal force to this provision for an "authorized committee."

AS 15.14.100(a)(3) requires reporting of certain "expenditures...on behalf of a candidate which are not independent expenditures..." The Commission has always thought (and we think it is true of the majority of workers in other states and scholars in the field) that payments made "on behalf of" an identified candidate are either contributions or independent expenditures, and that the transactions are mutually exclusive. AS 15.14.100(a)(3) appears to be a restated version of the transactions contained in (1) or (2) which describe monetary and non-monetary contributions. If so, its deletion should be considered.

There is no special acceptance rule in the draft for contributions received by a local group. The Commission would have to decide whether to retain its present "possession" regulation for groups or make a revision based on the candidate's "acceptance" rule in the draft.

There is a particular problem with the fundraising activities of groups under the laws concerning games of skill and chance. The Commission has gone on record through legislative recommendations seeking to ban the use of funds raised through games of skill and chance by political groups and candidates. No organization using bingo, raffles, or monte carlo to raise funds can comply with the requirement to identify the source of each dollar it raises. By their very nature, games of chance and skill operate in a manner which defies an effort to name the spender. Such events are fertile territory for candidates and groups to accept funds which are otherwise banned, such as anonymous contributions and contributions in the name of another. A further issue which the Commission may be forced to litigate is the contention that game players are playing to win, not to influence elections. Such a contention argues that a raffle ticket purchase is not a contribution because it isn't intended to influence an election.

It seems doubtful that the draft intended to leave gaps in the requirements that groups report all their income and all their expenditures. It is less clear whether there is any utility in the suggestion that groups can be categorized into "independent expenditure" groups and "contributions to candidates" groups. Most groups in Alaska have mixed purposes. Many groups change their plans in mid-stream. Any provision that allows a group to maneuver around the disclosure of its income after the funds have been obtained will create intolerable enforcement problems. Manipulating the disclosure of income would allow groups to avoid the $1,000 limitation on incoming contributions which is proposed.

ARTICLE 2

CONTRIBUTION AND EXPENDITURES - LIMITATIONS AND PROHIBITIONS

AS 15.14.120 - Contributions by Persons

This section allows unlimited contributions by a person to a political party, a candidate, or a group formed solely for the purpose of sponsoring an initiative. It establishes for the first time, a $1,000 a year limit on the amount a person may give to a group. Discussion of the potential technical problems in the definition of "person" are contained on page ___. What if a group formed to sponsor an initiative decides to undertake independent expenditures on behalf of candidates? Such a group would be potentially much better financed to do than ordinary groups which have a $1,000 limit on their incoming funds. Initiative campaigns are notoriously one-sided when it comes to financing. Some thought should be given to whether an unlimited income provision would tend to foster or ameliorate that situation. Such a concern may ultimately be overridden by constitutional questions. Limitations on contributions to candidates have been upheld on the grounds of public interest in avoiding corruption or its appearance. Limits on contributions to groups may be harder to justify.

With respect to the policy of unlimited contributions directly to candidates, the Commission has not taken a position. In the most recent discussion, some members favored a retention of the $1,000 limit, and others continued to support an increase to $2,000. The question of lifting the limit entirely for individuals, corporations, and entities other than PACs was not posed at that time.

AS 15.14.130 - Contributions By Political Groups

This section retains the $1,000 per year limit on group contributions to a candidate and adds the same limit on group contributions to a group. It retains the political party exemption. It would be helpful if the law specified whether the exemption extends to political party organizations on the national level or in other states. Currently the statute does not do so. Only in the last two State elections have national party contributions begun to assume significance.

AS 15.14.140 - Limitations on Cash Contributions

This incorporates present law and could be clarified by inserting "single" between "a" and "cash" on line 25 so that it reads [redacted].

AS 15.14.150 - Expenditures

Subsection .150(a) states the ability of political parties and candidates to make unlimited expenditures subject only to the requirements of .180 that the purpose be limited to influencing elections, repaying loans, and that surpluses be disposed of as allowed by .200. This may mislead the reader into thinking that candidates can contribute more than $1,000 per year to political groups in contravention of AS 15.14.120(b). The language raises the question of whether political parties are really intended to be able to fund PACs which are not official party subdivisions.

Subsection .150(b) states that independent expenditures, as defined by AS 15.14.090(b), on behalf of or in opposition to a candidate or ballot measure are unlimited. The definition of independent expenditures in .090(b) discusses activity only in relationship to a candidate and does not cover the concept of independence relative to ballot propositions. In discussing a situation involving expenditure activity supporting or opposing a ballot proposition, the real question would be whether the activity was independent of some group which is also trying to influence the outcome of the same measure. Suppose a group was the sponsor of an initiative and continued to be active supporting the proposition created by the initiative. Or suppose a group is simply supporting or opposing a ballot proposition. An individual whose expenditures to influence the passage or defeat of a measure were arranged, coordinated, or directed by a particular group would be making a contribution to the group rather than an independent expenditure.

(c) - This subsection appears intended to establish that political group expenditures on behalf of or in opposition to a single candidate or a single political group, are either independent expenditures or are contributions limited to $1,000 per year. The either/or concept is accurate and well worth stating but the draft uses a negative sentence construction and would be more effective in the positive voice.

AS 15.14.160 - [redacted]

The language used here comes directly from AS 15.13.070(d). Recent staff research into case law indicates the language may support escheat only in the case of anonymous contributions. (See Abood v. Flood, staff memorandum dated August 16, 1985, not yet considered by the Commission.) The Commission needs clearly defined authority to require the return or escheat of any prohibited contribution.

ARTICLE 4

CAMPAIGN MISCONDUCT AND ADMINISTRATION

AS 15.14.170 - Campaign Officers

This section is similar to existing law on campaign chairmen, treasurers and deputy treasurers. In subsection (a), the language allowing the appointment of deputy campaign treasurers "at any time" may lead to confusion between the appointing process and the registration process. "As necessary to comply with AS 15.14.170(e)" or [redacted] might be preferable to "at any time."

Subsection (b) should indicate a requirement to list on the registration statement the name, address and telephone number of any deputy treasurers. Public disclosure of individuals authorized to solicit and accept contributions is important information about the extent of a campaign's organization and financial activity.

In subsection (e), [redacted] line 17, the phrase "of the political group" should be deleted lest it cause confusion over the issue of whether a candidate's campaign committee is a "group." It would be particularly unfortunate in light of the different limits on contributions to candidates and to groups.

Similarly, in [redacted] subsection (f), the word "candidate's" should be deleted lest a group's chair be deemed responsible for a candidate's campaign officers.

AS 15.14.180 - Use of Campaign Funds

There appear to be no technical problems with this subsection.

AS 15.14.190 - Termination of Campaign Activity and Closing of Campaign Accounts

This is similar to provisions in other states requiring close-out reports by candidates. We would like to suggest that close-out reports also be applied to political groups, perhaps as the appropriate mechanism for terminating the registration required in AS 15.14.050. This suggestion is brought forward mainly for the purposes of insuring that contributions to defunct political groups do not become entitled to a PCC and to help assure that an accurate listing of active groups be maintained.

Our strong felt suspicions have been there are a few political groups that have been registered for a long time and ocassionally report no activity, but are raising substantial sums for ostensibly political activities that are in

fact not election-influencing. The contributions are usually obtained on some promise the group will lobby for some position or take a side on a ballot proposition. Once the registration statement is filed, the Department of Revenue will pay over PCCs even if there is no quantifiable political activity. A special provision for terminating group registration and reporting may save the State of Alaska some funds or, at least, reduce the number of groups from whom staff must unnecessarily seek reports.

AS 15.14.200 - Surplus Campaign Funds

We see no major technical points in this provision. Some additional thought may be warranted on the language in (a)(5) directing the return of funds to contributors on a pro rata basis. Given that most campaigns have many small contributions, a mandatory pro rata distribution to every contributor is probably not practical.

AS 15.14.210 - Solicitation of Contributions

Consideration should be given to applying the principle of escheat to contributions solicited or accepted in violation of this section. See discussion of AS 15.14.160.

AS 15.14.220 - Identification of Communication

We see no technical problems with subsections (a), (b), and (c). The reference to AS 15.56.010(a)(2) raises two questions. First, is it the intent of this draft to suggest that the APOC would take some enforcement action on a provision which is outside its jurisdiction, as defined in AS 15.14.030, or is it intended to relieve the Commission of the burden of sanctions for improper identification? Second, is the lack of reference to AS 15.56.010(a)(1) an oversight?

If the Commission is intended to take an active role against newspapers or printers for identification failures, we are pessimistic of a productive result in light of substantial litigation on this issue. See 4 ALR 4th 724 and the case of Printing Industries v. Hill 382 F. Supp. 801 (S.D. Tex. 1974) with particular attention given to its writ history in State v. North Dakota Education Association, 262 NW2d 731 (N.D. 1978). Of course, a single opinion from a three judge federal court in Texas does not make Alaska law; however, the concerns expressed therein may indeed be real in any enforcement action initiated by the APOC against a newspaper.

ARTICLE 5

UNLAWFUL CONDUCT; CRIMINAL AND CIVIL PENALTIES; INVESTIGATIONS; PROCEDURES; HEARINGS.

AS 15.14.230, .240 and .250 - Felonies, Misdemeanors, and Civil Penalties

An important aspect of the draft which needs review is the mens rea or mental element specified in all three sections.

In general, both felonies and misdemeanors require actions or omissions to be "knowingly and intentionally." If the intent is to use the standard mental

elements in AS 11.81 (which is not specified in the draft), it may be simpler to mention a single felonious intent appropriate for the conduct. Under AS 11.81.610 an intentional act is done knowingly but a knowing violation does not include an intentional one. In effect, the knowing violation appears to be surplus usage and it may assist all concerned if consistency were maintained with the culpability standards in the criminal code. Further, if the mens rea selected is intended to have any meaning other than its uses in the criminal code, it would be helpful to have such laid out in AS 15.14.

In section AS 15.14.230(a)(5), three mental elements are provided for accepting excessive contributions, "knowingly and intentionally and willfully." "Willfully" has been subject to much litigation in the Alaska courts and it appears to have different meanings for different types of crimes. It may be appropriate to excise "willfully." See "Consciousness of Wrongdoing, Mens Rea in Alaska," Alaska Law Review; (1984).

With respect to the use of the "knowingly and intentionally" language in the misdemeanor section, "intentionally" seems to be quite a hefty mens rea for a misdemeanor. "Knowingly" should be considered instead.

AS 15.14.250 inserts "negligently and inadvertantly" as mental elements for acts subject to a fine by the Commission. These mental elements are undefined in the criminal code and we assume the Commission will adopt its own standards through litigation. Further, we also assume the mental elements for a civil penalty are something more than a strict liability criminal offense and it is not necessary to provide an express legislative directive that these violations could become strict liability crimes through interpretation. AS 11.81.610.

The Commission has developed a wide ranging and detailed jurisprudence concerning the appropriateness of any assessment of civil penalties. Like the Alaska courts, the effort is aimed at deterring the offender, deterring others in like situations and, frankly, making it unprofitable for a candidate or political group to violate the law. Therefore the fine schedules in the proposals may be too low. We support a cap on any fines levied by the Commission, but request that fines be capped at the $10,000 range rather than at the $5,000 and $2,000 range.

AS 15.14.250(c) offers an example of why the fines may be too low. This subsection specifies a maximum fine of $2,000 for failure to report expenditures in a year-end or final report. Since this is the only due date for expenditure reporting by candidates, $2,000 seems too small to effectively sanction the failure to report expenditures, especially in races where expenditures range from $50,000 upwards.

Typographical Problems:

Page 29, line 15 - There is no AS 15.14.060(b)(3); it seems likely the intended reference was .060(c)(3) for year-end or final reports.

Page 30, line 21 - AS 15.14.220(b) deals with proper identification; the correct reference would be .210(b) which concerns solicitation.

Page 32, lines 15-18 - Civil penalties (at differing levels) are provided for AS 15.14.250(a)(9) in both .250(d) and .250(e).

Finally the use of the word "person" to describe the violator may pose a problem if the definition of "person" continues to indicate that "person does not include a political group."

AS 15.14.260 - Payment of Fines

Specifies that fines may not be paid from campaign funds. In the case of political groups, this may be an impossible Catch-22. If the chair of a group pays the group's fine, the payment would appear to be a non-monetary contribution and hence, from "campaign funds."

AS 15.14.270 - Removal from Office

We have no technical concerns with this provision.

AS 15.14.280 - Limitations on Actions

AS 15.13 presently has a 4 year statute of limitations. The AS 15.14 draft sets out four years as the time limit for commencing felony prosecutions, two years for misdemeanors, and 18 months for civil penalties. The reduction to two years for misdemeanors may raise a policy issue for Commission concern, especially in light of the fact that some terms of office are three or four years.

I think the 18 month limitation for violations (Civil Penalties) that causes the most consternation on the staff level. The provision is vague and unduly burdensome, and may result in substantial violations of the law going unprosecuted. The language in AS 15.14.280(c) should specifically provide that proceedings be instituted before the Commission within a certain time rather than by the Commission. If desired, a separate time frame could be set for judicial proceedings for collection of a civil penalty after a final decision by the Commission. This would avoid any apparent ambiguity in the statute that judicial proceedings need to be commenced within the 18 month window.

Many of the violations by candidates would not surface until the filing of a Final Report. These are due 30 days after the swearing in of a successful statewide or legislative candidate. AS 15.14.060(c)(3). Assuming the candidate is promptly audited (a large assumption considering the size of these reports and their February due date), and promptly responds, staff knowledge of a violation may not occur until 12-18 months after the violation. If such violations are time barred, our only alternative might be to proceed with misdemeanor or felony investigation with the hopes that the same violation reveals sufficient evidence the act was committed intentionally or knowingly.

An example may illustrate some of the practicalities of trying to enforce civil penalties under the 18 month constraint.

Candidate Joe Jones accepts an excessive contribution from a known political group in the total amount of $1,250 in checks with denominations of $250 or less. This contribution is accepted in the beginning of his campaign which could be months before the election. He does not report the contribution. The staff receives a timely expenditure Final Report that shows candidate Jones spent more money than he reported as being received. His reports are audited

and the question asked whether he forgot to report a contribution. Candidate Jones takes about 30-45 days researching his records (some candidates hire a bookkeeper or auditor to straighten out their records), and responds he received an excessive contribution from a political group. By this time, a year has passed and the realities of the audit process have reached a point where we have to make the decision whether to proceed by accusation. Although we would like to find out more about this excessive contribution (Did the candidate know he received a contribution from a political group? Did the candidate negligently or inadvertantly accept an excessive contribution and negligently or inadvertantly fail to report it?), the staff must rush to judgment on this matter and guess whether there is sufficient clear and convincing evidence to conclude that the candidate negligently or inadvertantly failed to timely report an excessive contribution.

Because of the press of time, the only option would be to file an accusation to get inside the 18 month window. Because there are no standards for finding of negligence or inadvertance, a strict liability theory for accusations would initially prevail with the concurrent result that some candidates would suffer the consequences of an unnecessary adjudication.

It would be preferable that the statute of limitations for violations be at least compatible with the misdemeanor section. A short period of limitations will cause candidates to avoid responding to audit requests in the hopes any claims become time barred. It will also put an undue strain on staff to commence accusations when we are not clearly convinced that an act was committed negligently or inadvertantly.

At present the staff proceeds on any accusation against a candidate only when we believe there is sufficient evidence to convince the Comission or subsequent Court or jury that a prohibited act has occurred beyond a reasonable doubt. Speculative claims or allegations without full and complete investigation cause undue embarrassment to the subject of the investigation and unnecessarily waste the public's resources.

Page 35, line 11 - should read AS 15.14.230.

AS 15.14.290 - .330 - Investigations, Accusations, Notice of Defense, Hearings, Imposition of Penalty

Page 36, line 4 and Page 42, line 11 - AS 24.50 should be AS 24.45.

Staff considers two major items to be of concern in the draft:

1) the effort to set out a mini-version of the Administrative Procedures Act requirements within AS 15.14 may create unnecessary and time consuming points of contention; and

2) the simple, direct appeal of civil penalties to the Commission now found in AS 15.13.125, AS 39.50.135, and AS 24.45.141 has been replaced by the cumbersome notice of defense language and procedures that will be both burdensome and intimidating to the majority of candidates and groups which simply filed late reports. The public, the respondents, and the Commission would be better served by continuation of the affidavit appeal for simple delinquency and a direct statement of the requirement to abide by the Administrative Procedures Act in circumstances requiring a hearing.

The staff has no objection to Mr. Gross's desire to extend his personal ban on plea bargaining to this arena. See AS 15.14.330(d). It should be noted, however, that one or two persons are insufficient resources to police all the possible campaign violations throughout the state of Alaska. Unlike the District Attorney's Office with its abundant resources and personnel, it is sometimes difficult moving the multitude of campaign disclosure violations through administrative litigation if plea bargaining is not used to alleviate the crunch. However, we recognize there are basic judgment calls which the staff should not be making when it engages in activities designed to secure a written Consent Agreement and it may, indeed, be proper to reserve all these consent discussion determinations for the Commission. In fact, there have been few instances of plea bargaining; most have concerned appropriate charges ("charge bargaining").

In AS 15.14.330(a)(2) there is a requirement that violations be shown by clear and convincing evidence. Most administrative adjudications are by a preponderance of the evidence. Clear and convincing evidence may be an undue burden to impose upon a small staff.

AS 15.14.340 - Confidentiality

A question regarding the proposed confidentiality of investigations [AS 15.14.030(8)] arises from the standard audit function. Most audits are performed to check the mathematics of reports, and otherwise assist campaigns in complying with the law. If one had to specify whether an audit is assistance [AS 15.14.030(2)] or an investigation [AS 15.14.030(8)], most audits are a means of rendering assistance to campaigns. Of course, audits are investigatory in one sense because matters of potential volation are usually first explored in an audit. If any and all audit reports are synonymous with investigations, it may be necessary to include by express language that audits are also confidential. See AS 09.25. 110, Public Records Act. If audits are something different than investigations, clear statutory standards should be provided to determine when to close a file because it has entered the investigation arena.

A second question related to the proposed confidentiality of investigations concerns the effectiveness of a gag order on staff only. Those who have chaffed at press reports that their actions were under APOC review apparently assume that staff initiates press contact on such subjects. That is incorrect. The complainants are the ones seeking press coverage and they frequently do so before, or simultaneously with, sending a complaint to the Commission. The proposed "no comment" situation by staff will only leave complainants free to publicize their distorted views of what happened and whether or how the law might apply.

The wording of the draft would appear to require the "no comment" situation to continue ad infinitum in a case where the decision was made to file no accusation.

Staff does not support the confidentiality proposal because it would not cure the perceived problem but rather increase the pressure to formulate an accusation. If the language remains, it should at least specify that complainants, respondents, and pers - contacted in the course of an investigation be

subject to the same restrictions on confidentiality. See Bar Rule 22(b). Unlike the majority of Revenue investigations that concern documents and receipts, our investigations are directed towards conduct, state of mind, and actions by persons that may or may not be memorialized in a document. Gagging complainants, respondents, and persons contacted during the course of an investigation might discourage frivolous or spiteful complaints on election eve. Of course, it will also create another category of potential violations to monitor.

AS 15.14.350 - .370 - Judicial Review, Powers, Legal Counsel

Staff comments on these sections are primitive and subject to addition at a later date.

Section .360, Powers of the Commission, omits what appears to be broader boilerplate now appearing in AS 15.13.040(a). Potentially related is a concern raised by counsel in the past that AS 15.13.120(d) implies the Commission can issue orders but the plain statement "can issue orders" never appears.

Perhaps the sections on powers and legal counsel would be more appropriately included in Article I. Somehow the concept that there is a necessary relationship between "duties" and "powers" seems fitting.

Section .370 provides that a request for a special prosecutor be made to the Attorney General rather than the Cheif Justice of the Supreme Court. In the Worthington case, the court indicated that it could not appoint a prosecutor as such a case might ultimately be appealed to the Court. While one can hypothesize a case involving the Attorney General or some member of the Administration where friction might arise over the request, there seems little alternative but to hope:

1) it won't happen; and
2) if it does, a denial by the Attorney General would create a public furor that would give cause for reconsideration or judicial relief.

The new language also limits a request for a special prosecutor to cases involving Campaign Disclosure misdemeanors or civil penalties (AS 15.14.240 and .250). No such limitation is appropriate because of the wide range of appointed and elected officials subject to AS 39.50 and because AS 24.45 is also within the Commission's purview.

A second change in the section on legal counsel specifies that the Commission must have the concurrence of the Attorney General to hire temporary legal counsel. This seems an unnecessary provision that will only give the appearance of a desire to unduly frustrate the Commission's efforts.

ARTICLE 6

MISCELLANEOUS PROVISIONS

AS 15.14.380 - Definitions

An area staff considers critical on a technical level is the language used in definitions. These words are extremely important, and define the subject matter jurisdiction of the Alaska Public Offices Commission. The scope and

content of AS 15.14, with its panoply of registration, reporting, criminal sanctions and administrative proceedings depends in the final analysis on the type of activity with which the Legislature wishes the Commission and staff to be concerned. Tight, concise, clear, and appropriate definitions gives the public notice constitutionally required and insures governmental restrictions do not lean too heavily upon fundamental freedoms. It may be an engrained bias of all adminstrators to be given a clear law which to administer, but we at the staff level (and most likely the public as well) need clear marching orders from the Legislature as to what is, and is not, reportable as well as what is, and is not, prohibited. Felony, misdemeanor and civl penalty violations need to be clear and convincing to the Commission and to a court as well.

AS 15.14.380(1) - "Candidate"

The definition of "candidate" conforms to the registration requirement of AS 15.14.040, and is substantially consistent with the Commission's recommendation that candidates register and report when they begin acting like candidates.

AS 15.14.380(2) and (3) - "Contribution" and "Expenditure"

The definitions of "contribution" and "expenditure" are transfers from AS 15.13 and correct one problem we have had under AS 15.13.100. See Al Adams, staff memorandum dated June 13, 1984, copy enclosed.

However, we do wish to caution that with the delayed reporting schedule for expenditures, the distinction between a contribution and an expenditure will become doubly important for reporting and enforcement. Candidates will first have to make their own judgments whether a pre-election transaction is a "contribution" or an "expenditure" and we suggest some care be used to insure that the definitions are mutually exclusive and crystal clear.

The distinction between "contributions" and "expenditures" may also be serious for groups if the group expenditure reporting questions are not addressed. For example, under the proposed schedule, when would a group report a non-monetary contribution it received if that contribution were used as an independent expenditure?

A final question about contributions which exists under the present statute and which is not addressed by the draft, is a specification that any income raised by a candidate or group via fund-raising is a contribution. See 2 AAC 50.405(4).

AS 15.14.380(4) and (5) - "Individual" and "Municipality"

These are the same as AS 15.13. For clarity, the population threshhold might be added to the municipality definition.

AS 15.14.380(6) - "Person" and AS 15.14.380(7) - "Political Group"

The definitions of "person" and "political group" are critical.

In the "political group" definition, "a person or combination of persons... which accepts contributions" becomes a political group. The "joint action" phrase is eliminated.

In the Commission's most recent effort, proposed regulation 2 AAC 50.356, a group is:

> ...every two or more persons who are elected, appointed or otherwise chosen or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the raising, solicitation, or disbursement of money or anything of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition...

Our concern over the "political group" definition deals with the parameters of acceptance. If acceptance has the same meaning as the special acceptance rule for candidates (AS 15.14.060(b) - a contribution is accepted when used by the candidate or retained until the end of the reporting period), a combination of persons can raise funds to their hearts' content and not report the war chest until reports are due immediately before the election, as long as it can avoid making an "expenditure" (and, indeed, a nonreportable one at that). However, the staff believes acceptance by a group has some meaning different than the special rule for candidates.

As you know, acceptance can mean a lot of things to different people. It can range from an exclusive physical possession coupled with an intent to retain the item permanently, to the power to exercise dominion and control ("discretion?") over who receives the contribution. The "dominion and control" test seems to be the appropriate one because it meshes so cleanly with AS 15.14.050(c), the "VECO rule." However, additional clarification may be appropriate so that the Commission has a clear understanding as to the Legislature's intent.

The most serious of technical concerns are with the definition of "person." It provides:

> "Persons" means an individual, partnership, committee, association, corporation, labor organization or other organization or persons for business or other purposes. Persons does not include a political group. (Emphasis added).

At first blush, this definition of "person" appears to be inconsistent with the definition of "political group." In the latter it is provided that a "political group" is "any person" who does certain described acts, i.e., accepts contributions. However, .380(6) provides a "person does not include a political group." If the exclusive language in .380(6) is given any substantive effect, a corporation, committee, association, or labor organization may do any and all acts that would commonly be understood to be group activity and still avoid registration and reporting because of the express exemption that comittees, associations, corporations, and labor organizations are not political groups.

We also have some common sense hesitations with including "committees", "associations" or "organizations of persons for...any other purposes" in the definition of "person." It would be appropriate to either define these entities or excise the reference altogether. Our review of the reports of political groups over the years leads us to believe that many (and, in fact, most of the groups) could qualify as a "committee," "organization" or "association" and thereby avoid registration and reporting as a political group.

The exclusion of "political group" as "persons" has a serious effect on how AS 15.14 is to be enforced. Violations and criminal sanctions can only be brought against "persons." "Persons" do not include "political groups." Since there are few if any sections in present law or the proposals imposing civil or criminal liability on any of the major actors in a "political group," the persons which compose the "political group" must be held responsible for each and every violation of the Campaign Disclosure Law. The "political group" will not be named as respondent, not responsible for paying a fine from its available assets, or complying with those portions of AS 15.14 requiring "persons" to do any act.

Our suggestion is that "persons" from AS 15.13 be retained without the surplus exclusionary language.

Since the "controlled" language in the group definition is primarily directed at the $1,000 limitation on contributions to candidates, some brainstorming should be done on the validity of its continuation here. In any event the discrepancy between "more than 50%" here and "50% or more" in section .050 should be eliminated. The controlled group concept may have continued value to keep candidates from creating several subcommittees, each of which gets $1,000 from the same political group. But it is likely the re-drafting and its placement in the statute could be more to the point.

cc: Pat Kennedy
Dick Monkman
Gross & Burke
Brooke Miles

Attachments: Memo to R. P. Burns from A. Gross, dated 1/5/78
FPPC Bulletin, dated 10/1/85
Memo from C. Johansen to APOC Members, dated 8/16/85
Memo from T. Pittman to APOC Members, dated 6/13/84

02-0018 (Rev. 10/76)

STATE of ALASKA

MEMORANDUM

RECEIVED
JAN 10 1978
PUBLIC OFFICES COMMISSION

TO: Randall P. Burns, Executive Director
Alaska Public Offices Commission
610 'C' Street, Suite 209
Anchorage, Alaska 99501

DATE: January 5, 1978

FILE NO: J-66-365-78

TELEPHONE NO:

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

By:
Rodger W. Pegues
Assistant Attorney General

SUBJECT: Contribution of state monies to Friends of Higher Education. Your File No. 77-5.

At the commission's request, you have asked whether a state agency, here the University of Alaska, may contribute to a private group to influence the outcome of an election. We had previously been asked, in regard to the same subject, whether the University of Alaska (or other state agencies) could expend state money to influence bond propositions.

The law on campaign contributions and expenditures applies to political parties, persons, individuals, candidates and groups. With respect to your question, which focuses on groups, "groups" are defined as being comprised of "persons or individuals". AS 15.13.130(3) The latter is described as a "natural person". AS 15.13.130(5). And a "person" is defined as, in addition to the terms set out in AS 01.10.060(7), including a labor union. AS 15.13.130(7). The definition of "person" in Title 1 includes corporations, partnerships, firms, associations, and the like but it does not include the state or its agencies. Thus, it appears that the law has no application to contributions made by a state agency.

Moreover, we are not at all certain that the so-called "Friends of Higher Education," constitutes a group within the meaning of the law. Given the university's complete control of the organization, its own official's serving as the organization's treasurer, and its funding of the organization's activities, the Friends of Public Higher Education appears to be an agent of the university. As indicated above, a combination of persons as a part of the state government is not covered by the law. Thus, there is a substantial question that the law even applies to this organization. Assuming that it does, it plainly does not apply to contributions from a state agency, because the latter is not covered by the act.

We concur with the staff's recommendation that no

action be taken on this one. If asked to do so, the university and its "Friends" will undoubtedly make full reports. If the commission believes that the university or other state agencies should be covered by the act or that they should be prohibited from spending state funds for campaign purposes, it is peculiarly within its authority, and indeed, among its duties, to make recommendations for a change in the law. AS 15.13.030(9).

RWP/pjg

FPPC

BULLETIN

FAIR POLITICAL PRACTICES COMMISSION

October 1, 1985
Vol. 11, No. 10

428 J Street, Suite 800, Sacramento, CA 95814 (916) 322-5901

REFORM LEGISLATION ENACTED

Major reform legislation sponsored by the Fair Political Practices Commission has been signed into law by Governor Deukmejian.

Assembly Bill 688, authored by Assemblyman Patrick Johnston, will significantly strengthen the campaign disclosure provisions of the Political Reform Act.

The bill, commonly referred to as the "PAC ID" bill, requires the clear identification of organizations (e.g., associations, businesses, unions) that sponsor political action committees.

When AB 688 (Chapter 498, Statutes of 1985) becomes effective on January 1, 1986, the name of every political action committee which has a sponsor will be required to include the name of its sponsor on all campaign disclosure statements and political mailings sent by the committee.

Commission Chairman Dan Stanford commented, "One of the most important purposes of the Political Reform Act is to inform the public about the sources of campaign contributions. However, attaining this goal has been seriously impeded by the fact that many political action committees use names that are totally non-descriptive, confusing and misleading. In the past, the sources of large contributions often have been identified as nothing more than acronymns and 'good government' PACs. This legislation effectively resolves a serious problem."

Assembly Bill 688 addresses this problem by requiring the name of a "sponsored committee" (e.g., PAC) to include the name of its sponsor. The specific provisions of the new amendment to the Political Reform Act are:

- A "sponsored committee" is a committee sponsored by one or more "persons" (i.e., entities). Committees controlled or sponsored by an individual (e.g., a candidate's controlled committee) are excluded. Associations, businesses and unions will account for most "sponsors."

- An association, business, union or other entity sponsors a committee if any of the following occurs:

  (1) It provides all or nearly all of the contributions received by the committee;

  (2) It collects contributions for the committee by payroll deductions or dues from its members;

  (3) It provides all or nearly all of the administrative services for the committee; or

  (4) It sets policies for soliciting contributions or making expenditures of committee funds.

- The name of a sponsored committee must include the name of the sponsor. If the committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, the committee name must include a term identifying the common industry or identifiable group associated with the sponsors.

- A sponsored committee must identify its full name on its statement of organization when the committee registers with the Secretary of State. Only one name may be provided on the statement of organization (which can be amended), and this name must be used whenever identification of the committee is required by law.

- With respect to ballot measure committees, a statement that the committee is "a committee for (or against) Proposition __" must be included in any reference to the committee required by law.

MEMORANDUM State of Alaska

TO: Commission Members

DATE: August 16, 1985

[11]

TELEPHONE NO:

FROM: Chris Johansen
Associate Coordinator

SUBJECT: McConkey v. Flood/Quadrant Contribution Fund, Alaska Star

As you may recall (prior staff memorandums without exhibits are attached as items A_1 to A_{15} this matter has been reduced to the filing of Campaign Disclosure Statements or reports by two previously unregistered groups (i.e., Quadrant Contribution Fund, Alaska Star), payment of money to the state treasury, and requests by the staff that the recipient candidates repay prohibited contributions.

As discussed at the June meeting, candidates Knowles, Fink, Flood and Smith were requested to make repayments to Quadrant. Pages B_1 to B_{10}. Mayor Knowles responded in writing raising the point he had no notice of the Quadrant investigation. He repaid Quadrant $1,350.00. Page C_1 - C_3. Assemblyman Smith responds in writing stating the money received from the Quadrant employees was related to a nonelection municipal issue (vehicle inspection). Pages C_4 - C_6. Assemblyman Smith has not repaid the Quadrant Contribution Fund or the employees. Mr. Flood has received a written request for repayment of the Quadant Contribution Fund excess contributions but none for the Alaska Star contributions. In a phone conversation from New Hampshire, Mr. Flood said he had tight finances but would be making repayment of the Quadrant funds shortly. Nothing further has been heard from Mr. Flood.

Mr. Fink refuses to make the repayment and explains in writing he was unaware of the Quadrant investigation or of the fact Quadrant employees received reimbursements from the Quadrant Contribution Fund for their individual contributions. Pages C_7 - C_8. He states:

> We reported the contributions as we received them from individuals shown on the checks or check stubs. You should not place a burden on each candidate to cross examine each contributor to determine if the funds are proper so long as there is no apparent discrepancy or there is no actual knowledge of a discrepancy. We certainly were not aware of any discrepancy. (My emphasis).

.....

> I hope you will weigh in your effort to enforce the law, the deleterious effect you will have on the election process. You are ferreting out items after the fact that put a candidate and a candidate's workers,

particularly treasurers, at risk. At best you are being arm-chair quarterbacks the day after the game and fining any player who called a play that you the spectator, felt was in error. And there are as many different questions of plays as there are arm-chair quarterbacks.

IS THERE STATUTORY OR REGULATORY AUTHORITY TO DEMAND REPAYMENT OF EXCESS OR ILLEGAL CONTRIBUTIONS?

There is no statute or regulation clearly stating a candidate receiving illegal, excessive or prohibited contributions is compelled to make some sort of repayment or forfeiture to the contributor. AS 15.13.070(d) does provide a limited repayment duty. It provides, in part, as follows:

> A contribution made by a person wishing to remain anonymous, and received by a candidate, campaign treasurer or deputy campaign treasurer, may not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found, the contribution escheats to the state, if not donated by the candidate to the charity of his choice.

Knowingly accepting a contribution in violation of any subsection of AS 15.13.070 is a criminal offense. AS 15.13.12(a)(6).

Of particular interest here is that repayment, escheat, or donation to a charity is not dependent upon the knowledge of the candidate at the time the contribution is received. By an express interpretation of the statute, the candidate must repay upon receipt of a contribution from a person "wishing to remain anonymous." Repayment can be demanded regardless of whether knowledge is brought home to the candidate that a contributor wishes to remain anonymous, and the candidate is strictly liable for escheat, repayment or donation whenever a contribution can be reasonably classified as "anonymous." Knowingly receiving an anonymous contribution or one made by a person wishing to remain anonymous is, in addition to escheat, repayment and/or donation, a criminal offense punishable as a misdemeanor if proven beyond a reasonable doubt. AS 15.13.120(a)(6).

The staff has no reason to doubt that Quadrant Employee contributions received by the candidates came by check that appeared properly issued. The Quadrant employee contributions were reported by the candidates as being received from an identified person who the candidates erroneously believed was the source. Likewise, the checks from the Quadrant Contribution Fund were incorrectly reported as being received from the subsidary Quadrant companies instead of the Quadrant Contribution Fund, and, indeed, met the legal requirement that a contribution be identified as being received from a person.

The problem with all of the Quadrant contributions is not that they omitted a name altogether, but that the name for which the contribution was ostensibly made was a wrong one, with the result these employee and group contributions may have been in fictitious names or in the name of another.

A candidate's knowing acceptance of a fictitious contribution or one in the name of another maybe, under some circumstances, a criminal offense. AS 15.13.120(a)(6). However, AS 15.13.070(d) does not expressly provide these contributions are escheated to the state, required to be donated to a charity, or compelled to be repaid to a contributor. If the lack of any interim administrative remedies other than criminal prosecution indicates a legislative intent not to rely upon escheat, repayment or donation, it may be reasonably concluded the Commission could not compel the repayment of contributions in the name of another, fictitious contributions, or excessive contributions, unless it is prepared to begin a criminal investigation with concurrent notice and hearing in each individual case.

Further, the Commission should hesitate in construing a forfeiture requirement if it would lead to an unreasonable result. The alternative remedial methods for anonymous contributions are ill-suited for fictitious contributions or those in the name of another. Both sanctions seem directed at deterring persons from propping up a "straw man" with which to funnel money to campaigns in order to avoid disclosure or the contribution limitation. Although the "straw man" can be implicated in a criminal violation, it is the person who holds the purse strings and controls the flow of contributions through the "straw man" that may have knowingly committed all acts necessary to complete a criminal offense. It seems incongruous to staff for this Commission to permit a candidate to make a choice for disposition of an illegal contribution by making repayment to the very person that is primarily responsible for the commission of a criminal act in the first instance. As Mr. Fink states, a repayment order[1] under this set of circumstances places the candidates in the position of being guarantors that no "straw man" contributions are received, a burden that has no requirement the candidate have knowledge or reason to know that a "straw man" is involved in the transaction, or that the underlying facts could have, after exhaustive investigation, disclosed some form of an illegal contribution, at least to the extent that would trigger immediate election of escheat, repayment or donation. Staff believes that if the Campaign Disclosure Law requires such a result it would have expressly said so, and that the exclusive administrative remedy under the present statute and regulations[2] is a criminal proceeding for a knowing receipt of a fictitious contribution or one in the name of another.

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[1]Staff is of the opinion this Commission has absolute authority and discretion to make a repayment request at any time for any type of prohibited contribution in order to purge the campaign marketplace of any contributions reasonably construed as illegal. Candidates should be given the option to comply. If they choose not to comply with a reasonable Commission request, the Commission and its staff should be concerned, as here, whether it has clear authority or regulatory power to demand repayment, together with whether there is credible evidence to believe a criminal act has been committed.

[2]Under proposed 2 AAC 50.356 and 2 AAC 50.357, the "straw person" and the source would be, in addition, a group required to file Campaign Disclosure Statements.

Some persuasive force to staff's view is presented in the case of People v. de Grazia, 434 NE2d 543 (Ill. App.Ct 1982). There an Attorney General brought a civil action to compel escheat to the state of certain contributions ($48,300.00) reported by a gubernatorial campaign as being made by a Mr. de Grazia (the "straw man") but actually made by another. In Count II the Attorney General sought imposition of a constructive trust and an accounting in favor of the state for the candidate's wrongful use, conversion, or appropriation of "anonymous" contributions. Id. at 544. Section 9-25 of the Illinois Election Code shares many of the prohibitions of AS 15.13.070(d) and provides:

> No person shall make an anonymous contribution or a contribution in the name of another person, and no person shall knowingly accept an anonymous contribution made by one person in the name of another person. Anonymous contributions shall escheat to the state of Illinois. Id. at 545.

According to Illinois law, escheat is penal in nature and calls for a narrow construction. Anonymous contributions, like Alaska law, are undefined but, according to the Illinois court, occur where "the contributor is unknown, unnamed, or the source of origin (donorship) cannot be identified."[1]

Anonymous contributions are not synonymous with those in the name of another because

> ...the statute plainly refers to two separate types of prohibited contributions, providing different sanctions for each type of contribution. Id.

.....

> Applying a strict construtions to section 9-25, we hold that it does not provide a statutory remedy to the Board of Elections for contributions made by one person in the name of another. Id. at 546.

Since the Attorney General could identify in the complaint that de Garzia (the "straw man") donated $48,300 to the gubernatorial candidate but not in fact the person who supplied the funds, there was no anonymous contribution as a matter of law, and, alternatively, the state could not compel escheat for a contribution in the name of another. Therefore, the Court affirmed the lower court's order dismissing the Attorney General's complaint for failure to state a claim for which relief could be granted.

---

[1]Donorship appears to be used by the Court in the gift sense requiring delivery of the money with an intent by the donor the donnee retain the funds permanently.

If repayment authority is narrowly limited to anonymous contributions,[1] the only administrative remedy may be criminal proceedings pursuant to AS 15.13.120(a)(6). To proceed in this fashion, the staff has always taken the position there must be some credible evidence by which to form a preliminary opinion or belief that a criminal violation has occurred. Paul Fischer, February, 1985 (Consent Agreement); Staff v. Clossey, Norris and McConkey, June, 1985 (pending criminal and civil penalty matter).

There are two types of potential violations by the recipient candidates in the Quadrant situation. The first concerns contributions in the name of another. AS 15.13.070(d). The second concerns acceptance of excessive group contributions. AS 15.13.070(a); AS 15.13.120(a)(6).

As explained in the foregoing, Quadrant employees made contributions to all the candidates and subsequently received reimbursement from the Quadrant Contribution Fund. If all or some of the recipient candidates (excluding Assemblyman Smith see attached correspondence at C_9) were aware of or had knowledge of the subsequent reimbursements, there may be some evidence to form a factual or legal justification for proceeding with a preliminary investigation. 2 AAC 50.460. However, based on the fact all employees of Quadrant first paid to the candidates by personal check, there does not appear to be any documentary evidence that could have alerted a candidate or treasurer of the appearance of a questionable donation, and all responding candidates steadfastly deny any awareness or knowledge of a collusion between the Quadrant Contribution Fund and the Quadrant employees, the staff feels hard pressed to find any knowledge by the candidates that contributions were received in the name of another. However, a somewhat clean documentary trail and conclusionary denials by the candidates should not preclude further scrutiny by way of a preliminary investigation if there is other credible evidence to form a belief the candidate's denials are not plausible.

It is on this basis staff recommends the matter be concluded. The candidate's written responses are candid, truthful, and appear to have been made in good faith. As pointed out in Mr. Fink's written response, the error which has been already disposed of by this Commission occurred in the Quadrant offices when funds were pooled and employees were reimbursed for contributions already made.[2]

---

[1]The Illinois decision is solely based on an Illinois statute and has, at most, some persuasive force. It is by no means controlling, nor should this Commission feel bound by it. However, the general authority for the proposition that escheat is penal in nature and calls for a narrow construction of the statute is widely accepted, and you may come to that view after discussions with your attorney. 27 Am. Jur. 2d Sec. 879 Escheat at notes 15-16 (1966). If this reasoning is accepted, the staff can find no facts or rationale by which to conclude the Quadrant contributions are anonymous contributions and, likewise in the name of another.

[2]Proposed 2 AAC 50.357 clearly prohibits this type of conduct and provides civil as well as criminal penalties for doing so.

The second matter concerns the receipt by the candidates of single checks directly from the Quadrant Contribution fund in excess of $1,000.00. As explained in prior staff memoranda, the Fund checks had attached an invoice that apparently intended to allocate portions of the check proceeds between several of the Quadrant affiliated companies. If the invoice intended to make such an allocation (an intent that appears to have been brought home to the candidates who reported the contributions as allocated by the invoice), the recipient candidates could be charged with knowledge they would be committing a criminal act if there was reasonable basis to conclude these contributions in excess of $1,000.00 were from a single group.

It can be safely assumed that each of the recipient candidates had constructive notice of 2 AAC 50.395 at the time the contributions from the Fund were received. 2 AAC 50.395(q) in characteristically ellipitical language defines a group as two or more person who engage in special fundraising and uniform assessments amongst its members. Political groups are also "contingency funds" wherein more of the money during a period is spent on political contributions than any other purpose. 2 AAC 50.395 (a).[1]

This Commission has studied its group regulations with intensity over the past few months and proposed that 2 AAC 50.395 be repealled in its entirety. The reasons for repealer have been explained in prior staff memoranda and discussed with the Commission. Largely because the basis for any criminal prosecution against candidates would depend on the clarity of the notice given in present 2 AAC 50.395, and, indeed, the proposed regulations could be construed as an implicit admission they are unclear, the staff finds a criminal preliminary investigation would be insupportable under the present status of the regulations for the same reason changes were proposed by staff in the first instance.

The staff also finds as a factual matter that it is reasonable to conclude, as Mr. Fink points out, that they had no notice of the internal machinations of the Quadrant Contribution Fund prior to receipt of the Fund checks. It appears the candidates mistakenly assumed the invoice was a proper allocation of the check proceeds and reported the contributions accordingly. Although ample arguments exist to show that receipt of any check in excess of $1,000 in this instance amounted to ordinary and, indeed, gross, negligence under the Campaign Disclosure Law, the staff cannot find any basis for concluding the recipient candidates had knowledge they were committing a criminal act at the time the check proceeds were received.[2]

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[1]2 AAC 50.395(a) has all the evils referred to in note 1 of the next page. A recipient candidate would have no reason to know he was dealing with an unregistered group under (a) until all the contingency fund money has been spent and the political funds were "more than any other single purpose."

[2]There has been some speculation at the staff level that if no evidence exists for showing the acceptance of the contributions were knowing at the time they were received, the knowledge element was indeed brought home to the candidates when they were informed of the results of the staff preliminary investigations. (Con't. on next page)

SHOULD THE COMMISSION ADMONISH RECIPIENT CANDIDATES WHO CONTINUE TO RETAIN (or have already spent) CONTRIBUTIONS THEY SUBSEQUENTLY LEARN ARE ILLEGAL?

As stated in the foregoing, this Commission should not hesitate to admonish candidates who fail to avoid through ordinary or gross negligence an appearence of wrongdoing under the Campaign Disclosure Law. This policy should apply regardless of whether it is before or after the fact. AS 15.13.070 is rather clear that a candidate cannot, directly or indirectly, accept fictitious or contributions in the name of another. This prohibition has been in Alaska statutes since 1974, and all candidates engaged in reportable activity should at least adopt procedures to prevent such a prohibited act from occurring.

The Alaska Public Offices Commission has the duty to investigate violations of the Campaign Disclosure Law. AS 15.13.030(8). It also has the duty to assist candidates so that they do not advertantly or knowingly violate the law. AS 15.13.030(2). Letters of Admonition are one form of rendering assistance to candidates. They express Commission condemnation of a campaign practice that the Commission considers serious and substantial, and, further, that the conduct is unreasonable.

The standard of care for candidates in accepting contributions has been stated in the current version of the candidate's manual. It provides:

Although you may wish to consult your own attorney on this matter (AS 15.13.122), we can find two problems with this approach.

The first is that AS 15.13.120(a)(6) provides criminal sactions for a knowing acceptance of a prohibited contribution, not a knowing retention of a contribution once the candidate becomes aware the contribution is prohibited. Alaska courts generally apply a strict construction to criminal statutes, and if the Legislature intended to subject candidates to criminal sanctions for a knowing retention of a prohibited contribution it should have expressly said so.

The second problem concerns the months between the act and the time when a candidate becomes aware the contribution is prohibited. Although your attorney may advise otherwise (AS 15.13.122), the staff sometimes strays into principles of hornbook criminal law. One of those has it that no crime is committed unless there is a concurrence of knowledge and acceptance at a single point in time. 21 Am.Jur.2d Criminal Law sec. 129 (1981); AS 11.81.600. An act is not criminal unless accompanied by a conciousness of wrongdong, and persons are not subject to criminal sanctions for guilty thoughts alone. Id.; AS 11.81.610. Knowledge obtained through the results of a staff preliminary investigation may be an independent subsequent event that cannot make an innocent act into a criminal one. Id. at sec. 4; Also see U.S. v. Fox, 95 US 670, 24 L.Ed. 538; Terry v. US, 131 F 2d 40 (8th Cir. 1942); Stern, "Consciousness of Wrongdoing," 1 Ak. L. Rev.1 (1984); Miller, Handbook on Criminal Law, §21 notes 39-41, (1934).

SUMMARY OF PROCEDURES FOR RECEIPTS

To review the accounting procedure, here is how the card system works, and what should be done at each step.

1. Collect the receipts both from the mail and from the direct sources.
2. Determine that all receipts are legally acceptable. Receipts should be divided into three groups:
   a) Receipts and contributions that are clearly legally unacceptable. These receipts should be returned to the contributor immediately.
   b) Receipts that are questionable as to whether or not they are legally acceptable. These receipts may be deposited, but a log should be maintained to determine the work you have performed, or documentation received, to ensure their legallity. Call the Commission staff for assistance.
   c) Receipts that are legally acceptable may be deposited. (original emphasis)

It has been the staff's general position that candidates are the first line of defense against prohibited campaign practices. The candidate should initially take some affirmative efforts to determine the legality of all contributions. In most cases, a single personal check from an individual within the aggregate limitation which appears in all other respects to be normal on its face is all that is required. However, checks in excess of the contribution limit are highly suspect and should call for more intensive investigation with subsequent reporting to the APOC of the efforts made to determine the legality of the contributions.

The staff believes there is no evidence for a showing of a lack of reasonable care by the candidates with respect to acceptance of personal checks from the Quadrant employees. They appeared normal on their face as individual contributions under the present regulatory system.[1]

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[1]This is not to say blind acceptance of a series of over $100 checks at a fund-raising event attended by persons who have known close occupational connections to the Quadrant companies is reasonable future conduct. Proposed 2 AAC 50.357 provides that a person cannot loan or advance money for contributions by agents or employees, and a candidate has an affirmative duty to make some inquiry or acquire documentation showing no prohibited contributions are being accepted by the campaign. Candidates should raise their own concerns and adopt procedures to detect questionable contributions and return those that cannot be determined to be legal.

Frankly, the APOC spends as well as collects a substantial amount processing and disposing of the well thoughtout citizen's complaints that are, in large part, directly drawn from the candidate's Campaign Disclosure Statements. Indeed, a citizen saw the tip of the iceberg in this instance and sought a staff preliminary investigation which indirectly alleged that certain candidates failed, at a minimum, to do their jobs and screen contributions so that reasonable compliance is had with AS 15.13.070. If all the candidates did their jobs in this instance, there would be no cause to complain and this, as well as all other prior matters in this proceeding, would have largely been unnecessary.

The Quadrant Contribution Fund Campaign Disclosure Statement show single checks from the Fund were received by two candidates who have yet to return any excess. They are:

	Fink		Flood
5/31/84	$2,000	7/27/84	$3,000
9/19/84	3,200		
10/01/84	1,000		
Total	$6,200		$3,000
Total Excess	$5,200		$2,000

The staff position in prior matters has been that AS 15.13.070(a) clearly sets forth a $1,000 contribution limit in Alaska, and that a candidate should exercise special care in the handling and reporting of maximum contributions. It would be clear to the staff that if these contributions were not reported at all, civil penalties for substantial noncompliance with the law would be a proper administrative remedy. 2 AAC 50.390(i).

Unlike the employee contributions, the Fund checks exceeded the contribution limit in the aggregate and individually, and do not appear regular on their face. From the written responses, the staff can safely conclude the recipient candidates raised no questions at all regarding the legality or the source of such large campaign contributions and incorrectly assumed through inaction that the Fund checks were proper. Eventhough the group regulatory framework in existence at the time the events took place was not a sterling example of clarity, the staff feels the lack of inquiry and disclosure to the APOC staff at the time they were accepted was unreasonable under the circumstances.

Therefore, the staff recommends this matter be concluded by the issuance of a Letter of Admonition to recipient candidates who have failed to return excessive contributions from the Quadrant Contribution Fund.

ALASKA STAR

The Abood complaint also alleged that candidate Flood received an excessive contribution from an unregistered group, to wit: Alaska Star. The amount of the contributions received and reported by Mr. Flood totalled $2,600.00. The alleged excessive contribution was $1,600.00. The Flood campaign has not, as of yet, been sent written demand to return the excess to Alaska Star. As you will also recall, the Alaska Star matter was resolved by a Consent Agreement, and Alaska Star paid an amount to the state general fund.

The Flood campaign was the lone recipient of the Alaska Star largesse, and none of the individual checks exceeded $1,000.00.

Like the Quadrant matter, the first issue to be addressed is whether there is some evidence upon which to form a belief to conclude Mr. Flood knowingly received an excessive contribution. AS 15.13.070(a); AS 15.13.120(a)(6).

The written responses by Mr. Flood's attorney and investigation of Alaska Star reveals that fundraising tickets were sold to agents of Alaska Star on September 17, 1985. Each of the independent real estate agents with the firm had an account with Alaska Star through which they received their share of commissions on real estate sales. Alaska Star's attorney points out (and we have no reason to doubt), ~~it is a common practice in the real estate industry for a broker or other person who may be in control of the commission account, to advance funds to agents as a loan to be repaid from future commissions.~~ All or most of the political contributions to Mr. Flood by the agents were made on Alaska Star checks from the commission accounts, some of which were earned because the condition for payment to the agents (completion of the real estate sales) had been fulfilled. However, others (more than two) had not received nor were they entitled to commissions because the underlying property sale has not been completed, with the result the advance on future commissions was a loan.

After notice of the complaint, Mr. Flood responded through his attorney he believed at the time that each of the agent's contributions came from their "individual business accounts" that were, presumably, completely vested at the time they were made. He asserts that as far as he was concerned, and after inquiry, each of the agent contributions was individual. Corroboration the campaign was concerned about the Alaska Star contributions came in the form of an attachment filed with Mr. Flood's 30 Day Pre-general Campaign Disclosure Statement which, incidentially, came before the complaint was filed in this instance. Further, an appearance was had in the APOC offices by Ms. Myrna Flood at the time the report was filed (October 11, 1984) explaining that each of the independent agents had purchased fund raising tickets from their individual accounts.

The staff believes it can show from the facts that the candidate received a contribution in the aggregate that exceeded the $1,000 contribution. It is clear that checks were issued, funds were drawn, and then deposited and reported by the candidate. The candidate exercised the minimal dominion and control over the funds to sufficiently conclude that the campaign received or accepted the campaign contributions. However, the crux of the matter is not whether they were in fact received, but whether the candidate knew at the time they were received that he accepted an excessive contribution from a political group that was, in this case, unregistered.

There are three general types of mental states defined in Title 11 of the Alaska Criminal Code which may be applicable to the Campaign Disclosure Law and the various criminal offenses contained in AS 15.13.120. They range in severity from the most to the least culpable. For our purposes, the "Knowingly" element of AS 15.13.120(a)(6) should be synonymous with the definition of "knowingly" in the criminal code,* which provides:

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*The criminal definitions of culpable mental states are expressly limited to crimes contained in Title 11, AS 11.81.900(a), and are not applied by express language to crimes not contained in the criminal code. However, such an interpretation could easily be made when attempts are made to define "Knowingly" in AS 15.13.120(a)(6). The Campaign Disclosure Law does not define "Knowingly," and there is no provision in AS 15.13 that "knowingly" is anything less than what is contained in the criminal code.

> a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that circumstance exists...(or)...aware of a substantial probability of its existence, unless the person actually believe it does not exist..AS 11.81.900(a)(2). (My emphasis)

An actual awareness by the defendant that conduct is wrong is also applied to crimes that provide a "reckless" culpable mental state. A "reckless" criminal act occurs

> ...when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occurr or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situations... AS 11.81.900(a)(3). (My emphasis)

"Criminal negligence" is the least culpable conduct and the easiest for the prosecution to prove. Supra, Stern, at 44. It occurs when a

> ...person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the result must be of such a nature and degree that the failure to perceived it constitutes a gross deviation from the standard of accrue that a reasonable person would observe in the situation. AS 11.81.900(a)(4). (My emphasis)

The difference between "reckless" and "criminal negligence" has been explained in Andrew v. State, 653 P.2d 1063, 1066 (Alaska Ct. App. 1982). Quoting from the Alaska Senate Journal Supp. No. 47 at 142 (June 12, 1978), the Appeals Court stated:

> The test for recklessness is a subjective one-the defendant must actually be aware of the risk. On the other hand, if criminal negligence is the applicable culpable mental state, the defendent will be criminally liable if he "fails to perceive a substantial and unjustifiable risk that the circumstance exists." The test for criminal negligence is an objective one-the defendent's culpability stems from his failure to perceive the risk. Id. (My emphasis)

As a higher standard of culpability, "knowingly," like its lower case counterpart "recklessly," requires the defendant to be subjectively aware the conduct is wrong, and it is a complete defense to a "knowing" violation if the defendant actually believes the conduct is permissable. AS 11.81.610(c). It is more than "reckless" or "criminally negligent" conduct, and, indeed, far exceeds the requirement in civil cases that liability be founded upon ordinary negligence (e.g., both require a gross deviation from the standard of conduct that a reasonable person would observe in the situation.)

As shown in the foregoing, a "knowing" acceptance of an excessive contribution is a relatively serious culpable mental state. It requires the candidate to have subjective knowledge of all constituent elements of the offense. This case, at a minimum, requires the candidate to be aware of the campaign's receipt of a payment in excess of $1,000 which has as its purpose the intent to influence the outcome of an election. This element is relatively simple because the definitions of "candidate," "contribution" and the limit are clearly set forth in the statute, and staff assumes there could be no real dispute Mr. Flood was subjectively aware of these elements at the time the money was accepted by the campaign.

A notice of hearing must also allege the status of the contributor as a political group, and that the candidate was subjectively aware of the group's status at the time. This in turn requires the candidate to know that joint action existed when a broker loans funds to an agent for political contributions. Even if there is sufficient proof Mr. Flood was aware of the nature and consequences of the lender-borrower relation between the broker and agent, it is not clear under present regulations that a candidate would know that acceptance of a contribution in excess of $1,000 in the aggregate from such persons or groups is prohibited, at least by a specific APOC regulation that can withstand a narrow scrutiny in a criminal proceeding.* Therefore, the staff recommends no further criminal action.

The last matter for the Commission to consider is whether a Letter of Admonishment should issue to Mr. Flood for accepting this series of checks from Alaska Star.

In the Quadrant matter, the staff recommended admonishment against a candidate who failed to investigate or make any inquiry whatsoever of a single check in excess of $1,000. It is the staff view maximum contributions are the most important under the act, and a candidate has the affirmative obligation to comply with the minimal bookkeeping functions or obtain written assurances that irregular contributions are proper.

In the Flood/Alaska Star matter, the candidate received a series of checks from a single source, ostensibly from separate vested commission accounts, none of which exceed the $1,000 limit.

In this situation, the staff would recommend Admonishment if the contributions were questionable on their face and the candidiate failed to make inquiry and receive written assurances from the contributor or the APOC staff that the contributions were proper. Eventhough there may be some

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*Proposed 2 AAC 50.356 and 2 AAC 50.357 hopefully provide the specificity necessary for a criminal prosecution.

evidence to support a conclusion the contributions are questionable on their face, the staff finds the candidate complied to a minimum with the duty to investigate, inquire, and inform the APOC staff. In short, Mr. Flood did everything the candidate's manual told him to do and the staff finds no basis for admonishment in this situation.

cc: Senator Mitch Abood
Bill McConkey
Chuck Dunnagan, Esq.
Richard Fossey, Esq.
Attorney General
Tom Fink
Don Smith

MEMORANDUM State of Alaska

TO: Commission Members

DATE: June 13, 1984

[8A]

TELEPHONE NO:

FROM: Theda S. Pittman
Chris Johansen

SUBJECT: Expenditures Before Filing

On Tuesday, November 1, 1983, the Al Adams for State House campaign held a fundraiser at the home of Rita Gittens of Gittens Construction, Inc. The costs for the event were $2,567.43. The event grossed approximately $28,000.00 in contributions. Representative Adams filed his Declaration of Candidacy on November 1, 1983. The invitations for the event were paid for by Ice Block on October 18, 1983 in the amount of $53.00.

The campaign reported a paid expenditure on October 31, 1983 for travel costs in the amount of $391.00 and payment to Adams Management Service of Kotzebue in the amount of $217.25 for sausage. Gittens Construction, Inc. was paid on November 21, 1983 the amount of $1,819.18 for goods and services previously paid by the firm in connection with the November 1, 1983 fundraiser.

Beginning on October 28th and continuing until November 11, 1983, Rita Gittens, Carol Gallant and Gittens Construction, Inc. paid for or presumably incurred costs for fundraiser goods and services. Rita Gittens, Carol Gallant and Gittens Construction, Inc. each contributed $1,000.00 at the November 1, 1983 fundraiser. The Gittens group (Carol Gallant, Rita Gittens, and Gittens Construction) were reimbursed by the Adams campaign on November 21, 1983.

The above facts may disclose a number of violations of the Campaign Disclosure Law. Several potential violation were described in a letter to Representative Adams dated May 7, 1984. Pages 1-4. Represenative Adams' well thought out reply is dated May 28, 1984. Pages 5-11.

Based on the Adams' Year-end Report, voluntary disclosures to date, and Representative Adams' correspondence, staff finds that none of the potential violations of the Campaign Disclosure Law justify criminal referral to the Office of the Attorney General. However, staff finds that the Representative has made mistakes of law and not properly reported his 1983 campaign activities.

Excessive Non-monetary Contributions

The Campaign Disclosure Law defines a "contribution" to include

"... payment by a person other than a candidate or political party, or compensation of the personal services of another person which are rendered to the candidate or political party;" AS 15.13.130(2).

This statutory reference has been further interpeted by the Commission to provide that a business in which the candidate is involved (corporation or partnership) is a "person other than the candidate" and limited to paying campaign debts to the extent of $1,000.00 for each calendar year. Assumed Debts Policy Decision 15.13 - 84.2. Likewise, even the temporary assumption of a campaign debt by someone other than the candidate is counted as a contribution and subject to the $1,000.00 limit.

It is the position of staff that a non-monetary contribution is made when a person other than the candidate pays for and delivers the goods for the campaign's use, regardless of whether the candidate has made a promise to reimburse. AS 15.13.130(2). Staff considers the words "payment" to define when a contribution is made, with the last act necessary to complete the transaction being delivery of the goods for the candidate's use and benefit.

Representative Adams' position is that Gittens Construction, Rita Gittens, and Carol Gallant (hereinafter referred to as "Gittens group") paid for the fundraiser goods as a matter of convenience, and that he stood at all times ready to reimburse them for their costs. He argues that the payment by the Gittens group gave rise to an accrued expenditure for which payment was made within 30 days.

Staff notes the Commission considered a similar position at its August 26, 1981 meeting, wherein the Commission noted the practice of Gittens advancing unlimited campaign costs was irregular. However, the records of the Commission do not show whether the Commission considered the matter a contribution or an expenditure. It is the recent discussions of accrued expenditures, assumed debts, and loans which have clarified this type of situation

Based on the express terms of the contribution definition contained in the Campaign Disclosure Law, it is the position of the staff that a contribution in the amount of $1,819.18 was made at the time the Gittens group paid for the goods and delivered them to the Adams' campaign. Representative Adams' repayment for the costs originally borne by the Gittens groups is not a discharge of an accrued expenditure but a refund of a campaign contribution which, in this case, exceeded the $1,000.00 limit.

Although the mere fact the Gittens group is not in the retail business is not a controlling factor, staff notes Representative Adams' has consistently stated that the informal arrangement arises between "friends" who advance costs as a matter of convenience so that fundraisers can be run in urban centers. Staff can appreciate Representative Adams' logistical problem, especially in light of the financial realities of a rural campaign. However, staff interprets AS 15.13.130(2) broadly to include campaign receipts from whatever source derived and including goods donated to the campaign. Staff cannot, under these circumstances, interpet the Campaign Disclosure Law to allow friends and supporters to circumvent the $1,000.00 limit by donating non-monetary support to the candidate.

Staff considers the prompt repayment of the Gittens' group in this instance not to indicate an intent to circumvent the law, especially when the candidate voluntarily disclosed all details of the transaction. Further, Representative Adams seems to have formulated a sufficient legal argument, although erroneous, that negates an intent to violate the law. However, staff recommends the Commission remind the Gittens group of the requirement to file a "Statement of Contributions" within ten days for any further non-monetary contributions to the Adams campaign.

Pre-Filing Expenditures

AS 15.13.100 prohibits a prospective candidate from making expenditures prior to filing a Declaration of Candidacy unless they are made for personal travel, opinion polls or surveys. It further prohibits others acting on behalf of the candidate from paying or incurring pre-filing expenditures for the benefit of the prospective candidate. Representative Adams' 1983 Year-end Report shows he directly made two paid expenditures on October 31, 1983:

Alaska Airlines - payment for campaign worker air travel, $291.00

Adams Management Service - sausage for fundraiser, $217.25.

Both of the foregoing expenditures occurred prior to filing the Declaration of Candidacy and are impermissable under AS 15.13.100.

Gittens Construction, Inc. also made or incurred expenditures in the amount of $1,819.18 for the benefit of the Adams' fundraiser prior to November 1, 1983.

Representative Adams contends that he agreed to reimburse the Gittens' group prior to filing his Declaration of Candidacy and that no payment was actually made by the campaign until November 21, 1983.

Staff considers it somewhat conclusive that Mr. Adams agreed with the Gittens group prior to filing his Declaration of Candidacy that the Gittens group would pay for and incur expenditures for his campaign's benefit.

It is staff's position that the Gittens' group was Representative Adams agents and acting in all respects as if the Gittens' group were extensions of the future campaign of Representative Adams. AS 15.13.100 prohibits agents of the campaign as well as the candidate himself from incurring or making payment of unauthorized pre-filing expenditures.

Registered Treasurers

AS 15.13.060(a) prohibits persons from making campaign expenditures on a regular basis unless they have registered with the Commission. A general unstated purpose of AS 15.13.060(a) is to insure that those registered with the Commission have some understanding of the recording and reporting obligations under the Campaign Disclosure Law.

The staff is of the position that persons acting on behalf of the candidate or campaign are subject to the same pre-registration requirements as those directly involved in managing the candidate's campaign. Therefore, the staff is of the position that Representative Adams and the Gittens' group failed to register with the Commission prior to paying or incurring pre-filing expenditures.

Proper Identification of Fund-raiser Invitation

The fundraiser invitations were identified properly by Ice Block as evidenced by the copy provided by Representative Adams.

Unreported Monetary Contribution

Representative Adams indicated he received the Cominco-Alaska contribution after the first of the year and, hence, it was not reportable on his 1983 Year-end Report. Such delayed delivery is not uncommon, although staff believes that such contributions should be forwarded directly to the contributor rather than being delivered through an intermediary.

Conclusion

Staff finds that the payments for goods by the Gittens' group was an excessive non-monetary contribution until repayment was made by the Adams campaign. The advance payments were clearly intended to benefit the Adams campaign and are included within the contributions definition. Staff further finds that the Gittens group made excessive contributions to the campaign and that Representative Adams refunded the excessive portions. Further, staff finds that Representative Adams made pre-filing expenditures directly and through those acting on his behalf. Lastly, the Gittens group made and incurred pre-filing expenditures for the Adams campaign and should have been registered as treasurers or deputy treasurers.

Staff recommends the Commission not find probable cause to believe a violation of the Campaign Disclosure Law has occurred, but that the Commission direct staff to admonish Representative Adams against committing further violations.

BILL SHEFFIELD, GOVERNOR

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ALASKA PUBLIC OFFICES COMMISSION

May 1, 1985
Telecopy - This sheet plus 6

The Honorable Mitch Abood
Chairman, Senate State Affairs
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Abood and members of the Committee:

At its April 29-30 meeting, the members of the Alaska Public Offices Commission reviewed the April 23, 1985 issue paper written by the law firm of Gross & Burke provided by your office. Following is a summary of their reactions to the questions posed in the papers. I have referenced the questions by subject and individual number.

I apologize for the general lack of background information in the following summary. The Commission wanted to provide the Committee with a written response prior to tomorrow's meeting. Hence, I found it necessary to focus on their decisions without extensive background material.

CONTRIBUTIONS TO CANDIDATES & EXPENDITURES BY CANDIDATES

1. As a group, the Commission presently has mixed feelings about increasing the contribution limitation to $2,000. For the past three years the Commission recommended the increase without success. As individuals, the Commission members have mixed reactions. Some members still feel the increase is appropriate; others would just as soon see the proposal dropped.

2. The Commission continues to support strongly its recommendation that the threshold for disclosure of a contributor's identify be increased from "more than $100" to "more than $250."

3. The Commission disclosure of campaign expenditures continues to be a valid request for information from candidates and political groups. Both the public and campaign contributors have a legitimate interest in the use to which campaign funds are put. The purpose of a campaign expenditure is to "influence the outcome of an election." Donors have the right to information which will allow them to determine whether their funds are being used for the purpose intended.

From a practical standpoint, the reporting activity associated with expenditure schedules is probably the easiest requirement with which campaign treasurers have to cope. Absent the reporting requirement, any well managed campaign would, of necessity, maintain this information. The accurate recording of accrued expenditures and their payment is necessary to avoid unreported contribution activity.

4. It should be noted that it was about five years ago that the Commission discontinued an active effort to request the Supplier of Services reports specified in AS 15.13.040(f) and .110(d). Once the Commission stopped requesting the reports, suppliers stopped filing them. There are no records of a single public protest regarding the the absence of such reports.

It is true that the purpose of the requirement was to give the Commission a tool to monitor whether candidates complied with the spending limits. The U.S. Supreme Court decision striking down those limits obviated the need for the cross-check, except perhaps in individual instances where under-reporting was alleged. The Commission was never staffed at a level which would allow the cross-checks to occur. Since the statutory due date is 30 days after the election, the reports were of little practical use except to create an interesting statistical table.

Information about candidate time buys from radio and television stations is available by federal law in the public files of the broadcast stations. The Commission seldom encounters an investigatory situation which requires information from a supplier; when it does, subpoena power would be used if necessary to obtain the information.

If the requirement were repealed, the Commission may specify in its bookkeeping requirements that a campaign obtain and maintain an itemized listing of services and sub-suppliers when it made a payment to a supplier which included goods and services from other suppliers.

CONTRIBUTIONS TO PACS AND PARTIES AND EXPENDITURES BY PACS AND PARTIES

1. The Commission is aware of isolated instances where individuals have given significant contributions to PACS. The absence of any computerized recordkeeping has prevented any thorough analysis of these statistics by the Commission. However, the Commission shares the general dismay of campaigns and of the public at the ever-increasing costs of running for office. The Commission would support proposals which have a realistic hope of curbing those costs.

2. See number 1 above. The Commission is generally supportive of the need for a strong party system in American democracy. Many years ago when the proposal to exempt parties from the contribution limitation was first advanced, the Commission supported it in the belief that such an exemption would encourage strong political parties in Alaska. So long as parties do not abuse their exemption from the limitation by funneling money dedicated to particular candidates, the Commission will likely continue to support party exemption from the limitation.

3. See number 1 above.

4. The Commission believes circumvention of the contribution limit through "earmarking" is prohibited under the current provisions of AS 15.13. For example, if individual contributor X gives political party Y $500 with the agreement that the funds will go to candidate Z, then a violation of the §.070(d) ban on contributions in the name of another has occurred even though no excessive contribution has been made. If employee X tells employer Y to withold $2,000 from his or her pay and give it to candidate Z, then employee X has made a contribution exceeding the $1,000 limit -- assuming the employee specified a candidate by name and the employer exerted no direction or control over the selection.

5. The issue of "independent" expenditures will always be a difficult one and may never be subject to 100% successful enforcement. The Commission has long understood, based on Buckly v. Valeo, the concept that independent expenditures can not be limited. It has a regulation, 2 AAC 50.351, which works well for explaining the concept of "independence" to a layperson. However, public knowledge that independent expenditures are unlimited has not been widespread and the Commission has had no major case which challenged a Commission ruling on independence.

Statutory criteria for independent expenditures are desirable, but at present the Commission has no specific drafting suggestions. One area would could be explored concerns the individuals who make the expenditures and whether they have any relationship to a candidate's campaign committee. U.S. House and Senate committees have both held extensive hearings on the subject of independent expenditures and may be worth further research.

USE OF CAMPAIGN FUNDS, SURPLUS FUNDS, DEBT REPAYMENT.

1. The Commission recognizes that it would be difficult to define or monitor what expenditures were "legitimate campaign expenditures." Campaigns are creative endeavors and they frequently devise unusual methods of promoting their candidates or their causes. One candidate may need a haircut before a TV appearance; another may field an athletic team. In practice, there have been few examples of direct expenditures out of a campaign which were irrelevant to the campaign process. Sometimes successful candidates who leave their surplus in a campaign account between elections will spend funds periodically for office-related expenses. This causes potential problems with the ban against expenditures before filing, but does not appear to be a particularly offensive use of campaign funds.

2. The Commission feels strongly that it would be appropriate to ban candidates from taking surplus campaign funds as personal income exceeding their own personal contributions. This should be of particular concern from a public policy standpoint since public funds are the source of the Political Contribution Credits. The Commission feels that charitable contributions, holding funds for a future election, or making contributions to a political party should be considered legitimate means of disbursing a surplus. The State would also be an appropriate recipient.

3. The Commission believes it would be appropriate to require that campaigns terminate within a year of the election. The process should require the payment of all outstanding vendor debts and personal contributions. If that is financially impossible, Commission review would be required to determine how much can legally be converted to contributions through forgiveness and to assure that no inappropriate write-offs of debts occur. Candidates should be required to declare, at the time they make their own contributions, whether they intend repayment to themselves for personal contributions. No fund-raising to repay personal contributions should be allowed after the deadline.

The suggestion of one year is a compromise between various suggestions which have been made including prohibiting all fund-raising after the election or requiring termination in 60 days, 90 days, or by the end of the year of the election. The Commission is concerned that post-election fund-raising frustrates the purpose of disclosure before the election, but it feels that allowing no personal contribution recovery is disadvantagous to newcomers attempting to run.

CRIMINAL PENALTIES

The Commission suggests that revision of the criminal section of AS 15.13 could benefit from an anaylsis and comparison with the criminal code which was revised after the Campaign Disclosure Law was enacted. Whether the mental element required should be knowingly, recklessly, grossly neglectful, or willful is a Legislative concern but would be helpful to determine where campaign disclosure violations fit in the overall scheme of Alaska's criminal law.

The Commission would caution against an attempt to establish a complex system of categorizing various potential violations. Within broad public policy guidelines, effective enforcement should allow the Commission's referral process the power to make appropriate differentiations based on specific cases. One of the major reasons a citizen commission is appropriate for the administration of the Campaign Disclosure Law is the fact that those who are subject to the Law have a wide range of experience and acitivity level. A citizen commission is a cost effective way to provide a review process prior to referral to the Attorney General One of the most important functions a citizen commission can perform for the public is to screen out cases which would be an inappropriate use of the public's criminal justice facilities.

Two points of information about the current situation should be noted. Prior to 1980, the Commission operated under the belief that intent was not supposed to be part of its considerations when deciding whether a criminal violation had occurred. In 1980, when the Commission referred Bill Parker to the Attorney General's Office for failure to report contributions, the case was returned to them, with verbal instructions to investigate willfulness prior to making such referrals. The Commission continues to adhere to this advice in criminal referral matters.

The 1980 enactment of a one year statute of limitations in AS 15.56.130

should not be regarded as superceding the four year limit in AS 15.13.120(e). In point of fact, the Election Code had a one year statute in 1974 when the Legislature enacted AS 15.13 with its own separate four year limit. A truncated statute of limitations simply conveys the message that a violation which can be successfully concealed is no longer a violation. Since the terms of Governor, Lt. Governor, and State Senators are four years in duration, the four year statute of limitations is necessary and logical.

CIVIL PENALTIES AND PROCEDURES

1. At present, the statute establishes the maximum civil penalty for a reporting problem based on the per day rate. The other factors listed in the issue paper are items which the Commission takes into consideration in the process of mitigating an appeal. A rigid classification system by statute would be less capable of responding appropriately to the changing circumstances of the various violations.

2. From the Commission's perspective daily fines are working reasonably well and probably do not need statutory amendment unless there is a desire to increase the per day rate. Historically, the Commission took a lenient stance when the Law was new and not well publicized. In the fall of 1983 the Commission adopted a policy which provided for a less lenient approach. The success of that attitude was noticeable almost immediately for those who report under the Lobbying Law. Those who had to pay full fines quickly spread the word among others and late reports are now virtually unheard of among lobbyists or their employers. Unfortunately, political groups and candidates are numerous and not in contact with each other; they have not made the same amount of progress in timely reporting in the 18 months since the Commission adopted its sterner policy.

The Commission is presently working on a revised regulation for civil penalty assessments for Campaign Disclosure. Although the outlines are not complete, it appears there will be no more $1 per day fines and that the full statutory amount of $50 per day will apply to 7 Day Pre-election reports and 24 Hour Reports. The Commission has yet to discuss a staff proposal that would allow lower rates only for municipal campaigns in communities of 5,000 or less.

3. There is already a maximum limit on the total amount of daily fines set by the statute in that there is a per day maximum and a statute of limitations. The Commission would oppose a proposal to allow daily fines to accrue only from the date the Commission notifies someone. That would be an arbitrary because it would depend on the staff's limited resources.

4. The Commission would welcome civil penalties for violations such as the "paid for by," for excessive contributions, and for contributions in the name of another. An awareness of such provisions in other states suggests that $10,000 per violation would be appropriate.

5. In reality, neither the staff nor the Commission assesses the present civil penalty. It is set by the statute. The notice of assessment

registration and reporting requirements; and banning the use of raffles to fund activity reportable under AS 15.13.

The Commission is hopeful that the Committee will find the forgoing remarks useful and looks forward to further efforts in improving the disclosure laws.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Theda Pittman

Theda Pittman
Executive Director

cc: Rebecca Burch, Special Assistant
Dept. of Administration

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

BILL SHEFFIELD, GOVERNOR

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October 28, 1985

The Honorable Mitch Abood, Chair
Senate State Affairs
1024 W. 6th Avenue
Anchorage, Alaska 99501

Dear Senator Abood & Members of the Committee:

The Commission is highly supportive of your efforts to undertake a comprehensive revision of AS 15.13, Alaska's Campaign Disclosure Law. This statute has had no substantive amendments in almost ten years despite the creative changes which campaigns have undergone and despite the enforcement difficulties experienced by the Commission.

The draft before you is a good beginning because it is a comprehensive effort to address most of the major problem areas. The members of the Alaska Public Offices Commission have discussed the draft and we wish to encourage you to continue your work.

We consider the most positive aspects of the draft to be in the sections which clarify the registration requirements of candidates, specify the use of campaign funds, the termination of accounts, the disposal of surplus funds, and the solicitation of contributions. We also think the sections on campaign financing misconduct are promising but need more work as do the definitions, the time limitations and the restrictions on Commission requests for a special prosecutor. In addition, there are two major areas of concern to the Commission not adequately addressed by the draft: registration and termination by groups; and the use of Games of Chance and Skill for campaign fund-raising.

It seems likely that most of the public feedback you receive will address the broad policy issues of contribution limits, allowable duration of campaigns, and candidate recovery of personal funds. The Commission is interested in those same public policy issues but we must additionally address your proposals with an eye toward their enforceability. The purposes of even the best draft can be defeated by administrative procedures that overburden a small staff and confuse the citizen who is trying to comply.

Based on comments that we have received individually, we believe that some aspects of the draft before you will elicit controversial testimony. As Commissioners we can emphathize with the difficulty you face in resolving strongly felt advice from diverse sources. We encourage you to persevere in both policy

and procedural changes because this law is long overdue for constructive amendments. Although the Commission cannot recommend adoption of the draft in its present form, we hope to see a subsequent draft that we can endorse without reservation. To that end, our staff has been directed to offer your drafters all possible assistance.

With respect to the major changes proposed, the Commission offers the following observations:

1. Elimination of the $1,000 contribution limit for individuals or persons giving directly to candidates. At present there is no member of the Commission who can support this proposal as written. It is unlikely to do anything to cap the rising costs of campaigns. While it would make life easier for our staff, for campaigns, and for those selected contributors who are breaking the present law, we do not believe it would eradicate anonymous contributions, fictitious contributions or those made in the name of another. There will always be some contributors who do not wish the extent of their donations to be identified.

While it is true that 27 states do not limit the amount of campaign contributions to candidates, there are only 15 of those 27 which allow both individuals and entities to give. In the remaining 12 states, certain types of contributors, such as corporations, banks, unions, insurance companies, and other regulated industries, are prohibited entirely. If the draft is intended to promote disclosure of the real sources of campaign funds and to discourage the increased cost of campaigns, then we feel it must look to solutions other than allowing individuals and non-corporeal persons to give unlimited amounts.

Although the amounts may vary, there are 23 states which limit the amount of a contribution apparently in support of the policy that candidates should obtain their financial support from a wide base of contributors each making donations within an appropriate limit. In recent years the Commission has supported an increase in the existing $1,000 limit to $2,000. Several of us continue to feel that such would be desirable simply because of the effects of inflation on the value of an individual contribution, but we cannot support abolishing any limit whatsoever on contributions by such a broad range of contributors.

The continuation of a limit on the amount PACs can give to candidates and the new limit on the amount PACs can receive are useful provisions and should be retained in succeeding drafts.

2. Requiring candidates to terminate their campaigns. In our opinion, this proposal would do much to help curb increased costs. The inclusion of restrictions on surplus disposal should also be helpful. Our records over the years demonstrate that a losing candidate finds it very difficult to pay off a large deficit. Although people may be more willing to contribute to winners after the election, even winners find that post-election fund-raising is no fun. From our perspective, the best aspect of these new proposals for ending campaigns is that they clearly establish that the individual candidate is responsible for his or her campaign debts. If the candidate unwisely runs up a large deficit, this law will leave the candidate personally responsible - which to our mind is the only appropriate outcome.

3. Reporting Due Dates for Contributions and Expenditures. The proposal to raise the threshold for disclosure of contributor names from more than $100 to $250 has been supported by the Commission in the past. Our reason was almost exclusively based on a willingness to ease the treasurer's burden and because we believe the purpose of disclosure is to give the voters access to significant information about campaigns. (We do not believe contributor schedules are required for the purpose of assisting every grass roots lobbying organization that wants to build a mailing list.) Frankly, recent events have caused some of us to reconsider whether the increased threshold is appropriate.

In addition, those of us who would like to continue supporting the "$250 or more" proposal find it difficult to do so in the situation at hand, wherein no expenditure information is filed until after the election. In our judgment the current proposal goes far beyond what is necessary or practical in the way of easing the reporting burdens. It offers a reporting schedule more likely to confuse people than assist them. There are many experienced, conscientious campaign treasurers in the state. We think that when you talk to them about content and timing of reports you'll find confirmation that what appears to be simple on the surface may create some real problems in practice.

In closing, we would like to reiterate that the Commission encourages you to continue work on this legislation. We support proposals that will ease reporting burdens while preserving adequate disclosure. We also support concepts that will slow down the growth rate of campaign costs. And, finally, we ask for your help in obtaining administrative procedures that will help us enforce the Law effectively.

Thank you for this opportunity to comment and for the commitment you have made to improving this Law. We look forward to hearing the public testimony you receive and to assisting in your work on the final draft.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Jean Rogers/ho

Jean Rogers, Chairman
Arlayne Knox, Vice-Chair
Mildred Opland
Daniel Patrick O'Tierney
Burke Riley

Amendments to APOC Bill (1/14 Draft)

(6) Page 16, line 10, after "group" add the following:

and may not contribute in the aggregate more than $10,000 during a year to candidates or groups generally other than to groups formed solely for the purpose of supporting or opposing a ballot proposition or question.

(7) Page 16, line 15, delete subsection (d) and replace it with the following:

A political party and its state, regional, and local subdivisions may not contribute in the aggregate more than $5,000 to each candidate for political office.

V. FISCHER

Amendments to APOC Bill (1/14 Draft)

(3) Page 15, line 19, after "person" add "other than a corporation or labor union"

(4) Page 15, line 22, after "person" add "other than a corporation or labor union"

(5) Page 17, line 7, add the following new subsections (a) and (b), and renumber remaining subsections accordingly:

> (a) A corporation or a labor union may not make a contribution in any amount to a candidate, political party or to a political interest group other than a political interest group formed solely for the purpose of supporting or opposing a ballot proposition or question.
>
> (b) A candidate, a political party, and a political interest group other than a political intreest group formed solely for the purpose of supporting or opposing a ballot proposition or question, may not accept a contribution from a corporation or a labor union.

V.FISCHER

Amendments to APOC Bill (1/14 Draft)

(1) At page 7, line 9, add the following new subsection (b) and renumber remaining subsections accordingly:

> (b) Two or more groups that share a common officer shall be treated as a single group for the purpose of determining whether the group has received contributions of $1,000 in the aggregate.

1/31/86

PROPOSED AMENDMENTS TO SB 356, "An Act relating to campaign financing."

BY SEN. ABOOD

Amendment # 1

Page 4, line 6, after "commission." Add "The prohibitions against political activity by a member of the commission under (h) of this section apply to the executive director and non-clerical employees of the commission."

Amendment # 2

Page 15, line 16, after "affirm" Add " to the best of my knowledge"

Amendment # 3

Page 17, line 7, after "candidate" Add ", a campaign treasurer, deputy campaign treasurer"

Amendment # 4

Sec._____ Conflict of interest. The executive director and non-clerical employees of the commission are subject to AS 39.50 (conflict of interest).

(This is patterned after the conflict of interest provision for the Ombudsman and the professional staff of the Ombudsman, AS 24.55.310.)

Alaska State Legislature

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1024 WEST SIXTH AVENUE
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(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

Subject: APOC Reality Check (a sampling of criminal penalties)

CLASS C FELONIES

Criminally negligent homicide
Sexual abuse of a minor in the 3rd degree
Incest
Endangering the welfare of a minor
Escape in the 3rd degree
Promoting contraband in the 3rd degree
Terrorist threatening
Riot
Distribution of child pornography
Promoting prostitution in the 3rd degree
Jury tampering
Tampering with a witness in the 3rd degree
Misconduct involving a controlled substance in the 4th degree
Assault in the 3rd degree
Coercion
Theft in the 2nd degree (more than $500 but less than $25,000)
Custodial interference in the 1st degree (causing the victim to be removed from the State)
Issuing a bad check (more than $500 but less than $25,000)
Obtaining a credit card by fraudulent means
Burglary in the 2nd degree
Commercial bribe receiving

CLASS A MISDEMEANORS

Sexual abuse of a minor in the 4th degree
Assault in the 4th degree
Theft in the 3rd degree
Criminal nonsupport
Unlawful marrying
Tampering with a witness in the 2nd degree
Driving while intoxicated
Resisting or interfering with arrest
Misuse of confidential information
Interference with constitutional rights
Misconduct involving a corpse

CLASS B MISDEMEANORS

Indecent exposure
Prostitution

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Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

In this packet are the A.P.O.C. Administrative Regulations discussed during Senate State Affairs' January 17, 1986 hearing.

Enclosed is the following material:

11/14/85 Department of Law letter and edited A.P.O.C. regulations.

11/25/85 Letter from Chairman Abood - giving A.P.O.C. notice that the State Affairs Committee intended to review proposed regulations prior to promulgation.

Additional regulations edited by Department of Law on 12/5/85.

A.P.O.C. regulations adopted by Lt. Governors' office on 1/4/86.

Note: The Committee on State Affairs never received a written reply form A.P.O.C. to their 11/25/85 letter.

C

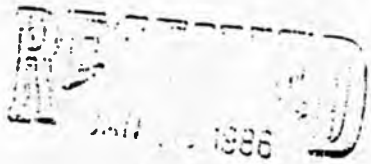
ALASKA PUBLIC OFFICES COMMISSION

Administrative Regulations

AS 15.13 - Campaign Disclosure,

Complaints and Hearings, General Provisions

January 4, 1986



Document #4

In 1985, the Alaska Public Offices Commission added or amended seventeen administrative regulations, deleting seven. The new regulation on CONTRIBUTIONS, 2 AAC 50.313, replaces information previously found under NON-MONETARY CONTRIBUTIONS, TRANSPORTATION EXPENDITURES, PROFESSIONAL SERVICES, and LOANS. Language about GROUPS, 2 AAC 50.314, replaces REPORTING BY BUSINESS AND TRADE ASSOCIATIONS and REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION.

New concepts were introduced in three specific instances. DESIGNATED CAMPAIGN DEPOSITORY, 2 AAC 50.319, requires campaigns to label, identify, report, and limit activity to specific bank accounts, if their transactions exceed $5000. POST ELECTION CAMPAIGN FUNDRAISING, 2 AAC 50.410, establishes a requirement for commission review of post-election fundraising if campaign debts are not paid off in the calendar year after an election. ADVISORY OPINIONS, 2 AAC 50.905, establishes a procedure for opinion requests of proposed activity.

Several policy changes were made of varying impact. MUNICIPALITIES, 2 AAC 50.360, now permits municipal entities to report their ballot issue and bond information efforts on the same forms used by individuals. PERSONAL CONTRIBUTIONS BY A CANDIDATE, 2 AAC 50.316, in addition to clarifying the use of personal assets, funds from property sales, jointly owned goods by a candidate, now requires that candidates report their own non-monetary contributions, such as goods from a prior campaign. EARLY CAMPAIGNING, 2 AAC 50.380, now permits state candidates to begin campaigning once they have filed a "letter of intent" with the Commission (formerly, they had to first register with the Division of Elections). CONTRIBUTIONS IN THE NAME OF ANOTHER, 2 AAC 50.357, prohibits parent organizations from directing contributions through their subsidiaries, sub-chapters or local units; prohibits parents from contributing in the name of their children; and prohibits employers from contributing in the name of their employees. Prior to 1986 corporate parent-subsidiary contributions had been permitted if the relationship was disclosed when the contributions were reported.

Of special interest to campaigns which have had difficulty meeting filing deadlines is CIVIL PENALTY ASSESSMENTS 2 AAC 50.390: the minimum initial CPA has been raised to $10 per day for all reports, except the 7 Day Pre-election and the 24 Hour reports, where the minimum has been raised to $50 per day.

The remainer of the regulation changes were either limited in their impact or clarifications or formalization of prior policies. Please note the changes below: PROPER IDENTIFICATION, 2 AAC 50.369 - formalizes prior policy that envelopes do not have to be identified as "paid for by". OBJECTS TOO SMALL TO BE IDENTIFIED, 2 AAC 50.370, - formalizes that objects smaller than 3 x 1/2" x 3" need not be identified, and that all media advertising must be identified. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION 2 AAC 50.910 - formalizes policy that reports filed with the Commission may be obtained at cost (usually 10¢ per page). COMPLAINTS, PRELIMINARY INVESTIGATION, and HEARINGS, 2 AAC 50.450, .460 and .470 deal with procedures to be followed in the event that a complaint is filed, a preliminary investigation is made, and a hearing results.

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ALASKA ADMINISTRATIVE CODE
Title 2. DEPARTMENT OF ADMINISTRATION
ALASKA PUBLIC OFFICES COMMISSION REGULATIONS

CHAPTER 50. CONFLICT OF INTEREST, CAMPAIGN DISCLOSURE AND REGULATION OF LOBBYING

Articles 2, 3. & 5.

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2 AAC 50.310. FILING. (a) All reports that are required to be filed under the provisions of AS 15.13 and this chapter must be received by the commission on or before the due date. Except for the 24 Hour Report, "received" means either

(1) hand-carried to the commission's central office or its branch office in the state capital; or

(2) postmarked. The date shown by the postmark is presumed to be the date it was deposited in the United States mail.

(b) The 24 Hour Report required by AS 15.13. 110(b) must be filed with the commission's central office either by a collect telegram or by actual physical delivery within the prescribed time. 24 hour Reports may not be mailed.

(c) All forms will be available at the commission's central and branch offices, at district offices during state election years, and at the participating municipalities. (Eff. 5/14/80, Register 74)

Authority: AS 15.13.020(j) and (k); AS 15.13.030(10)
AS 15.13.110(a) and (b)

2 AAC 50.313. DEFINITION OF "CONTRIBUTION." (a) In 2 AAC 50.310 — 2 AAC 50.405, except as otherwise provided in this section, "contribution" includes a payment, gift, subscription, loan, advance, transfer, deposit of money, services, or anything of value made by a person or group for the purpose of influencing an election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and includes a personal contribution as described in 2 AAC 50.316.

(b) In this section and in 2 AAC 50.321, "loan" includes a guarantee, endorsement, and any other form of security. The following apply to loans:

(1) A loan that exceeds the contribution limitations of AS 15.13.070 is unlawful, whether or not it is repaid.

(2) A loan is a contribution at the time it is made.

(3) Except for a personal contribution loan as described in 2 AAC 50.316(d), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered to have contributed that portion of the total amount for which he or she agreed to be liable in a written agreement. If the agreemnt does not state the portion of the loan for which each endorser or guarantor is liable, the loan is considered a loan by each endorser or guarantor in the same proportion that each endorser or guarantor bears to the total number of endorsers or guarantors.

(c) In this section, "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

(d) In this section, "anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered.

(e) The provision of goods or services without charge, or at a charge which is less than the usual and normal charge for the goods and services in the market, is a contribution. If goods or services are provided at less than the usual or normal charge in the market, the amount of the nonmonetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(f) The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate, is a contribution.

(g) The payment by a person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No contribution results in the following circumstances:

(1) when an employee paid on an hourly or salaried basis engages in political activity during what would otherwise be a regular work period, if the time spent is made up by the employee within a reasonable period of time;

(2) when an employee paid on a commission or piecework basis, or an employee paid only for work actually performed whose time is considered the employee's own, engages in political activity during normal working hours;

(3) if time used by the employee during normal working hours to engage in political activity is bona fide vacation or other earned leave time.

(h) The extension of credit by a person to a candidate or political group for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(i) A debt owed by a political group or candidate, which is forgiven or settled for less than the amount owed is a contribution. The commission will, in its discretion, consider the following factors before directing staff to commence a preliminary investigation:

(1) whether, at the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(2) whether the campaign has made a good faith effort to repay all outstanding debts;

(3) whether the creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(4) whether the proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(5) whether the campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(6) whether the proposed settlement agreement is similar to others proposed by the campaign.

(j) An expenditure made by a person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. The financing by a person of the issuance, republication, or distribution of a broadcast or of a written, graphic, or other form of campaign material provided by the candidate, the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. This includes an expenditure:

(1) based on information about the candidate's plans, projects, or needs provided by the candidate or the candidate's campaign agents;

(2) made by or through a person who is, or has been, authorized to raise or expend money for the candidate, who is, or has been, an agent of a candidate's campaign, or who has received any form of compensation or reimbursement from the candidate, members of the candidate's campaign committee, campaign agents, or campaign consultants;

(3) made by any person or group based on data from a candidate's pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

(4) made by a political group for soliciting contributions to be paid or delivered directly to a candidate or the candidate's campaign agents.

(k) In (j) of this section, "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(l) In 2 AAC 50.310 — 2 AAC 50.405, "contribution" does not include the following payments, services, or other things of value:

(1) costs incurred in covering or carrying a news story by a broadcasting station, newspaper, or periodical of regular publication, unless the

facility is owned by or controlled by a political party, political group, or candidate; in that case, the cost of the news story is a contribution, unless the news story is a bona fide news account that is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

(2) a non-monetary contribution or in-kind donation of a single item with a usual and normal cost of $50.00 or less.

(3) a payment made by any individual for his or her own travel expenses, if such payments are voluntary and are made without any understanding that they will be directly or indirectly repaid.

(4) a payment is made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections to communicate directly with its members or employees, or their families, on any subject, if the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to do anything other than exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(5) a gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election.

(m) A contribution made by a married individual is not attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130

2 AAC 50.314. DEFINITION OF "GROUP"; REPORTING BY BUSINESS. (a) In 2 AAC 50.310 — 2 AAC 50.405, "group" includes

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or for directing or controlling those activities to secure or defeat the election to public office of an individual or candidate or to secure or defeat a ballot proposition;

(2) a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat, or recall, of any candidate for political office or to aid the passage or defeat of a ballot proposition;

(3) two or more persons who jointly make a contribution in the name of another as described in 2 AAC 50.357.

(b) A corporation, partnership, sole proprietorship, trade association, fraternal or charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as required by AS 15.13.040(d) and (e) as an individual* if

(1) all contributions and expenditures to influence the outcome of an election are made from the organization's general day-to-day operating account;

(2) the organization does not conduct a fundraising drive or assessment among its members or employees for the purpose of influencing an election;

(3) the organization does not exercise direction, control, or discretion over the choice of the recipient candidate or group, and the organization does not exercise direction, control, or discretion over the expenditure of money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.130(3)
AS 15.13.040

2 AAC 50.315. CONTRIBUTION LIMITATION EXEMPTION. (a) Groups that nominated a candidate for governor who received at least three percent of the total vote cast at the 1982 general election for governor are considered to be exempt from the contribution limitation set out in AS 15.13.070(a).

(b) Until the effective date of a statutory definition of "political party" that replaces AS 15.60.010(20) as it exists on the effective date of this section (and was held invalid in Wooler v. Miller, 660 P.2d 1192 [Alaska 1983]), a group, other than a group described in (a) of this section, desiring an exemption from the contribution limitation set out in AS 15.13.070(a) must submit to the commission an application for exemption. In accordance with (c) of this section, the commission will review the application and, in its discretion and on a case-by-case basis, grant the exemption.

(c) Among the criteria which will be considered in deciding whether to grant an exemption

(1) an organized membership, composed of registered voters, which represents a political program;

*APOC Note: Groups report on "Campaign Disclosure Statements." Individuals report on "Statement of Contributions" Form 15-5 or on "Statement of Expenditures" Form 15-6.

(2) prior history as a political group under AS 15.13.050 including the receipt of substantial contributions and the disbursement of substantial expenditures made for the purpose of influencing the election of legislative candidates in more than one district; and

(3) the percentage of votes received by a statewide candidate nominated in the name of the group in the preceding general election.

(d) Groups satisfying the criteria of (a) of this section and groups granted exemptions under (b) of this section are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) A candidate may make unlimited personal contributions from assets which, under Alaska law, the candidate had legal right of access to or control over and to which the candidate had legal and rightful title at the time he or she became a candidate. These assets include salary and other earned income from bona fide employment; dividends; proceeds from the sale of investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy; and gifts of a personal nature which had been customarily received before candidacy.

(b) A candidate may use a portion of jointly owned assets as a personal contribution. The portion of the jointly owned assets that may be used is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used is considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, if there is no instrument of conveyance or ownership, the portion of the asset belonging to the candidate is the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the present value by the number of owners.

(c) A candidate's donation of goods remaining from a prior campaign is a personal contribution.

(d) A loan of money by a regulated banking institution to a candidate is a personal contribution if the loan is made in accordance with applicable banking laws and regulations; bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Loans under this section are reported as a candidate's personal contribution.

facility is owned by or controlled by a political party, political group, or candidate; in that case, the cost of the news story is a contribution, unless the news story is a bona fide news account that is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

(2) a non-monetary contribution or in-kind donation of a single item with a usual and normal cost of $50.00 or less.

(3) a payment made by any individual for his or her own travel expenses, if such payments are voluntary and are made without any understanding that they will be directly or indirectly repaid.

(4) a payment is made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections to communicate directly with its members or employees, or their families, on any subject, if the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to do anything other than exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(5) a gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election.

(m) A contribution made by a married individual is not attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130

2 AAC 50.314. DEFINITION OF "GROUP"; REPORTING BY BUSINESS. (a) In 2 AAC 50.310 — 2 AAC 50.405, "group" includes

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or for directing or controlling those activities to secure or defeat the election to public office of an individual or candidate or to secure or defeat a ballot proposition;

(2) a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat, or recall, of any candidate for political office or to aid the passage or defeat of a ballot proposition;

(3) two or more persons who jointly make a contribution in the name of another as described in 2 AAC 50.357.

(b) A corporation, partnership, sole proprietorship, trade association, fraternal or charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as required by AS 15.13.040(d) and (e) as an individual if

(1) all contributions and expenditures to influence the outcome of an election are made from the organization's general day-to-day operating account;

(2) the organization does not conduct a fundraising drive or assessment among its members or employees for the purpose of influencing an election;

(3) the organization does not exercise direction, control, or discretion over the choice of the recipient candidate or group, and the organization does not exercise direction, control, or discretion over the expenditure of money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.130(3)
AS 15.13.040

2 AAC 50.315. CONTRIBUTION LIMITATION EXEMPTION. (a) Groups that nominated a candidate for governor who received at least three percent of the total vote cast at the 1982 general election for governor are considered to be exempt from the contribution limitation set out in AS 15.13.070(a).

(b) Until the effective date of a statutory definition of "political party" that replaces AS 15.60.010(20) as it exists on the effective date of this section (and was held invalid in Vogler v. Miller, 660 P.2d 1192 [Alaska 1983]), a group, other than a group described in (a) of this section, desiring an exemption from the contribution limitation set out in AS 15.13.070(a) must submit to the commission an application for exemption. In accordance with (c) of this section, the commission will review the application and, in its discretion and on a case-by-case basis, grant the exemption.

(c) Among the criteria which will be considered in deciding whether to grant an exemption are:

(1) an organized membership, composed of registered voters, which represents a political program;

*APOC Note: Groups report on "Campaign Disclosure Statements." Individuals report on "Statement of Contributions" Form 15-5 or on "Statement of Expenditures" Form 15-6.

(2) prior history as a political group under AS 15.13.050 including the receipt of substantial contributions and the disbursement of substantial expenditures made for the purpose of influencing the election of legislative candidates in more than one district; and

(3) the percentage of votes received by a statewide candidate nominated in the name of the group in the preceding general election.

(d) Groups satisfying the criteria of (a) of this section and groups granted exemptions under (b) of this section are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) A candidate may make unlimited personal contributions from assets which, under Alaska law, the candidate had legal right of access to or control over and to which the candidate had legal and rightful title at the time he or she became a candidate. These assets include salary and other earned income from bona fide employment; dividends; proceeds from the sale of investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy; and gifts of a personal nature which had been customarily received before candidacy.

(b) A candidate may use a portion of jointly owned assets as a personal contribution. The portion of the jointly owned assets that may be used is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used is considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, if there is no instrument of conveyance or ownership, the portion of the asset belonging to the candidate is the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the present value by the number of owners.

(c) A candidate's donation of goods remaining from a prior campaign is a personal contribution.

(d) A loan of money by a regulated banking institution to a candidate is a personal contribution if the loan is made in accordance with applicable banking laws and regulations; bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Loans under this section are reported as a candidate's personal contribution.

(e) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing. Sale proceeds used by a candidate in a campaign must be reported as personal contributions. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY. (a) Each candidate and political group intending to raise or spend more than $5,000 in a calendar year shall designate on a registration statement or on the first campaign disclosure statement filed with the commission, one or more regulated banking institutions as its campaign depository or depositories. Each account title must indicate that it is a campaign account.

(b) All monetary contributions to, and expenditures by, a candidate or political group must be deposited to or made from a designated campaign depository.

(c) A candidate or political group required by (a) of this section, to designate a campaign depository may obtain and use credit cards in making travel-related campaign expenditures for transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. The credit card account name must indicate that it is a campaign account.

(d) Contributions that appear to be illegal must, within ten days after receipt, be returned to the contributor.

(e) A campaign treasurer shall make his or her best efforts to determine the legality of a contribution. If a contribution cannot be determined to be legal, a refund must be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. Alternatively, the contribution may be deposited into the campaign depository and reported. If it is deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of the contribution is in question must be included in the next required report. (Eff 1/4/86, Register 97)

Authority: AS 15.13.030 AS 15.13.060
AS 15.13.050 AS 15.13.070

2 AAC 50.320. GENERAL RECORDKEEPING REQUIREMENTS FOR CANDIDATES AND GROUPS. (a) Every candidate and group required to report contributions or expenditures under the provisions of AS 15.13 shall maintain detailed records of all contributions received and expenditures made in accordance with the uniform methods of bookkeeping set out in the commission's bookkeeping guide.

(b) A candidate or his treasurer, and the treasurer of a group, may issue a receipt, and shall record the receipt of every contribution received, unless otherwise exempted by this chapter, regardless of the dollar amount or value of the contribution. While the identity of a person who has contributed no more than $100 to a campaign is not required to be individually reported by the treasurer on a campaign disclosure report, the name of such a contributor, along with the amount and type of his contribution, must be recorded by the treasurer and maintained by the treasurer, for comparative purposes, in case that person makes additional contributions which total over $100.

(c) The identity of a person who has contributed over $100 in the aggregate per year to a candidate's or group's campaign must be reported in accordance with 2 AAC 50.321.

(d) Each bookkeeping record required under this section shall be maintained by the candidate or the treasurer of a group and may not be destroyed for a period of four years from the date of the contribution. The records shall be available for inspection by the commission upon request of the commission. (Eff. 5/14/80, Register 74)

Authority: AS 15.13.020(2) AS 15.13.040
AS 15.13.030(10) AS 15.13.120(e)

2 AAC 50.321. REPORTING CONTRIBUTIONS AND EXPENDITURES. (a) Each candidate or group filing reports under AS 15.13 must identify

(1) each monetary contribution, or aggregate of contributions from the same contributor, which totals in excess of $100 by reporting

(A) the date received;

(B) the check number;

(C) the name and address of the contributor;

(D) the principal occupation and employer of the contributor; and

(E) the amount;

(2) each non monetary contribution, or aggregate of non monetary contributions from the same contributor, valued at more than $100 a year, by reporting

(A) the date received;

(B) the name and address of the contributor;

(C) the principal occupation and employer of the contributor;

(D) a description of the contributions; and

(E) its estimated fair market value;

(3) each loan, or aggregate of loans from the same contributor which totals in excess of $100, by reporting

(A) the date received;

(B) the name and address of the lender, guarantor or cosigner;

(C) the principal occupation and employer of the lender, loan guarantor or cosigner;

(D) the interest rate; and

(E) the amount;

(4) each paid expenditure by reporting

(A) the date of the payment;

(B) the check number;

(C) the name and address of the payee;

(D) the purpose of the expenditure; and

(E) the amount;

(5) each accrued expenditure by reporting

(A) the date the expenditure was incurred;

(B) the name and address of the business or individual with whom the debt was incurred;

(C) the purpose of the accrued expenditure; and

(D) the amount.

(b) When reporting monetary and non-monetary contributions or loans, a cumulative total must be kept by each candidate or group of the contributions (including loans) made to it, regardless of the total, and reported pursuant to (a) of this section when

(1) monetary contributions by the same contributor bring the total to over $100; or

(2) nonmonetary contributions by the same contributor bring the estimated total value to over $100; or

(3) loans by the same lendor, guarantor, or cosigner bring the total to over $100; or

(4) a combination of monetary or nonmonetary contributions or loans by the same contributor brings the total to over $100. (Eff. 7/22/78, Register 67)

Authority: AS 15.13.030(10) AS 15.13.130(2) and (4)
AS 15.13.040(a) and (b)

2 AAC 50.322. RECORDKEEPING REQUIREMENTS FOR AUCTIONS AND GARAGE SALES. Repealed 5/14/80.

2 AAC 50.323. RECORDKEEPING REQUIREMENTS FOR CONTRIBUTIONS RECEIVED FROM THE SALE OF CAMPAIGN MATERIAL. Repealed 5/14/80.

2 AAC 50.324. SHARED CAMPAIGN REPORTING. Except for expenditures by the candidates for governor and lieutenant governor of the same political party who have been nominated to run in the general election, the following provisions apply to all candidates and groups, other than a political party, subject to the provisions of AS 15.13 and this chapter:

(1) The use, by one candidate, of the money, goods or services raised or generated by his campaign, to influence the election of another candidate, is considered a contribution and cannot exceed the $1000 limitation set by AS 15.13.070(a); nothing in AS 15.13 or this chapter, however, limits an individual's right to make any expenditure whatsoever to influence the election of a candidate, so long as that expenditure is not made at the suggestion of that candidate, directly or indirectly paid for by that candidate, or otherwise controlled by that candidate.

(2) An expenditure made by one group, other than a political party, on behalf of another group which is controlled by a candidate is considered a contribution and may not exceed the $1000 limitation set by AS 15.13.070(a).

(3) A candidate may not join his campaign committee with that of one or more candidates in order that they may file a single report of their joint campaign, nor may a group join with one or more groups in order that they may file a single report of their joint efforts.

(4) Candidates or groups prohibited from forming a joint campaign under (3) of this section may share in campaign efforts, under (5) of this section, so long as they keep separate campaign accounts and file separate statements of their contributions and expenditures under AS 15.13 and 2 AAC 50.

(5) Two or more candidates, or two or more groups, may share in campaign efforts so long as the cost of, and receipts from, shared efforts are allocated equally to each participating candidate or group's campaign.

(6) So long as the costs of, and receipts from, shared efforts are allocated equally to each participant of a shared campaign, neither the costs or receipts are considered as a contribution from one participant to any of the other participants.

(7) Each candidate or group filing reports pursuant to AS 15.13 and 2 AAC 50 must complete an APOC Form 15-3A, the "Shared Campaign Activities" form, which represents his or its proportionate share of the receipts and expenditures of a shared campaign effort.

(8) A proportionate share of the amount of an expenditure benefiting one or more candidates, or one or more groups, of a shared campaign effort, but paid for in full by one of the candidates, or by one of the groups, will be considered a contribution by

(A) the paying candidate to the other candidates; or

(B) the paying group to the other groups.

(9) Media communications regarding a shared campaign activity are considered properly identified so long as the identification includes the words "paid for by" and the name of each candidate or group sharing in the cost of the communications. The address and treasurer* of each participating candidate or group need not be listed. However, if a communication is paid for in its entirety by only one of the participants then, in accordance with 2 AAC 50.369, full and proper identification is required. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 6/29/84, Register 90)

Authority: AS 15.13.030(10) AS 15.13.070(a)
AS 15.13.040(a) and (b) AS 15.13.090

2 AAC 50.325. RECORDKEEPING REQUIREMENTS FOR NONMONETARY CONTRIBUTIONS. Repealed 1/4/86.

2 AAC 50.326. RECORDKEEPING REQUIREMENTS AND EXEMPTIONS WHEN REPORTING A FUND-RAISER. (a) A candidate or his treasurer, and the treasurer of a group, shall report all the contribution and expenditure activity related to a campaign fund-raiser in a format designated by the commission, and in accordance with this section. Fund-raisers sponsored in conjunction with several candidates or groups are viewed as shared fund-raising activities and, while subject to the provisions of this section, must be reported separately on APOC Form 15-3SA and in accordance with 2 AAC 50.324.

* has been changed to chairman in the statute.

(b) When reporting a fund-raiser, a candidate or his treasurer, and the treasurer of a group, shall state the total number of contributing participants, the date and place where the event was held, if applicable, a description of the type of fund-raising activity, and the total costs of, and receipts from, the event.

(c) For the purposes of this section, "fund-raiser" includes, but is not limited to, a garage sale; a raffle or drawing; an auction; a spaghetti feed or pot-luck dinner; the sale of campaign material, such as posters, buttons, stickers, clothing, key chains and ashtrays; or a sponsored concert.

(d) The requirement in AS 15.13.040 and 2 AAC 50.320 that a candidate or his treasurer, or the treasurer of a group, must record the name of every person making a contribution, regardless of the amount of that contribution, does not apply to events which meet the following criteria:

(1) fund-raisers, similar in nature to spaghetti feeds, bingo games, dances, or concerts, where

(A) there are 25 or more paying participants; and

(B) except as described in (f) of this section, the cash amount received from any one person does not exceed $50;

(2) fund-raisers, such as a raffle, lottery or a drawing, where

(A) 25 or more tickets are sold; and

(B) except as described in (f) of this section, the price of a ticket or the amount received from any one person purchasing chances does not exceed $50;

(3) fund-raisers, the income from which is based on the sale of campaign material, where, except as described in (g)

(A) the price of an item being sold does not exceed $10; or

(B) the amount received from any one person purchasing items does not exceed $50;

(4) fund-raisers, such as garage sales and auctions, where, except as described in (g)

(A) the fair market value of an item donated for sale or auction does not exceed $50; or

(B) the amount received from any one person purchasing items at the garage sale or auction does not exceed $50.

(e) When reporting receipts from a fund-raiser which meets the recording exemption set out in (d) of this section, the candidate or his treasurer, or

the treasurer of a group, need only report the total amount of contributions received from or generated by the fundraiser, along with the total number of paying participants, tickets sold, or items purchased, as applicable.

(f) If a person contributes in excess of the exempted amounts stated in (d)(1)(B) or (d)(2)(B) of this section, then the name of that person, and the amount and type of that contribution, must be recorded as set out in 2 AAC 50.320.

(g) If the cost of or value of an item exceeds the exempted amount, or if a person contributes or pays in excess of the exempted amounts stated in (d)(3) or (4), then the name of that contributor or buyer must be recorded as set out in 2 AAC 50.320.

(h) A contribution made by a person to attend or otherwise participate in a "fund-raiser," as defined in (c) of this section, whether or not exempted from full recording under this section, may not be received by or on behalf of a candidate in violation of AS 15.13.070(a). (Eff. 5/14/80, Register 74; am 5/24/81, Register 78; am 6/29/84, Register 90)

Authority: AS 15.13.030(10)
AS 15.13.040

2 AAC 50.330 REPORTING CAMPAIGN EXPENDITURES FOR TRANSPORTATION. Repealed 1/4/86.

2 AAC 50.332. REPORTING ZERO CONTRIBUTION OR EXPENDITURE ACTIVITY. (a) Each candidate or group required to file a full report of all contributions received and expenditures made in accordance with AS 15.13 and this chapter shall report in accordance with the reporting schedule set out in AS 15.13.110(a), regardless of the amount of their reportable contributions or expenditures. In the absence of any contribution or expenditure activity whatsoever during a reporting period, each candidate or group not already exempt from reporting under (b) or (c) of this section shall submit by the appropriate due date the "Short Form" on Schedule A of the Campaign Disclosure Statement certifying that no contributions have been received or expenditures made.

(b) A candidate who does not intend to receive or accept contributions, or make expenditures during his campaign for municipal or state public office, including any personal campaign contributions or expenditures, may file APOC Form 15-0, the "Campaign Reporting Exemption Form." A candidate who files the exemption form is not required to submit any other reports to the commission concerning his campaign. The reporting exemption is revoked if a candidate accepts contributions or spends money to influence his election. A candidate whose exemption is revoked must immediately register his change of status on APOC Form 15-1 and, in accordance with AS 15.13.110, must disclose his campaign contribution and expenditure activity beginning with the first campaign disclosure report due following his change in status. Failure to report campaign

contribution or expenditure activity after the reporting exemption is revoked subjects the candidate to both civil and criminal penalties for noncompliance with the reporting requirements of AS 15.13 and 2 AAC 50.

(c) The treasurer of a political party subdivision or political action committee previously registered with the commission which does not intend to receive or accept contributions, or make expenditures, during a municipal campaign may, in accordance with the requirements set forth in (b) of this section, file APOC Form 15-0. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10) AS 15.13.110
AS 15.13.040(a) and (b)

2 AAC 50.333. REPORTABLE DATE OF A CONTRIBUTION. A contribution is considered received, and reportable as such, on the day in which that contribution is in the possession of a candidate, or a treasurer or deputy treasurer of a candidate or group, in accordance with AS 15.13.070(e) and this chapter. (Eff. 7/22/78, Reg. 67)

Authority: AS 15.13.030(10)
AS 15.13.070(e)

2 AAC 50.334. PERSONS WHO MAY ACCEPT CONTRIBUTIONS. (a) A candidate's campaign committee, or a group, may authorize a person who is not registered as a deputy treasurer to accept or solicit campaign contributions on its behalf for any single event. Campaign committees or groups are not in violation of AS 15.13.070(e) if contributions collected by the authorized person are turned over to a candidate, treasurer, or deputy treasurer of the intended committee or group within 72 hours.

(b) An individual who is, or will be, fund-raising on a regular basis throughout a political campaign must be registered as a deputy treasurer in accordance with AS 15.13.060(e).

(c) Individuals that have not been "authorized" to accept campaign contributions by either a candidate or his treasurer, or the treasurer of a group, are prohibited from collecting campaign contributions on behalf of a candidate's campaign committee or a group. (Eff. 4/28/79, Register 70; am 5/14/80, Register 74)

Authority: AS 15.13.030(10) AS 15.13.070(e)
AS 15.13.060 AS 15.13.130(2)

2 AAC 50.340. EXPENDITURES TO ADVERTISING AGENCIES OR CAMPAIGN MANAGEMENT SERVICES. Whenever a required report includes an expenditure to an advertising agency, or to an individual or business which provides campaign

consultation or management services, the report shall be accompanied by a statement* detailing all services rendered, including the identity of each business from which campaign goods or services were purchased or subcontracted, or media advertising placed, and their costs. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74).

*Staff will request this information when clarification of a report is needed.

Authority: AS 15.13.030(10)
AS 15.13.040(f)

2 AAC 50.342. REGISTRATION OF GROUPS SUPPORTING OR OPPOSING BALLOT ISSUES. Each group, before making an expenditure in support of or in opposition to a ballot proposition, shall register with the commission on forms provided by the commission. (Eff. 5/14/80, Register 74)

Authority: AS 15.13.010(b)
AS 15.13.030(10)
AS 15.13.040(b)
AS 15.13.050

2 AAC 50.350. CONTRIBUTION OF PROFESSIONAL SERVICES. Repealed 1/4/86.

2 AAC 50.351. INDEPENDENT EXPENDITURES. (a) An independent expenditure is a disbursement of funds which is made expressly to support or oppose an individual's candidacy or a ballot issue. An independent expenditure is not made with the cooperation, consent, in consultation with, or at the request or suggestion of, a candidate, a candidate's campaign committee, or a group, and must be reported in accordance with AS 15.13.040(d)(2) and (e) by the maker of the expenditure.

(b) An expenditure made at the request of, in consultation with, or at the suggestion of a candidate, a candidate's campaign committee, or a group supporting or opposing a ballot issue, is considered an in-kind contribution by the person making the expenditure, and must be reported in accordance with AS 15.13.040(a) by the candidate or group benefiting from the contribution, and by the "contributor" in accordance with AS 15.13.040 (d)(1) and (e).

(c) There is no limit on the amount or frequency of independent expenditures.

(d) The report of an expenditure to influence the outcome of a ballot issue required to be filed under AS 15.13.040(d)(2) will be closed to the public only if the commission determines, in response to a written request, that the individual who makes the expenditure would likely be subject to undue harassment, threats, or economic reprisals as the result of public disclosure. After publication, the person granted an exemption shall provide the commission with

a copy of the communication in order to enable the commission to verify which communications were sponsored by that person. (Eff. 5/14/80, Register 74; am 6/29/84, Register 90)

Authority: AS 15.13.030(10) AS 15.13.090
AS 15.13.040

2 AAC 50.355. LOANS. Repealed 1/4/86.

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by a person other than in the legal name of the original source of the contribution.

(b) No person, employer, principal, supervisor, or contractor may lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employee's, agent's, or other person's name, or in a name other than the original source of the contribution.

(c) A contribution made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another. Contributions by two or more organizations to the same recipient are in the name of another if the organizations

(1) share the majority of members of their board of directors;

(2) share two or more corporate or organizational officers;

(3) are owned or controlled by the same shareholders or members;

(4) are in a parent-subsidiary relationship.

(d) If a minor makes a contribution of money or any thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130

2 AAC 50.360. MUNICIPALITIES. (a) If a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report as an individual under AS 15.13.040(d) and (e).

(b) All communications which are paid for by a municipality and which are related to an election are considered to be intended to influence the outcome of an election unless they are only notices of the election or unless they are required by statute, charter, or ordinance.

(c) The municipality shall file with the commission a list of candidates and their mailing addresses within seven days following the deadline for filing for municipal office.

(d) If a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group under AS 15.13.040(b) and (c) and AS 15.13.050. (Eff. 5/16/76, Register 58; am 1/4/86, Register 97)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.090
AS 15.13.030(10) AS 15.13.050

2 AAC 50.361. REPORTING BY SPECIAL INTEREST GROUPS. Repealed 10/18/81.

2 AAC 50.362. DRAFT GROUPS. (a) A draft group must report its contribution and expenditure activity as a group, under the requirements of AS 15.13 and this chapter.

(b) A draft group

(1) may make expenditures in order to raise, through contributions to the group, the money necessary to

(A) defray its own administrative costs; and

(B) attempt to draft persons to become candidates, including the expenditure of money to

(i) extoll the qualities of persons the group is attempting to draft; and

(ii) inform the general public both of the group's position on issues, as well as the qualities of leadership it seeks in potential candidates; and

(2) may not

(A) engage in any political activity other than an activity described in (b)(1) and (c) of this section;

(B) accept contributions in excess of $1000 from any person or group;

(C) except for personal travel expenses, opinion surveys, or polls, make any expenditure that might benefit a person who the group has successfully drafted for office and who has made it known that he or she will be seeking election to public office; however, the group may continue in its attempts to draft other persons for elective office; and

(D) except as provided in (c) of this section, make contributions to, contribute previously produced material to, or expend funds or behalf of, any person who has declared that he or she is seeking office or who has filed a declaration of candidacy or nominating petition or become a candidate by any other means.

(c) A draft group that expends more than 50 percent of its funds in an effort to draft one individual or, in the case of gubernatorial and lieutenant gubernatorial candidates, a team of individuals, to campaign for public office is, for the purposes of AS 15.13.130(3) and this chapter, considered a controlled group. If the person or team subject to the draft formally declares for public office, then the amount contributed to the draft group must be added to any contributions made the same year to the drafted candidate's or team's own campaign committee, in order to determine whether a contributor has made the maximum allowable contribution as outlined in AS 15.13.070(a). As a controlled group, the draft group may contribute the maximum allowed by law to the candidate or team of candidates. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 6/29/84, Register 90)

Authority: AS 15.13.010 AS 15.13.040(b) AS 15.13.100
AS 15.13.030(10) AS 15.13.070(a) AS 15.13.130(2), (3) and (4)

2 AAC 50.363. SUBCOMMITTEES OF A CANDIDATE'S CAMPAIGN COMMITTEE OR OF A CONTROLLED GROUP. A subcommittee may be created within a candidate's campaign committee or within a controlled group. These subcommittees are not considered separate groups and shall not maintain separate bank accounts and records or file separate reports. The name of the candidate or controlled group must be a part of the name of the subcommittee. The name of the subcommittee shall not be used when identifying political advertising under AS 15.13.090 and 2 AAC 50.369. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74)

Authority: AS 15.13.030(10) AS 15.13.040(a)
AS 15.13.050 AS 15.13.090

2 AAC 50.369. PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS. (a) Except as provided in (d) of this section, "proper identification" of a communication intended to influence the election of a candidate or the outcome of a ballot issue means that the communication is clearly identified with the words "paid for by," followed by the name and full address of the candidate, group, or individual actually paying for the advertising. The name of the campaign chairman must also be identified. If the candidate and the chairman are the same person, the name need not be repeated.

(b) Standard English abbreviations may be used in the written identification.

(c) "Clearly identified," as used in AS 15.13.090, means that

(1) in all printed communications, the proper identification must be visible, separate from the text of the advertisement itself, and large enough to be read by a person with average vision without the aid of corrective lenses;

(2) in all audio-visual communications, the proper identification must either

(A) be visual, and of sufficient size and duration to be read in full by the viewer; or

(B) be spoken, and played at the same audio level as the text of the communication itself; or

(C) be both visual and spoken, in accordance with (A) and (B) of this paragraph;

(3) in all audio communications, the proper identification must be spoken at the same audio level as the text of the communication itself.

(d) If the commission determines, under 2 AAC 50.351(d), that an expenditure report will not be made public, the political communication intended to influence the outcome of a ballot proposition or question is properly identified if, in place of the "paid for by" phrase, the communication includes, in the manner required by (c) of this section, the commission waiver identification number assigned by the Commission to that communication.

(e) In this section and in AS 15.13.090, "communications" include all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/19/81, Register 80; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.370. OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION. If the size of an object used for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement must instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects that are smaller than 3 1/2" x 5" in size. All media advertisements must be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.375. COMMUNICATIONS BY INCUMBENT ELECTED OFFICIALS. (a) A communication by an incumbent state elected official, who is also a declared candidate for elective office, with his constituency via a newsletter or other printed matter, or a paid radio or television spot, does not constitute a reportable campaign expense unless it specifically and expressly advocates the election or defeat of a candidate (including himself), or the passage or defeat of a ballot issue.

(b) A communication by an incumbent municipal elected officer who is also a declared candidate for elective office, with his constituency via a newsletter or other printed matter, or a paid radio or television spot, does not constitute a reportable campaign expense unless it specifically and expressly advocates the election or defeat of a candidate (including himself), or the passage or defeat of a ballot issue.

(c) The commission will, in its discretion, review a communication by an incumbent elected official when a question concerning whether or not the communication is a reportable campaign expense arises. (Eff. 7/22/78, Register 67)

Authority: AS 15.13.010 AS 15.13.045 AS 15.13.130(4)
AS 15.13.030(10) AS 15.13.090

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall comply with AS 15.13.100 by providing written notification to the commission of his or her candidacy only if the filing period has not yet opened. An individual wishing to campaign for state elective office shall comply with AS 15.13.100 by filing a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent filed under (a) of this section is valid only for the next election or until it is withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)
AS 15.13.100

2 AAC 50.385. REPORTING BY ORGANIZATIONS AND BUSINESS OR TRADE ASSOCIATIONS. Repealed 1/4/86.

2 AAC 50.390. CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT. (a) A report required to be filed within the time required by AS 15.13.110(a) and (b) is delinquent if not received, in accordance with 2 AAC 50.310, on or before the due date.

(b) The report continues to be delinquent and subject to a civil penalty until received.

(c) Commission staff will send notice to each candidate or group of his or its delinquency under AS 15.13.110(a) within five working days after the due date of the report.

(d) Upon receipt of a delinquent campaign disclosure report of contributions received by a candidate or a group, commission staff will

(1) calculate the initial civil penalty, for each day of delinquency, as follows:

(A) $10 a day for each 30 day report or 10 day report;

(B) $10 a day for each year-end report received after January 16;

(C) $50 a day for each 7 day report; and

(D) $50 a day up to a maximum of $300 for each 24 hour report;

(2) send notice of the civil penalty assessed against the candidate or group within five working days after receipt of a delinquent report, or in the case of non-receipt of a report required by AS 15.13.110(b), within 15 working days after receiving the information, and include

(A) a statement of the amount of the assessment; and

(B) an affidavit appeal form.

(e) A candidate or group subject to a civil penalty assessment may

(1) submit, within 30 days after receipt of the assessment notice described in (d)(2) of this section, an affidavit stating reasons for the late filing to show why a civil penalty should not be assessed; an affidavit

(A) is a statement in writing made under oath and upon penalty of perjury; and

(B) must be sworn to before a notary public, municipal clerk, court clerk, postmaster, or any other person authorized to administer oaths or, if none of the preceeding alternatives is available, may be signed by the official without benefit of the oath so long as the official states, in writing, that the affidavit is signed under penalty of perjury; or

(2) pay, within 30 days after receipt of the assessment notice described in (d)(2) of this section, the civil penalty assessed.

(f) If a candidate or group subject to a civil penalty assessment for the late filing of a campaign disclosure report refuses, or fails, within the time

required, to submit an affidavit or make payment, then commission staff will refer the matter to the attorney general for appropriate action. The commission will not hear an appeal if an affidavit is not filed within the time required.

(g) An affidavit timely filed with the commission will be considered at the next regular meeting of the commission. If a candidate or group's appeal is

(1) denied by the commission, commission staff will notify the candidate or group of its decision within 15 days, and require that the civil penalty originally assessed be paid within 30 days after the date of the letter containing notification of the commission's decision; or

(2) accepted by the commission, commission staff will notify the candidate or group of its decision within 15 days, informing him or it that the civil penalty assessment has been waived and that the matter is considered closed; or

(3) accepted, in part, by the commission, commission staff will notify the candidate or group of its decision within 15 days, and require that the reduced civil penalty assessment be paid within 30 days after the date of the letter containing notification of the commission's decision.

(h) A candidate or group may appeal the commission's decision to deny or partially accept reasons for lateness to the superior court within 30 days after his receipt of the notice under Rule 45 of the Appellate Rules of the Alaska Court System. If no appeal is made within 30 days and no payment is made, the matter will be referred to the attorney general for appropriate action.

(i) If, upon review of a report required by AS 15.13.110(a), (b), or (e), the commission's staff finds substantial or continuous noncompliance with AS 15.13 or any provision of this chapter, or with requests by staff for information required to be reported under this chapter, the matter must be brought to the commission for review. The commission will, in its discretion, reduce or waive any initial civil penalty, uphold any initial civil penalty, increase the amount of any initial civil penalty to an amount not exceeding the maximum amount established in AS 15.13.125, or instruct its staff to begin preliminary investigation into the matter. Where no initial civil penalty has been assessed, the commission will, in its discretion, assess a civil penalty up to the maximum amount established in AS 15.13.125 if the candidate or group in question does not comply. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 5/24/81, Register 78; am 10/18/81, Register 80; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.010 AS 15.13.125
AS 15.13.030(10)

2 AAC 50.395. REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION. Repealed 1/4/86.

2 AAC 50.397. REPORTING BY PERSONS OUTSIDE THE STATE. Persons residing outside the State of Alaska are subject to the same reporting requirements, restrictions, and responsibilities under AS 15.13 as those placed upon persons residing within the state. (Eff. 4/28/79, Register 70)

Authority: AS 15.13.030(10)

2 AAC 50.400. DISBURSEMENT OF A SURPLUS BALANCE IN A CAMPAIGN ACCOUNT. (a) The disbursement of a surplus balance of a candidate or group's campaign account must be reported to the commission within 10 days after final disposition of the balance.

(b) A candidate disbursing the surplus balance in his campaign acount may

(1) give the money to charity;

(2) repay his contributors;

(3) repay himself, if he made contributions to his own campaign;

(4) take, as income, any money which exceeds the amount which he personally contributed to his campaign;

(5) leave the money in a campaign account until the next time he campaigns for elective office; however, any interest realized from a surplus in a campaign account must remain in the account and be reported on the first report required of him when he is again a candidate for elective office;

(6) contribute the money to another candidate or a group controlled by a candidate, not to exceed the $1000 limitation, or to a political party or group supporting a ballot proposition or question; or

(7) transfer the money to his office allowance fund.

(c) A group disbursing the surplus balance in its campaign account may

(1) give the money to charity; or

(2) repay its contributors; or

(3) leave the money in a campaign account until the following election, if the group plans to remain active; however, any interest realized from a surplus in a campaign account must remain in the account and be reported on the first report required of the group when it is again active in an election; or

(4) contribute the money to a candidate or a group controlled by a candidate, subject to the $1,000 limitation and other prohibitions under AS 15.13 and 2 AAC 50, or to a political party or group supporting a ballot proposition or question.

(d) Any candidate or group wishing to disburse the surplus balance in a campaign account in a manner not described in (b) or (c) of this section may request commission review and approval of the manner in which he or it wishes to disburse the surplus. (Eff. 7/22/78, Register 67; am 10/18/81, Register 80)

Authority: AS 15.13.030(10)

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or a candidate's controlled group may make post-election expenditures for the purpose of raising money to discharge a debt from a prior campaign, in accordance with (c) of this section.

(b) Absent a debt arising from a prior campaign, a candidate may not spend money for the purpose of seeking public office unless the individual is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or an advisory opinion issued under (c) of this section and 2 AAC 50.905.

(c) A candidate who is in debt from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to pay off the debt. Absent an advisory opinion request, the commission staff may commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the candidate.

(d) A debt arising from a prior campaign includes

(1) a candidate's personal contributions made before the date of the prior election;

(2) campaign debts to others that were reported on a 10 day post-election campaign disclosure statement;

(3) post-election expenditures made for the purpose of discharging a debt arising from a prior campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign, including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees reasonably incurred to comply with AS 15.13 and 2 AAC 50.310 — 2 AAC 50.405. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10) AS 15.13.070 AS 15.13.110
AS 15.13.040 AS 15.13.100 AS 15.13.130

2 AAC 50.405. DEFINITIONS For 2 AAC 50.310 — 2 AAC 50.405 and AS 15.13. In 2 AAC 50.310 — 2 AAC 50.405 and in AS 15.13

(1) "business entity" means a sole proprietorship, partnership, corporation or professional corporation, company, firm, business trust, or any other business entity or a combination of these;

(2) "draft group" means a group of two or more persons organized for the purpose of drafting one or more individuals to run for elective office by becoming a candidate as defined in AS 15.13.130(1);

(3) "labor organization" means a local, national, or international union, or labor council, or any other labor organization recognized under state or federal laws;

(4) "contribution" — Repealed 1/4/86. (Eff. 7/22/78, Register 67; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)
AS 15.13.130

2 AAC 50.450. COMPLAINTS. (a) A complaint filed with the commission must be in writing and must contain the following:

(1) the full name and mailing address of the person making the complaint;

(2) the name of the person or group alleged to be in violation;

(3) allegations of specific facts which, if true, would constitute

(A) a violation of AS 15.13 or of a provision of 2 AAC 50.310 - 2 AAC 50.405;

(B) a violation of AS 24.45 or of a provision of 2 AAC 50.505 - 2 AAC 50.545;

(C) a violation of AS 39.50 or of a provision of 2 AAC 50.010 - 2 AAC 50.200;

(4) the basis of the complainant's knowledge of the alleged facts, differentiating between statements made upon personal knowledge and those made upon other sources of information and belief;

(5) any documentation, relevant to the facts alleged, which is available to the complainant.

(b) The complaint shall be signed by the complainant and the signature shall be verified by a notary public, municipal clerk, court clerk, postmaster, or any person authorized to administer oaths. Notarial service will be provided by the commission without cost.

(c) Upon receipt of a complaint properly filed and sworn, the commission staff shall promptly

(1) acknowledge receipt to the complainant; and

(2) determine whether the complaint sets out facts which, if true, would constitute a violation of law.

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and it will be handled under (e) of this section.

(e) If the staff or the commission under (d)(2)(B) of this section determines that a complaint sets out facts which, if true, would constitute a violation of the law, the staff will

(1) notify the complainant;

(2) notify the respondent, providing a copy of the complaint, any accompanying documents, and a copy of the commission's investigative and hearing procedures;

(3) inform the commission that a complaint has been filed, providing a copy of the complaint and any accompanying documents; and

(4) begin a preliminary investigation.

(f) A person against whom a complaint is filed may file an answer. The answer must

(1) specifically admit or deny all material allegations of the complaint;

(2) state any defenses expected to be raised by the respondent;

(3) include any relevant documentation in the possession of the respondent; and

(4) be a signed and sworn statement. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(8) AS 15.13.045 AS 24.45.021(b)
AS 15.13.030(10) AS 15.13.120(d) AS 24.45.131
AS 39.50.050(b)

2 AAC 50.460. PRELIMINARY INVESTIGATION. (a) The commission staff shall undertake a preliminary investigation if

(1) a properly filed and sworn complaint has been found to be sufficient; or

(2) information has been obtained by the commission or staff in the normal course of business which, if true, would constitute a violation of the law.

(b) When the staff initiates an investigation based on (a)(2) of this section, it shall set out in writing the facts, information, and law involved, along with documentation, and process this material in accordance with 2 AAC 50.450(e).

(c) In conducting a preliminary investigation, the staff may use any of the methods set out in AS 15.13.045. It may also

(1) request written and sworn statements from any party, witness, or other person which are relevant to the investigation; and

(2) use the services of the Alaska State Troopers or private investigators to secure factual information pertinent to the investigation.

(d) Upon completion of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(8); AS 15.13.030(10); AS 15.13.045(a); AS 15.13.120(d)
AS 18.65.090; AS 24.45.021(b); AS 24.45.131; AS 39.50.050(b)

2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, notice of hearing will be sent to the respondent by personal service or by certified mail, return receipt requested. If the respondent cannot be found after diligent effort, service will be made by publishing notice of the hearing in a newspaper of general circulation once a week for four weeks, the final notice appearing at least 30 days before the hearing.

(b) Notice of a hearing must be provided to all parties at least 30 days before a hearing. The time and place of the hearing will be set with due regard and consideration for the convenience of the parties, and the commission will consider a party's request for a change in the time or place of a hearing. The commission will, in its discretion, for any good cause and upon proper notice, change the time and place of a hearing.

(c) Repealed 1/4/86.

(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, but will be considered as a party to the hearing.

(e) The only parties to the hearing will be the staff, representing the complainant or itself, and the respondent.

(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.

(g) The rules of evidence are the same as in AS 44.62.460. In addition

(1) documentary evidence may be presented in the form of copies if the original is not readily available; upon request, the parties will be given the opportunity to compare the copy to the original;

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut;

(3) depositions or affidavits may be presented if a witness in unable to testify at a hearing.

(h) Repealed 1/4/86.

(i) Depositions must be taken according to AS 44.62.440(a).

(j) Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording. If a transcript is prepared by the commission, the respondent may have access to it for the purpose of duplication.

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.62.310. If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place.

(n) Repealed 1/4/86.

(o) Repealed 1/4/86.

(p) Repealed 1/4/86.

(q) If the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of

(1) a copy of the commission's hearing decision, including its findings of fact and conclusions of law;

(2) a verbatim transcript of the proceedings before the commission; and

(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceeding.

(r) The commission will, in its discretion, reconsider its decision in accordance with AS 44.62.540. A request for reconsideration must be filed within 10 days after the vote under (o) of this section has been taken, and must state specific grounds upon which reconsideration is requested. A decision will be reconsidered only if

(1) there was a substantial procedural error in the original proceeding;

(2) the commission acted without jurisdiction in the original proceeding;

(3) the original vote was based on fraud, misrepresentation, material mistake of fact or law; or

(4) new evidence has come to light.

(s) Contempt before the commission will be handled under AS 44.62.590.

(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member feels, and states on the public record, that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.

(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, the member's employer, business, or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business, or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, must be publicly disclosed by a member, and the member's participation is subject to approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether

(1) the financial relationship or interest is relatively insignificant; and

(2) the interest held by the member or the member's family, business, or business associate is similar to that possessed by a large class of persons; or

(3) the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment. (Eff. 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(8); AS 15.13.030(10); AS 15.13.045; AS 15.13.120(d)
AS 24.45.021(b); AS 24.45.131; AS 39.50.050(b)

2 AAC 50.905. ADVISORY OPINIONS. (a) A person or group may request an advisory opinion concerning AS 15.13, AS 39.50, AS 24.45, or this chapter.

(b) Each advisory opinion request must describe a specific transaction or activity that the requesting person or group is presently engaged in, or intends to undertake in the future. Advisory opinion requests must include a complete description of all relevant facts. Requests posing a hypothetical situation, or regarding the activities of third parties, will not be considered by the commission staff.

(c) The commission staff shall review all requests for advisory opinions submitted under this section. If the staff determines a request is incomplete or does not qualify for consideration under (a) and (b) of this section, it shall notify the requesting person or group and specify the deficiencies in the request.

(d) Advisory opinion requests and advisory opinions are public records.

(e) The commission staff shall issue a proposed advisory opinion approving or disapproving of the activity, and may make other recommendations to the commission.

(f) The commission will review the proposed advisory opinion and will, in its discretion, review written or oral comments by any person, or any other relevant evidence. The commission will approve, disapprove, or modify the proposed advisory opinion. The commission will approve an advisory opinion by the affirmative vote of at least four members, or else the advisory opinion will be considered disapproved.

(g) An advisory opinion rendered by the Commission may be relied upon to the extent that commission staff may not commence a preliminary investigation under 2 AAC 50.390(i), 2 AAC 50.460, or 2 AAC 50.507(i) of

(1) any person involved in the specific transaction or activity with respect to which an advisory opinion approving of the activity was rendered.

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which an advisory opinion was rendered.

(h) The commission will, in its discretion, reconsider an advisory opinion at any time upon the motion of a commissioner who voted with the majority that originally approved the opinion, and if the commission adopts the motion to reconsider by the affirmative vote of at least four members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates. Actions taken in good faith reliance by the requesting party before they receive written notice of reconsideration may not be the subject of a preliminary investigation under 2 AAC 50.390(i), 2 AAC 50.460, or 2 AAC 50.507(i). (Eff. 1/4/86, Register 97)

Authority: A.S. 15.13.030

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Except as provided under 2 AAC 50.351(d), copies of any report required to be filed with the commission may be obtained at cost. (Eff. 3/16/76, Register 58; am 1/4/86, Register 97)

Authority: AS 15.13.030(10); AS 15.13.040(f); AS 15.13.110(c);
AS 39.50.020(b); AS 39.50.050(c)

PROPOSED AMENDMENTS TO SB 356

(1) At page 8, lines 25-29, amend subparagraph (1) to read:

(1) the full name, complete address, principal occupation, and employer of each individual [AND THE FULL NAME AND COMPLETE ADDRESS OF EACH OTHER PERSON OR POLITICAL INTEREST GROUP]; the full name, complete address and principal business activity of each person other than an individual; and the full name, complete address and principal area of interest of each political interest group from which contributions in the aggregate amount of $250 or more were received, and the date and amount of the contributions;

(2) At page 17, line 23, after "another." Add:

"Under this subsection, a contribution made by a corporation is not considered a contribution in the name of a shareholder of the corporation."

(3) At page 37, line 11, after, "15.14.330," add, "AS 24.45 or AS 39.50"

(4) At page 47, line 6-7, add a new section 12 to read:

* Sec. 12. AS 44.62.330 (a)(39) is amended to read:

(39) Alaska Public Offices Commission, except as provided in AS 15.14.290 - 15.14.380

AMENDMENTS TO SB 356 ADOPTED TO DATE (2/12/86)

(1) Page 4, line 6, after "commission." Add "The prohibitions against political activity by a member of the commission under (h) of this section apply to the executive director and employees of the commission.

(2) Page 6, lines 18-23, delete subsection (b) and replace it with the following

(b) The registration under (a) of this section must designate the office and the year of the election for which the campaign will be conducted.

(3) Page 10, line 11, change the date that final post-election reports must be filed in years following gubernatorial elections from January 16 to a date <u>after</u> the third Monday in January when the legislature convenes. (The drafters propose to change annual report dates and final report dates in all years from January 16 to January 31 in the interests of simplicity.)

(4) Prohibit contributions to candidates or to political interest groups in the form of loans in any amount (except for contributions in the form of loans made by the candidate or the candidate's immediate family):

-- At page 16, lines 5-6, add a subsection (e) to read:

(e) A person may not make a contribution in any amount to a candidate or political interest group in

the form of a loan or loan guarantee. This subsection does not prohibit

(1) a contribution in the form of a loan by a candidate, the candidate's spouse, parents or children to the candidate's campaign; or

(2) extensions of credit in the normal course of business to a political interest group, a candidate or candidate's campaign for goods or services provided in connection with a campaign by persons in the business of providing the type of goods or services for which the credit is extended.

-- At page 16, lines 23-24, add a subsection (d) to read:

(d) A political interest group may not make a contribution in any amount in the form or a loan or loan guarantee to a candidate or to a political interest group.

-- At page 9, line 2, page 9, lines 3-4, page 11, line 14, and page 11, line 16, delete "$250 or more in the aggregate" and insert, "any amount".

-- At page 9, lines 10-11, and at page 11, lines 23-24, add a new subparagraph (D) to read, "the purpose of the loan;" Renumber remaining subparagraphs.

(5) Page 15, line 16, after "swear or affirm" add "to the best of my knowledge".

(6) At page 15, line 28 and page 16, line 12, change "$1,000" to "$2,000".

(7) At page 17, line 7, after "candidate" add ", campaign treasurer, deputy campaign treasurer"

--The same change will be made at page 17, line 29; page 21, line 6; and page 21, line 9.

(8) Page 46, line 2, after "Commission" add "executive director and employees of the commission"

2/10/86

PROPOSED AMENDMENTS TO SB 356 RE PENALTIES

(1) At page 23, line 14, change title of Article 5 to read, "VIOLATIONS, PENALTIES, AND PROCEDURES."

(2) Pages 23, line 15 through page 29, line 19, delete sections 230 - 250, replace with the following, and renumber remaining sections accordingly:

Sec. 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST DEGREE. (a) If a person, with intent to avoid disclosure, fails to file a report of contributions or independent expenditures required to be filed 30 days or seven days before an election under AS 15.14.060(b) or AS 15.14.080(b), or within 24 hours after receiving a contribution or making an expenditure under AS 15.14.060(c) or 15.14.080(c), the person is subject to a fine of not less than $100 nor more than $300 for each day that the report is due but not filed up to a maximum of $25,000 for each report.

(b) A person who, with intent to avoid disclosure, files a report of contributions or independent expenditures containing a false or misleading statement as to a contributor, contribution, loan or independent expenditure required to be included in a report under AS 15.14.060(a) or AS 15.14.080(a), is subject to

(1) a fine of not less than $500 nor more than $5,000 for each false or misleading statement; and

(2) a fine not to exceed twice the amount of the contribution or independent expenditure concerning which the false or misleading statement was made.

(d) A person who knowingly makes or accepts a contribution in excess of the $2,000 limitation under AS 15.14.120 or AS 15.14.130 or in excess of the $25,000 limitation under AS 15.14.130(b) is subject to

(1) a fine of not less than $1,000 nor more than $5,000; and

(2) a fine not to exceed twice the amount that the contribution exceeds the limitation.

(e) A person who knowingly makes or accepts a contribution in the form of cash in the aggregate during a year of more than $100 in violation of AS 15.14.120(a), 15.14.130(a) or 15.14.140, is subject to a fine of not less than $100 nor more than $1,000 if the cash contribution is $500 or less. If the cash contribution is $500 or more, the commission may impose an additional fine not to exceed twice the amount of the cash contribution.

(f) A person who, with intent to avoid disclosure, makes or accepts a contribution made anonymously, in a fictitious name or in the name of another in violation of AS 15.14.160(a) or (c) is

subject to a fine of not less than $500 nor more than $5,000. If the amount of the contribution is $500 or more, the commission may impose an additional fine not to exceed an amount equal to twice the amount of the contribution.

(g) A person who knowingly accepts accepts a contribution obtained in violation of AS 15.56.025 through a threat of physical force, job discrimination or financial reprisals subject to a fine of not less than $1,000 nor more than $10,000.

(h) A person who intentionally solicits or knowingly accepts a contribution obtained from a public employee in a manner prohibited under AS 15.14.210(b) or (c) is subject to a fine of not less than $500 nor more than $5,000.

Sec. 15.14.050. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND DEGREE. (a) A person who fails to file a report of contributions or independent expenditures required to be filed 30 days before an election, seven days before an election under AS 15.14.060(b) or 15.14.080(b), or within 24 hours after receiving a contribution or making an expenditure under AS 15.14.060(c) or 15.14.080(c), is subject to a fine of not less than $25 nor more than $100 per day for each day the report is due but not filed, up to a maximum fine of $5,000 for each violation.

(b) A person who fails to file a report, registration or statement required to be filed under this chapter, other than a report described in (a) of this section, is subject to a fine of not less than $10 nor more than $100 per day for each day that the report, registration or statement is due but not filed, up to a maximum fine of $3,000 for each report, registration or statement.

(c) A person who files a report of contributions or independent expenditures containing a false or misleading statement as to a contributor, contribution, loan or independent expenditure required to be included in a report under AS 15.14.060(a) or AS 15.14.080(a), is subject to

(1) a fine of not less than $50 nor more than $500 for each false or misleading statement; and

(2) a fine not to exceed the amount of the contribution or independent expenditure concerning which the false or misleading statement was made, if the contribution or independent expenditure is $500 or more.

(d) A person who makes or accepts a contribution in excess of the $2,000 limitation under AS 15.14.120 or AS 15.14.130 or in excess of the $25,000 limitation under AS 15.14.130(b) is subject to

(1) a fine of not less than $50 nor more than $500; and

(2) a fine not to exceed the amount that the contribution exceeds the limitation.

(e) A person who makes or accepts a contribution in the form of cash in the aggregate during a year of more than $100 in violation of AS 15.14.120(a), 15.14.130(a) or 15.14.140, is subject to a fine not to exceed the amount of the contribution.

(f) A person who fails to close a campaign account on or before the date required under AS 15.14.190(a) is subject to a fine of not less than $25 nor more than $100 per day for each day that the account should have been but was not closed, up to a maximum of $2,000 for each violation.

(g) A person who fails to dispose of surplus funds on or before the date required under AS 15.14.200(b).

(h) A person is subject to a fine of not less than $100 nor more than $2,000 if the person

(1) solicits or accepts a contribution or makes an expenditure, other than a disposition of surplus funds, after the date that campaign accounts are required to be closed under AS 15.14.190;

(2) uses campaign funds for a purpose not permitted under AS 15.14.180;

(3) uses surplus funds for a purpose not permitted under AS 15.14.200;

(4) acts as a campaign officer and the name of the campaign officers has not been filed with the commission as the holder of the campaign office; or

(5) fails to include in a communication intended to influence the election of a candidate or the outcome of a ballot proposition or question the information required to be included under AS 15.14.220(a) or (b).

(3) Page 29, line 23 through page 30, line 22, delete section 270, "REMOVAL FROM OFFICE."

(4) At page 22, lines 12 - 16, delete subsection (a)(soliciting contributions by physical threats, job discrimination, financial reprisal) and add the following section to AS 15.56 (Election Offenses, Corrupt Practices, and Penalties):

Sec. 15.56.025. UNLAWFUL SOLICITATION OF CONTRIBUTIONS. (a) A person commits the crime of unlawful solicitation of campaign contributions if the person intentionally solicits a campaign contribution through a threat or physical force, job discrimination, or financial reprisal.

(b) Unlawful solicitation of campaign contributions is a Class C felony.

Alaska State Legislature

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

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

MEMORANDUM

TO: Members of the Committee on State Affairs

FROM: Senator Mitch Abood, Chairman

DATE: February 3, 1986

SUBJECT: APOC Regulations

This committee and its counsel, Mr. Gross & Ms. Burke, have been working on a comprehensive revision of the campaign financing laws since February of 1985. I might also add, that the APOC, Ms. Pittman and the Department of Law had been with us every step of the way.

In August 1985, we discovered that the APOC intended to make highly questionable deletions and changes to their regulations. Mr. Gross and I asked the APOC to postpone their new regs so that we would not be working at cross purposes with one another. The APOC refused our request.

On November 20, 1985, the Public Offices Commission held a meeting in Anchorage. I obtained a copy of the Commission's agenda, and the information packet put together by the Commission staff. Among the materials was a memorandum to Ms. Pittman from Mr. Monkman, from the Department of Law attached to a copy of the edited APOC regulations. "Edited" is probably the wrong word to use to describe these regs -- "ripped apart" is perhaps closer to truth.

The regulations were pitifully drafted; confusing and illogical. Most of the regulations had no statutory reason to exist. They were written by Mr. Johanson, an employee of the APOC, as a tool for selective enforcement involving two investigations which were ongoing at the time. One of these has since been terminated by a hearing officer.

On November 25th, I wrote the APOC on behalf of the committee, notifying them of the committee's intent to exercise its authority by law as their standing committee. The law is clear -- it tells an agency to cease and desist in revising and repealing regulations until the standing committee has reviewed them to determine whether the regulations properly implemented legislative intent.

The APOC never responded to our letter. They simply ignored it.

On January 14th, I received a copy of the new APOC regulations from the Office of the Lt. Governor. They had become effective on January 4th.

It is ironic that a commission which preaches full public disclosure pushes through their regulations without legislative oversight. It is ironic that this commission which selectively subjects certain individuals to 'trial by press' rather than an examination of the facts, will not hesistate to give a litany of excuses for why they fail to obey their own laws.

The employees of the commission find the time to write and distribute press releases on such substantive issues as turning over the name of an individual to the Attorney General for prosecution for failure to pay a $3.00 fine. However, they refuse to provide the Legislature with an annual report of their own activities as required by statute, and routinely neglect to notify complainants and respondents of commission hearings involving them, as required by their own regulations.

The Alaska Public Offices Commission was created to provide public disclosure and to assist candidates and private citizens in participating in the election process. They were not intended to become a political parole board.

In the campaign disclosure law, a candidate is held responsible for the actions of his or her campaign. The Public Offices Commission should be held equally responsible for the actions of its employees.

MEMORANDUM State of Alaska

TO: Theda Pittman
Executive Director
Alaska Public Offices Commission
Department of Administration

DATE: January 30, 1986

FILE NO: 366-209-86

TELEPHONE NO: 465-3600

ROM: Harold M. Brown
Attorney General

SUBJECT: SB 356

By: Richard D. Monkman
Assistant Attorney General

You have requested that this office review SB 356, "An Act relating to election campaign financing." This bill is presently before the Senate State Affairs Committee. It is our understanding that a substitute for this bill may be prepared by the House State Affairs Committee, using SB 356 as a starting point.

There are several serious problems, and many minor areas of concern, with SB 356 in its present form. The bill is cleverly worded, with very complex interactions between different sections. As a result, many significant changes to present law are not readily apparent to the casual reader. We are still reviewing the bill and comparing it with present law. The following is, however, the most important of the issues we have identified from the Department of Law's perspective.

Enforcement and Penalties. SB 356 increases the penalties for violation of the disclosure laws. It also significantly decreases the probability that enforcement action will actually take place.

First, all violations which involve "knowing" or "intentional" violation of the disclosure laws are misdemeanors or felonies under SB 356. [AS 15.14.230; AS 15.14.240]. Once the Commission determines that "probable cause to believe a felony or misdemeanor had been committed" it must "promptly refer the matter ... to the attorney general." [AS 15.14.290(c)]. The Commission "may not take further action concerning the matter." [Id.].

As the Commission is well aware, the district attorney offices are swamped with criminal cases involving injury to persons and property. Disclosure cases are highly charged politically and involve relatively small amounts of money. Presently, disclosure cases are very low on any district attorney's list of priorities. There is no reason to believe

will require an additional full-time DA, a paralegal, and additional clerical help. 3/

More important from the public perspective will be the delay involved. A public figure charged with a crime will vigorously defend the case, using every means at hand to delay, postpone or defeat the charges. There will be charges of political motives behind every prosecution -- instead of defending against the staff of a bi-partisan, independent Commission, the candidates will be prosecuted by a District attorney responsible to the attorney general, who is appointed by the governor. Cries of connivance and persecution will obscure the issues; the intricacies of the criminal trial process will delay resolution of cases significantly.

In sum, SB 356 drastically limits the Commission's jurisdiction to investigate and administratively prosecute violations of the Campaign Disclosure Act. The administrative process of adjudicating complaints of campaign disclosure violations is swift and relatively inexpensive, and fully protects the rights of those involved to due process of law. In place of this process, SB 356 requires that all intentional violations of the disclosure laws be prosecuted by the Department of Law. This will result in fewer actions to enforce the law, greater delay in those cases filed, and an increasing politicization of the entire process. The end result is to significantly decrease the probability that violations of the disclosure law will be punished.

HMB:RDM:cck

cc: Art Peterson
Regulations Attorney
Department of Law/Juneau

3/ We will prepare a fiscal note concerning these costs. The best rough estimate be have now is about $190,000. This does not include figures for investigative services of the State Troopers.

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HMB:RDM:cck

cc: Art Peterson
Regulations Attorney
Department of Law/Juneau

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STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM February 3, 1986

SUBJECT: APOC regulations
(Work Order 14-1709)

TO: Senator Mitch Abood, Chair
Senate State Affairs Committee

FROM: Tamara Brandt Cook TBC
Director
Division of Legal Services

You have supplied me with material related to the adoption, repeal, and amendment of certain regulations of the Alaska Public Offices Commission effective January 4, 1986. It is my understanding that Senator Abood notified APOC on November 25, 1985 that the State Affairs Committee intended to review the proposed regulations. It is also my understanding that APOC did not respond to this letter or supply the committee with copies of the proposed regulations as they went through their various drafts. You have asked whether adoption of these regulations under these circumstances violates the law.

APOC is established in the Department of Administration under AS 15.13.020. Under Uniform Rule 20 of the Alaska State Legislature the State Affairs Committee has jurisdiction over the programs and activities of the Department of Administration. APOC is required to comply with the Administrative Procedure Act (AS 44.62) for purposes of adopting regulations. (AS 15.13.030(10)) Under AS 44.62.190(a)(7) at least 30 days before adoption, amendment, or repeal of a regulation, notice of the proposed action is to be

> 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 or repeal for the committee's use in conducting the review authorized by AS 24.05.182. . .

Under the facts as I understand them to be notice required under AS 44.62.190(a)(7) was not furnished to the Senate State Affairs Committee. Arguably, notice of the proposed action should have been provided to Senator Abood under AS 44.62.190(a)(2) and (a)(6) as well. It is my conclusion that APOC did not comply with the notice requirements of AS 44.62.190 when it adopted amended, and repealed certain regulations effective January 4, 1986.

It should be noted that failure to comply with AS 44.62.190(a) does not invalidate the regulatory actions taken by an agency. Subsection (c) specifically provides

> 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.

TBC:mkr
M2:130

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☒ 810 C STREET, SUITE 211
ANCHORAGE, ALASKA 99501-3598
(907) 276-4176

☐ JUNEAU BRANCH OFFICE
POUCH CO
JUNEAU, ALASKA 99811-0222
(907) 465-4864

February 3, 1986 - Hand-Carried

The Honorable Mitch Abood
Senate State Affairs

Dear Senator Abood:

On Friday afternoon, Tammy conveyed to me your request for an itemized list of sections in SB 356 with which the Commission is concerned. In my telephone poll of Commission members last week, the questions raised by Mr. Monkman were a major concern. The Commissioners felt it was impractical to adopt provisions for felony and misdemeanor prosecutions without in turn providing resources for their enforcement.

Since SB 356 was the first time a contribution limitation was included in the Committee's proposals, I specifically asked the Commissioners their feelings about "$2,000" and naming of contributors of "$250 or more." There is no longer the support for these changes which existed prior to the 1982 and 1984 elections. Even members who would not personally object, believe that the rising costs of campaigns and increased public concern make passage of an increased limit inadvisable.

The proposal to change the threshold for naming contributors from "more than $100" to "$250 or less" has some support among the Commission members as deserving of more discussion. Others think it should be discarded. My sense is that a Commission position on that issue would depend on the other provisions in a bill under consideration.

Additionally, Commission members individually indicated they were opposed to the provisions which undermine the disclosure of those soliciting and collecting money, which require only pre-election expenditure reporting, and which require 24 Hour Reports only at the $500 level.

While I expect the Commssion's detailed review of SB 356 will add to the foregoing, most items have been raised earlier, either with the Committee at its October meeting or with Mr. Gross and Ms. Burke.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Theda Pittman

Theda Pittman
Executive Director

cc: APOC Members
Marsha Hubbard

MEMORANDUM State of Alaska

TO: Bruce Botelho
Deputy Commissioner, Taxation
Department of Revenue

DATE: December 17, 1985

FILE NO: 366-221-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

By: Richard D. Monkman
Assistant Attorney General

SUBJECT: Political tax credit payments to minors

You have requested our opinion on whether the Department of Revenue may deny claims for individual political contribution credits made by parents "on behalf" of minors as young as six months old. The answer is yes.

The individual tax credit may be claimed only for contributions to campaigns for elective office in Alaska (state or federal), for contributions to groups seeking to influence the outcome of a ballot proposition in Alaska, and for contributions to groups organized primarily for the purpose of influencing elections in Alaska. AS 43.20.013. Any contribution in these three categories would necessarily fall under the Campaign Disclosure Act, AS 15.13.010.

The disclosure statutes prohibit contributions made anonymously or in the name of another person. AS 15.13.-120(a)(4). Violation is a misdemeanor, punishable by imprisonment for up to a year and a fine of up to $5,000. Id. Additionally, a campaign or group which accepted contributions made on behalf of another person is subject to civil fines. AS 15.13.125. The Alaska Public Offices Commission has, by regulation, provided:

> If a minor makes a contribution of money or anything of value given to the minor by a parent for that purpose, the parent has made a contribution in the name of another.

2 AAC 50.357(d).

A contribution made by a parent "on behalf" of a minor is presumptively in violation of the Campaign Disclosure Act, and would be an illegal contribution. The Department of Revenue may

* NOTE - effective date of new regulations WAS 1-4-86

not grant claims for tax credits based on illegal contributions, and thus these claims should be denied. */

The Audit Division's practice of responding to questions about contribution by minors by stating that (1) the minor must use "their own money," and (2) the minor must make the decision to contribute, uses the appropriate analysis. In determining whether contributions are made with the minor's "own money," the department might look to indicia such as the name on the checking account, the name on the receipt for the contribution, or whether the contribution was made with PFD money claimed by the parent.

The question of whether the minor made the decision to contribute, rather than the parent, is likely to be more difficult. You have asked whether the department "[m]ay deny claims made by persons under the age of eighteen" as a blanket rule. While administratively this would be the easiest course of action, AS 43.23.013 states that "a resident individual is entitled to a tax credit" for contributions and does not provide an age limitation. Reading this statute in harmony with the Campaign Disclosure Act leads us to conclude that the department could certainly require claims made by unemancipated minors to be supported by affidavit or other documentation sufficient to prove that the decision to contribute was the minor's, and not the parent's. A blanket ban would probably go too far.

HMB:RDM:cck

cc: Ervin Jones, Director
Administrative Services
Department of Revenue

Theda S. Pittman, Executive Director
Alaska Public Offices Commission
Anchorage

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*/ In this regard, we note that parents of unemancipated minors must sign the minor's Permanent Fund Dividend application, and "may claim" the dividend "on behalf" of the minor. AS 43.23.005(c); AS 43.23(d). A contribution using the minor's PFD money and made at the discretion of the parent would violate the Campaign Disclosure Act.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT	DIVISION	BILL NUMBER	SPONSOR
Administration	Public Offices Commis.	SB 356	State Affairs

DEPARTMENT POSITION

Does Not Support

PREPARED BY	DATE	COMMISSIONER'S SIGNATURE	DATE
Theda Pittman, Exec. Dir. APOC	1/28/86		

SUMMARY

OTHER AGENCIES AFFECTED BY BILL	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: ☐ NONE ☒ FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This is the culmination of contractual work performed by Gross & Burke under a contract let by Senate State Affairs last spring. The stated purpose was a comprehensive revision of AS 15.13, the Campaign Disclosure Law. The contractor recommended repeal of any limit on contributions to a candidate from persons. That proposal was finally rejected officially by the Committee only recently.

ANALYSIS OF BILL/PROGRAM EFFECTS

See attached position paper.

Any proposal for such extensive changes represents substantial work for the Commission in familiarizing itself with the changes, interpreting the new requirements, amending regulations as necessary, and preparing information/instructional materials for those who must comply. The numerous problem areas in the bill would undermine the Commission's efforts at effective enforcement.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

1-403 (Rev. 1983)

POSITION PAPER
SB 356

This legislation is a complete revision of the Campaign Disclosure Law, replacing AS 15.13 with a new chapter, AS 15.14. Major features include:

- increase to $2,000 the allowable contribution to a candidate;
- limit to $1,000 the allowable contribution to a political group other than a political party;
- limit to $25,000 per year the allowable contributions by a political group other than a political party;
- specify that expenditure reporting by candidates is not due until after the election;
- raise threshold for disclosing contributor names from "more than $100" to "$250 or more;"
- require identifying information only for contributors who are individuals;
- establish felony level violations;
- require termination of candidate campaigns; and
- specify allowable uses of a campaign surplus.

These changes would affect approximately 200 state candidates, 350 municipal candidates in 24 municipalities, over 250 political groups, and their major contributors. The quantity and quality of campaign disclosure information available to the public would also be affected.

The most positive aspects of the legislation are those which: clarify the registration requirements of canidates and groups; limit the activity of Political Action Committees; and those which specify the use of campaign funds, the termination of accounts, and the disposal of surplus funds.

Unfortunately, there are numerous provisions of the legislation which are flawed. Examples of problem areas include a higher burden of proof and of criminal intent than those used elsewhere in Alaska law, contradictory provisions concerning the solicitation and receipt of contributions, and restrictive time limitations on investigations. The Department does not support SB 356 because of the numerous provisions which would hamper effective enforcement.

Theda Pittman — 1/30/86
Exec. Dir., Public Offices Commission — Date

Eleanor Andrews — 1/30/86
Commissioner Eleanor Andrews — Date
Department of Administration

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 356
Title : An act relating to election campaign financing

Sponsor : State Affairs
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : Administration
BRU : Alaska Public Offices Commission

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	153.0	160.0	95.0	95.0	95.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	153.0	160.0	95.0	95.0	95.0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	153.0	160.0	95.0	95.0	95.0
FEDERAL FUNDS						
OTHER						
TOTAL	0	153.0	160.0	95.0	95.0	95.0
POSITIONS :	0	0	0	0	0	0
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

FY87-FY91: RSA with Dept. of Law for Attorney & Part-time Secretary.
FY87 & FY88 Only: Contractural services for computer program adaptation and instruction materials/forms design and drafting.

Prepared by: Theda Pittman — Phone : 276-4176
Division : Alaska Public Offices Commission — Date : 1/30/86

Approved by Commissioner : Eleanor Andrews — Date : _____
Agency : Department of Administration

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

PROPOSED AMENDMENTS TO SB 356 RE PENALTIES

(1) At page 23, line 14, change title of Article 5 to read, "VIOLATIONS, PENALTIES, AND PROCEDURES."

(2) Pages 23, line 15 through page 29, line 19, delete sections 230 - 250, replace with the following, and renumber remaining sections accordingly:

Sec. 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST DEGREE. (a) If a person, with intent to avoid disclosure, fails to file a report of contributions or independent expenditures required to be filed 30 days or seven days before an election under AS 15.14.060(b) or AS 15.14.080(b), or within 24 hours after receiving a contribution or making an expenditure under AS 15.14.060(c) or 15.14.080(c), the person is subject to a fine of not less than $100 nor more than $300 for each day that the report is due but not filed up to a maximum of $25,000 for each report.

(b) A person who, with intent to avoid disclosure, files a report of contributions or independent expenditures containing a false or misleading statement as to a contributor, contribution, loan or independent expenditure required to be included in a report under AS 15.14.060(a) or AS 15.14.080(a), is subject to

(1) a fine of not less than $500 nor more than $5,000 for each false or misleading statement; and

(2) a fine not to exceed twice the amount of the contribution or independent expenditure concerning which the false or misleading statement was made.

(d) A person who knowingly makes or accepts a contribution in excess of the $2,000 limitation under AS 15.14.120 or AS 15.14.130 or in excess of the $25,000 limitation under AS 15.14.130(b) is subject to

(1) a fine of not less than $1,000 nor more than $5,000; and

(2) a fine not to exceed twice the amount that the contribution exceeds the limitation.

(e) A person who knowingly makes or accepts a contribution in the form of cash in the aggregate during a year of more than $100 in violation of AS 15.14.120(a), 15.14.130(a) or 15.14.140, is subject to a fine of not less than $100 nor more than $1,000 if the cash contribution is $500 or less. If the cash contribution is $500 or more, the commission may impose an additional fine not to exceed twice the amount of the cash contribution.

(f) A person who, with intent to avoid disclosure, makes or accepts a contribution made anonymously, in a fictitious name or in the name of another in violation of AS 15.14.160(a) or (c) is

subject to a fine of not less than $500 nor more than $5,000. If the amount of the contribution is $500 or more, the commission may impose an additional fine not to exceed an amount equal to twice the amount of the contribution.

(g) A person who knowingly accepts accepts a contribution obtained in violation of AS 15.56.025 through a threat of physical force, job discrimination or financial reprisals subject to a fine of not less than $1,000 nor more than $10,000.

(h) A person who intentionally solicits or knowingly accepts a contribution obtained from a public employee in a manner prohibited under AS 15.14.210(b) or (c) is subject to a fine of not less than $500 nor more than $5,000.

Sec. 15.14.050. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND DEGREE. (a) A person who fails to file a report of contributions or independent expenditures required to be filed 30 days before an election, seven days before an election under AS 15.14.060(b) or 15.14.080(b), or within 24 hours after receiving a contribution or making an expenditure under AS 15.14.060(c) or 15.14.080(c), is subject to a fine of not less than $25 nor more than $100 per day for each day the report is due but not filed, up to a maximum fine of $5,000 for each violation.

(b) A person who fails to file a report, registration or statement required to be filed under this chapter, other than a report described in (a) of this section, is subject to a fine of not less than $10 nor more than $100 per day for each day that the report, registration or statement is due but not filed, up to a maximum fine of $3,000 for each report, registration or statement.

(c) A person who files a report of contributions or independent expenditures containing a false or misleading statement as to a contributor, contribution, loan or independent expenditure required to be included in a report under AS 15.14.060(a) or AS 15.14.080(a), is subject to

(1) a fine of not less than $50 nor more than $500 for each false or misleading statement; and

(2) a fine not to exceed the amount of the contribution or independent expenditure concerning which the false or misleading statement was made, if the contribution or independent expenditure is $500 or more.

(d) A person who makes or accepts a contribution in excess of the $2,000 limitation under AS 15.14.120 or AS 15.14.130 or in excess of the $25,000 limitation under AS 15.14.130(b) is subject to

(1) a fine of not less than $50 nor more than $500; and

(2) a fine not to exceed the amount that the contribution exceeds the limitation.

(e) A person who makes or accepts a contribution in the form of cash in the aggregate during a year of more than $100 in violation of AS 15.14.120(a), 15.14.130(a) or 15.14.140, is subject to a fine not to exceed the amount of the contribution.

(f) A person who fails to close a campaign account on or before the date required under AS 15.14.190(a) is subject to a fine of not less than $25 nor more than $100 per day for each day that the account should have been but was not closed, up to a maximum of $2,000 for each violation.

(g) A person who fails to dispose of surplus funds on or before the date required under AS 15.14.200(b).

(h) A person is subject to a fine of not less than $100 nor more than $2,000 if the person

(1) solicits or accepts a contribution or makes an expenditure, other than a disposition of surplus funds, after the date that campaign accounts are required to be closed under AS 15.14.190;

(2) uses campaign funds for a purpose not permitted under AS 15.14.180;

(3) uses surplus funds for a purpose not permitted under AS 15.14.200;

(4) acts as a campaign officer and the name of the campaign officers has not been filed with the commission as the holder of the campaign office; or

(5) fails to include in a communication intended to influence the election of a candidate or the outcome of a ballot proposition or question the information required to be included under AS 15.14.220(a) or (b).

(3) Page 29, line 23 through page 30, line 22, delete section 270, "REMOVAL FROM OFFICE."

(4) At page 22, lines 12 - 16, delete subsection (a)(soliciting contributions by physical threats, job discrimination, financial reprisal) and add the following section to AS 15.56 (Election Offenses, Corrupt Practices, and Penalties):

Sec. 15.56.025. UNLAWFUL SOLICITATION OF CONTRIBUTIONS. (a) A person commits the crime of unlawful solicitation of campaign contributions if the person intentionally solicits a campaign contribution through a threat or physical force, job discrimination, or financial reprisal.

(b) Unlawful solicitation of campaign contributions is a Class C felony.

SB

372

ch 372

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 29, 1986

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to eligibility for service in the militia of the state. The bill amends AS 26.05.010(a) to remove from the statutes an age ceiling for eligibility in the Alaska State Militia. AS 26.05.010(a) currently states that "able-bodied citizens" between 17 and 59 years of age, with certain other qualifications, comprise the militia of the state.

The Alaska National Guard, the Alaska Naval Militia, and the Alaska State Militia (sometimes referred to as the Alaska State Guard) are all components of the organized "militia of the state." It is felt that many Alaskans beyond age 59 are capable of participation in the Alaska State Militia component of the militia. Rather than setting a special statutory age limit for that component, it is more appropriate to remove the 59-year age limit from the statute, and authorize the adjutant general to adopt regulations setting the appropriate maximum age for eligibility for the Alaska State Militia. The statutory age limits for the other components of the militia remain, although in slightly different form.

Section 2 of the bill merely amends AS 26.23.230(7) to assure consistency among the provisions, in two different AS chapters, pertaining to the unorganized militia.

Sincerely,

Bill Sheffield
Governor

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : ~~SB~~ SB 372
Title : Law Log #377-014-86

Sponsor : Governor
Requestor : Military & Veterans Affairs
Date of Request : January 20, 1986

FISCAL DETAIL

Agency Affected : Military & Veterans Affairs
BRU : Alaska National Guard

Components : Office of the Adjutant General

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	
CAPITAL	-0-	-0-	-0-	-0-	-0-	
REVENUE	-0-	-0-	-0-	-0-	-0-	

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

This bill would extend the age limit from 60 years to 70 years for members of the Alaska State Militia which is manned by volunteers.

RLR

Prepared by : Richard L. Rountree
Phone : 465-4600
Division : Administrative & Support Services
Date : 21 January 1986

Edward G. Pagano

Approved by Commissioner : Edward G. Pagano
Date : 23 January 1986
Agency : Dept. of Military & Veterans Affairs

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

SB

378

Introduced: 1/31/86
Referred: State Affairs,
Judiciary and Finance

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 378

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act placing certain physicians employed by the Department of Corrections in the exempt service; and providing for an effective date."

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

* Section 1. AS 39.25.110(13) is amended to read:

(13) physicians licensed to practice in this state and employed by the division of mental health and developmental disabilities, Department of Health and Social Services, and physicians employed by the Department of Corrections in connection with public programs administered by the United States Department of Health and Human Services;

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Waive - Ques morning Session

SB

380

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 380

Support

February 10, 1986

SB 380 An Act relating to commercial vehicle financial responsibility.

The current requirements of liability insurance for motor carriers have made it very difficult and costly for many commercial vehicle owners to obtain insurance coverage. Insurance agents have reported the current limits do not conform to industry standard costs. Most insurance companies offer what is called Combined Single Limit coverage which combines both bodily injury and property damage under a single limit. Many agents cannot offer the existing required coverage of $700,000.

A Combined Single Limit of $500,00 coverage would probably be the minimum requirement sought by the Department through regulation.

ROBERT J. SUNDBERG
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB-380
Title : An Act relating to commercial vehicle financial responsibility...

Sponsor : Rules Committee/Governor
Requestor : Senate State Affairs
Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Motor Vehicles

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : John H. Lucking, Director — Phone : 269-5551
Division : Motor Vehicles — Date : 2/6/86

Approved by Commissioner : _____ — Date : 2/10/86
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 380

Support

February 10, 1986

SB 380 An Act relating to commercial vehicle financial responsibility.

The current requirements of liability insurance for motor carriers have made it very difficult and costly for many commercial vehicle owners to obtain insurance coverage. Insurance agents have reported the current limits do not conform to industry standard costs. Most insurance companies offer what is called Combined Single Limit coverage which combines both bodily injury and property damage under a single limit. Many agents cannot offer the existing required coverage of $700,000.

A Combined Single Limit of $500,00 coverage would probably be the minimum requirement sought by the Department through regulation.

ROBERT J. SUNDBERG
Commissioner

(B) a state or local government vehicle of more than 10,000 pounds unladen gross weight;

(C) a truck or bus of more than 10,000 pounds unladen gross weight; or

(D) a trailer of 5,000 pounds or more unladen gross weight attached to a vehicle described in (C) of this paragraph;

(2) "commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but are incidental to and done in furtherance of the person's primary business;

(3) "division" means the division of motor vehicles, Department of Public Safety. (§ 3 ch 104 SLA 1985)

Chapter 33. Commercial Motor Vehicle Financial Responsibility.

Section
10. Financial responsibility

Effective date of chapter. — Section 9, ch. 104, SLA 1985, makes this chapter effective June 13, 1985, in accordance with AS 01.10.070(c).

Sec. 28.33.010. Financial responsibility. (a) A person who carries passengers or freight for hire intrastate in a commercial motor vehicle or a person who carries freight in a motor vehicle for commercial purposes, or a person who rents or leases a motor vehicle for the use of another to carry freight shall procure and maintain security in the following minimum amounts:

(1) $200,000 for property damage in a single occurrence;

(2) $500,000 for bodily injury or death in a single occurrence.

(b) Evidence of security required under (a) of this section shall be filed with the department and must be

(1) a policy or certificate of insurance issued by an insurer acceptable to the department; or

(2) a bond of a surety company licensed to write surety bonds in the state; or

(3) evidence accepted by the department, showing ability to self-insure; or

(4) other security approved by the department.

(c) The department may authorize department personnel to enforce this section and may adopt procedural regulations necessary to implement this section.

(d) A policy of insurance, surety bond, or other form of security may not be cancelled on less than 30 days' written notice to the department. This requirement must be clearly stated in the policy or endorsement for an insurance policy submitted as proof of financial responsibility under AS 42.30.225(a)(1). The 30-day notice period is measured from the date on which the departm receives notice.

(e) A person who violates (a) of this sect s guilty of a class B misdemeanor and is punishable by a fine of no less than $500 or more than $1,000.

(f) In this section "freight" means commodities, articles, and cargo, of whatever nature or value. (§ 4 ch 104 SLA 1985)

Chapter 35. Miscellaneous Provisions.

Article
2. Operating While Intoxicated; Implied Consent (§ 28.35.031)
3. Reckless and Negligent Driving (§ 28.35.045)

Article 2. Operating While Intoxicated; Implied Consent.

Section
31. Implied consent

Sec. 28.35.030. Operating a vehicle, aircraft or watercraft while intoxicated.

NOTES TO DECISIONS

Nyquil and terpin hydrate, two cough medicines, are intoxicating liquors within the common understanding of that phrase and can be the basis for a conviction of driving while intoxicated. Lambert v. State, Ct. App. Op. No. 441 (File No. A-403), 694 P.2d 791 (1985).

Request for counsel before breathalyzer test. — District court judge's finding that defendant, convicted of driving while intoxicated under municipal code, did not request counsel prior to taking the breathalyzer examination where he never asked to speak to an attorney but asked whether he might need an attorney, with testimony supporting the conclusion that he wondered if he needed an attorney in order to make bail, not because he wanted advice about submitting to a breathalyzer exam, was not clearly erroneous, and superior court judge should not have reversed the conviction. Anchorage v. Erickson, Ct. App. Op. No. 417 (File No. A-512), 690 P.2d 20 (1984).

Right to counsel before breathalyzer test.

It is only where the totality of the arrestee's words constitute a request, express or implied, for an opportunity to contract counsel for the purpose of discussing a breathalyzer examination that an opportunity to consult counsel must be provided prior to administration of the breathalyzer. Once the breathalyzer examination is completed or refused and videotaping finished, the suspect is entitled to the full use of the rights guaranteed by AS 12.25.150(b) and Criminal Rule 5(b). Van Wormer v. State, Ct. App. Op. No. 473 (File No. A-320), P.2d (1985), summarizing Copelin v. State, 659 P.2d 1206 (Alaska 1983), Svedlund v. Anchorage, 671 P.2d 378 (Alaska App. 1983), and Anchorage v. Erickson, 690 P.2d 20 (Alaska App. 1984).

Where the judge determined, based on the evidence, that the DWI defendant's statements regarding having somebody

SB

391

Introduced: 4/2/86
Referred: State Affairs
and Finance

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 391

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the ethical conduct of governmental activities; and providing for an effective date."

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

* Section 1. AS 39 is amended by adding a new chapter to read:

CHAPTER 52. ALASKA EXECUTIVE BRANCH ETHICS ACT.

ARTICLE 1. DECLARATIONS.

Sec. 39.52.010. DECLARATION OF POLICY. (a) It is declared (1) that high moral and ethical standards among public officers in the executive branch are essential to the conduct of free government; and (2) that the legislature believes that a code of ethics for the guidance of public officers will discourage those officers from acting upon personal or financial interests in the performance of their public responsibilities, will improve standards of public service, and will promote and strengthen the faith and confidence of the people of this state in their public officers. It is further declared that holding public office or employment is a public trust and that as one safeguard of that trust, the people require public officers to adhere to a code of ethics.

(b) The legislature recognizes that it may be necessary for public officers who may have potentially conflicting public responsibilities to serve on state boards and commissions. The legislature declares that it is the policy of the state that the holding of two or more such offices does not constitute the holding of incompatible

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offices, unless expressly prohibited by the Alaska Constitution, this chapter, or another statute.

ARTICLE 2. CODE OF ETHICS.

Sec. 39.52.110. SCOPE OF CODE. (a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. This chapter, however, does not prevent an officer from accepting other employment or following a pursuit that does not interfere with the full and faithful discharge of the officer's public duties and responsibilities. The legislature further recognizes that

(1) in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government;

(2) people who serve as public officers retain their rights to interests of a personal or financial nature; and

(3) standards of ethical conduct for members of the executive branch need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's

(1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs, or

(2) action or influence would have insignificant or conjectural effect on the matter.

(c) The attorney general, designated supervisors, hearing

officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions.

Sec. 39.52.120. MISUSE OF OFFICIAL POSITION. (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests; or

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

(5) engage in a close economic association with a subordinate;

(6) directly solicit a subordinate for the purpose of selling products or services; or

(7) attempt to benefit a personal or financial interest through coercion of a subordinate.

Sec. 39.52.130. IMPROPER GIFTS OR BENEFITS. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift or benefit, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift or benefit is intended to influence the performance of official

duties, actions, or judgment. Nothing in this subsection precludes the acceptance of travel or hospitality given to a public officer to aid or assist in the performance of official duties if the officer's designated supervisor determines that acceptance does not interfere with the full and faithful discharge of the officer's public duties and responsibilities.

(b) Notice of the receipt by a public officer of a gift or benefit with a value in excess of $50, including the name of the giver and a description of the gift or benefit and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt if the public officer may take or withhold official action that benefits the giver.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift or benefit is prohibited.

(d) The restrictions relating to gifts or benefits imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. (a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been communicated to the public.

(b) A current or former public officer may not disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential by law.

Sec. 39.52.150. IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS,

LEASES, OR LOANS. (a) A public officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.

(b) The prohibition in (a) of this section does not apply to a state grant, contract, or lease competitively solicited unless the officer

(1) is employed by the administrative unit awarding the grant, contract, or lease or is employed by the administrative unit for which the grant, contract, or lease is let; or

(2) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

(c) The prohibition in (a) of this section does not apply to a state loan if

(1) the public officer does not take or withhold official action that affects the award, execution, or administration of the loan held by the officer, or an immediate family member;

(2) the loan is generally available to members of the public; and

(3) the loan is subject to fixed eligibility standards.

(d) A public officer shall report in writing to the designated supervisor a personal or financial interest held by the officer, or an immediate family member, in a state grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves.

Sec. 39.52.160. IMPROPER REPRESENTATION. (a) A public officer may not represent, advise, or assist a per on in any matter pending

before the administrative unit that the officer serves, if the representation, advice, or assistance is

(1) for compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule, or is otherwise customary; or

(2) without compensation, but rendered to benefit a personal or financial interest of the public officer.

(b) This section does not prohibit activities related to collective bargaining.

(c) This section does not preclude a non-salaried member of a board or commission from representing, advising, or assisting in any matter in which the member has a personal or financial interest regulated by the board or commission on which the member serves, except that the member must act in accordance with AS 39.52.220.

Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.

(b) A public employee rendering services for compensation or engaging in employment outside the employee's agency, shall quarterly report the outside employment activities to the employee's designated supervisor.

Sec. 39.52.180. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING STATE SERVICE. (a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through

the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, or determination, but does not include the proposal or consideration of legislative bills, resolutions and constitutional amendments, or other legislative measures; or the proposal, consideration, or adoption of administrative regulations.

(b) Nothing in this section prohibits an agency from contracting with a former public officer to act on a matter on behalf of the state.

(c) The head of an agency may waive application of (a) of this section after determining that representation by a former public officer is not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval.

Sec. 39.52.190. AIDING A VIOLATION PROHIBITED. It is a violation of this chapter for a public officer to knowingly aid another public officer in a violation of this chapter.

ARTICLE 3. DISCLOSURE AND ACTION TO PREVENT VIOLATION OF CODE.

Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC EMPLOYEES. (a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 -- 39.52.190. If the supervisor determines that a

violation could exist or will occur, the supervisor shall,

(1) reassign duties to cure the employee's potential violation, if feasible; or

(2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS. (a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor. The supervisor shall determine whether the member's involvement violates AS 39.52.110 -- 39.52.190. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter.

(b) In accordance with AS 39.52.240, the designated supervisor or the board or commission may request guidance from the attorney general concerning whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. A person may

report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 -- 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter may result in a violation of AS 39.52.-110 -- 39.52.190.

Sec. 39.52.240. ADVISORY OPINIONS. (a) Upon the written request of a designated supervisor or a board or commission, the attorney general may issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 -- 39.52.190, the designated supervisor or the board or commission shall determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 -- 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under this section is confidential.

(h) The attorney general shall publish the advisory opinions in the Alaska Administrative Journal, with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section.

Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. (a) A former public officer may request, in writing, an opinion from the attorney general interpreting this chapter. The attorney general shall give advice in accordance with AS 39.52.240(a) or (b) and publish opinions in accordance with AS 39.52.240(h).

(b) A former public officer is not liable under this chapter for any action carried out in accordance with the advice of the attorney general issued under this section, if the public officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice.

Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND ATTORNEY GENERAL REVIEW. (a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts, circumstances, and disposition of any disclosure made under AS 39.52.210 -- 39.52.240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its

disposition.

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public documents open to inspection. The attorney general shall, however, make available to the public an extract of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

ARTICLE 4. COMPLAINTS; HEARING PROCEDURES.

Sec. 39.52.310. COMPLAINTS. (a) The attorney general may initiate a complaint, or elect to treat as a complaint any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or 39.52.260.

(b) A person may file a complaint with the attorney general regarding the conduct of a current or former public officer. A complaint must be in writing, be signed under oath, and contain a clear statement of the details of the alleged violation.

(c) If a complaint alleges a violation of AS 39.52.110 -- 39.52.190 by the governor, lieutenant governor, or the attorney general, the matter shall be referred to the personnel board. The personnel board shall retain independent counsel who shall act in the place of the attorney general under (d) -- (i) of this section, AS 39.52.320 -- 39.52.350, and AS 39.52.360(c) and (d).

(d) The attorney general shall review each complaint filed, to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of this chapter. The attorney general may require the complainant to provide additional information before accepting the complaint. If the attorney general determines that the allegations in the complaint do not warrant an

investigation, the attorney general shall dismiss the complaint with notice to the complainant and the subject of the complaint.

(e) The attorney general may refer a complaint to the subject's designated supervisor for resolution under AS 39.52.210 or 39.52.220.

(f) If the attorney general accepts a complaint for investigation, the attorney general shall serve a copy of the complaint upon the subject of the complaint, for a response. The attorney general may require the subject to provide, within 20 days after service, full and fair disclosure in writing of all facts and circumstances pertaining to the alleged violation. Misrepresentation of a material fact in a response to the attorney general is a violation of this chapter. Failure to answer within the prescribed time, or within any additional time period that may be granted in writing by the attorney general, is considered an admission of the allegations in the complaint.

(g) If a complaint is accepted under (f) of this section, the attorney general shall investigate to determine whether a violation of this chapter has occurred. At any stage of an investigation or review, the attorney general may issue a subpoena under AS 39.52.380.

(h) A violation of this chapter may be investigated within two years after discovery of the alleged violation.

(i) The unwillingness of a complainant to assist in an investigation, the withdrawal of a complaint, or restitution by the subject of the complaint may, but need not in and of itself, justify termination of an investigation or proceeding.

Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If, after investigation, it appears that there is no probable cause to believe that a violation of this chapter has occurred, the attorney general shall dismiss the complaint and prepare and file a confidential summary with the personnel board. The attorney general shall communicate

disposition of the matter promptly to the complainant and to the subject of the complaint.

Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. After determining that the conduct of the subject of a complaint does not warrant a hearing under AS 39.52.360, the attorney general shall recommend action to correct or prevent a violation of this chapter. The attorney general shall communicate the recommended action to the complainant and the subject of the complaint. The subject of the complaint shall comply with the attorney general's recommendation.

Sec. 39.52.340. CONFIDENTIALITY. (a) Before the initiation of formal proceedings under AS 39.52.350, information regarding an investigation conducted under this chapter, or obtained by the attorney general during the investigation, is confidential. The attorney general and all persons contacted during the course of an investigation shall maintain confidentiality regarding the existence of the investigation. A person who violates this section is guilty of a class A misdemeanor.

(b) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(c) The subject of the complaint may, in writing, waive the confidentiality protection of this section.

Sec. 39.52.350. PROBABLE CAUSE FOR HEARING. (a) If the attorney general determines that there is probable cause to believe that a knowing violation of this chapter or a violation that cannot be corrected under AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with a recommendation for corrective or preventive action, the attorney general shall initiate formal proceedings by serving a copy of an accusation upon the subject of the accusation. The accusation shall specifically set out the alleged violation.

After service, the accusation is a public document open to inspection. Except as provided in AS 39.52.370(c), all subsequent proceedings are open to the public.

(b) The subject of the accusation shall file an answer with the attorney general within 20 days after service of the accusation, or at a later time specified by the attorney general. If the subject of the accusation fails to timely answer, the allegations are considered admitted.

(c) If the subject of the accusation denies that a violation of this chapter has occurred, the attorney general shall refer the matter to the personnel board, which shall appoint a hearing officer to conduct a hearing.

(d) If the subject of the accusation admits a violation of this chapter, the attorney general shall refer the matter to the personnel board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.-450, as appropriate.

Sec. 39.52.360. HEARINGS. (a) The hearing officer may convene a pre-hearing conference to set a time and place for the hearing, and for stipulation as to matters of fact and to simplify issues, identify and schedule pre-hearing matters, and resolve other similar matters before the hearing.

(b) The hearing officer may administer oaths, hold hearings, and take testimony. Upon application by a party to the hearing, the hearing officer may issue subpoenas under AS 39.52.380.

(c) The attorney general shall present the charges before the hearing officer. At a hearing, the attorney general has the burden of demonstrating by a preponderance of the evidence that the subject of the accusation has, by act or omission, violated this chapter.

(d) The parties to a hearing are the attorney general and the

subject of the accusation. The subject of an accusation may be represented by counsel. Each party has an opportunity to be heard and cross-examine witnesses, who shall testify under oath.

(e) The Administrative Procedure Act does not apply to hearings under this section, except as provided in AS 39.52.380.

(f) Technical rules of evidence do not apply, but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. Copies of transcripts of the hearing record are available to the subject of the accusation at the subject's expense; however, upon request, a copy of the recording of the hearing must be furnished without charge to the subject of the accusation.

(g) At the conclusion of the formal hearing, the hearing officer may direct either or both parties to submit proposed findings of fact, conclusions of law, and recommendation to be filed within 10 days after the conclusion of the hearing.

(h) Within 30 days after the conclusion of a formal hearing, the hearing officer shall serve a written report on the personnel board and the parties, unless the personnel board grants an extension of time. The report must contain the officer's findings of fact, conclusions of law, and recommendation. The hearing officer shall submit the record to the personnel board.

Sec. 39.52.370. PERSONNEL BOARD ACTION. (a) Within 10 days after receipt of the hearing officer's report, either party may protest the officer's findings of fact, conclusions of law, and recommendation, and, if a protest is filed, shall serve a copy on the other party. Oral argument before the personnel board must be provided only if requested by either party. The board chair shall set the deadline for submission of requests for oral argument, and set the dates for

submission of briefs and oral argument before the board, if requested.

(b) The board may issue subpoenas under AS 39.52.380, and may, for good cause shown, augment the hearing record, in whole or in part, or hold a hearing de novo.

(c) The personnel board shall review each report submitted by a hearing officer and shall either adopt or amend the findings of fact, conclusions of law, and recommendation of the officer. Deliberations of the personnel board must be conducted in sessions not open to the public.

(d) If the personnel board determines that a violation occurred, it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450, as appropriate. If the board determines that no violation occurred, the board shall issue a written order of dismissal.

(e) The personnel board secretary shall promptly notify the parties and the public officer's designated supervisor of the board's action.

(f) The subject of the accusation may appeal the personnel board's decision by filing an appeal in the superior court as provided in the Alaska Rules of Appellate Procedure.

Sec. 39.52.380. SUBPOENAS. (a) As provided in AS 39.52.310(g), 39.52.360(b), and 39.52.370(b), the attorney general, independent counsel retained under AS 39.52.310(c), a hearing officer, the subject of an accusation, and the personnel board may summon witnesses and require the production of records, books, and papers by the issuance of subpoenas.

(b) Subpoenas must be served in the manner prescribed by AS 44.-62.430 and Rule 45 of the Alaska Rules of Civil Procedure. Failure or refusal to obey a subpoena issued under this chapter is punishable as contempt in the manner provided by law and court rule. The superior

court may compel obedience to the subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

Sec. 39.52.390. SERVICE. Service of an accusation must be accomplished in accordance with Rule 4 of the Alaska Rules of Civil Procedure. Service of any other pleading, motion, or other document must be accomplished in accordance with Rule 5 of the Alaska Rules of Civil Procedure.

ARTICLE 5. ENFORCEMENT; REMEDIES.

Sec. 39.52.410. VIOLATIONS; PENALTIES FOR MISCONDUCT. (a) If the personnel board determines that a public employee has violated this chapter, it (1) shall order the employee to stop engaging in any official action related to the violation; (2) may order divestiture, establishment of a blind trust, restitution, or forfeiture; and (3) may recommend that the employee's agency take disciplinary action.

(b) If the personnel board determines that a non-salaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission.

(c) If the personnel board determines that a former public officer has violated this chapter, it shall (1) issue a public statement of its findings, conclusions, and recommendation; and (2) request the attorney general to exercise all legal and equitable remedies available to the state to seek whatever relief is appropriate.

(d) If the personnel board finds a violation of this chapter by a public officer removable from office only by impeachment, it shall report the matter to the Senate, with its finding. The report must contain a statement of the facts alleged to constitute the violation.

Sec. 39.52.420. DISCIPLINARY ACTION FOR VIOLATION. (a) In addition to any other cause an agency may have to discipline a public employee, an agency may reprimand, demote, suspend, discharge, or otherwise subject an employee to agency disciplinary action commensurate with the violations of this chapter. This section does not prohibit the review of a disciplinary action in the manner prescribed by an applicable collective bargaining agreement or personnel statute or rule.

(b) An agency may initiate appropriate disciplinary action in the absence of an accusation or during the pendency of a hearing or personnel board action.

Sec. 39.52.430. ACTIONS VOIDABLE. (a) In addition to any other penalty provided by law, a state grant, contract, or lease entered into in violation of this chapter is voidable by the state. In a determination under this section of whether to void a grant, contract, or lease, the interests of third parties who may be damaged must be taken into account. The attorney general shall give notice of intent to void a state grant, contract, or lease under this section no later than 60 days after the personnel board's determination of a violation under this chapter.

(b) In addition to any other penalty provided for by law, the state may require a state loan received in violation of this chapter to become immediately payable.

(c) Any state action obtained in violation of this chapter is voidable, except that the interests of third parties and the nature of the violation must be taken into account. The attorney general may pursue any other available legal and equitable remedies.

(d) The attorney general may recover any fee, compensation, gift, or benefit received by a person as a result of a violation of

nothing in this chapter precludes a prosecution under an applicable criminal statute nor prevents enforcement of any other state law that imposes a stricter standard of ethical conduct on public officers.

(c) The provisions of this chapter are not subject to negotiation by collective bargaining under AS 23.40 or AS 42.40.720 -- 42.40.880.

Sec. 39.52.920. AGENCY POLICIES. Subject to the review and approval of the attorney general, an agency may adopt a written policy that

(1) in addition to the requirements of this chapter, limits the extent to which a public officer in the agency or an administrative unit of the agency may

(A) acquire a personal interest in an organization or a financial interest in a business or undertaking that may benefit from official action taken or withheld by the agency or unit;

(B) have a personal or financial interest in a state grant, contract, lease, or loan administered by the agency or unit; or

(C) accept a gift or benefit; or

(2) requires a public officer of the agency or unit to turn over a gift to the agency or unit.

Sec. 39.52.930. COOPERATION. All agencies and instrumentalities of the state shall cooperate fully with the attorney general and the personnel board in the performance of their duties under this chapter.

Sec. 39.52.940. CONSTRUCTION. This chapter must be liberally construed to promote high standards of ethical conduct in state government.

Sec. 39.52.950. REGULATIONS. The attorney general may adopt regulations under the Administrative Procedure Act necessary to

interpret and implement this chapter.

Sec. 39.52.960. DEFINITIONS. In this chapter, unless the context requires otherwise,

(1) "administrative unit" means a branch, bureau, center, committee, division, fund, office, program, section, or any other subdivision of an agency;

(2) "agency" means a department, office of the governor, or entity in the executive branch, including the University of Alaska, the Alaska Railroad, public or quasi-public corporations, and boards or commissions;

(3) "benefit" means anything that is to a person's advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value;

(4) "board or commission" means a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad;

(5) "business" includes a corporation, company, firm, partnership, sole proprietorship, trust or foundation, or any other individual or entity carrying on a business, whether operated for profit or non-profit;

(6) "child" includes a biological child, an adoptive child, and a stepchild;

(7) "compensation" means any money, thing of value, or economic benefit conferred on or received by a person in return for

services rendered or to be rendered by the person for another;

(8) "designated supervisor" or "supervisor" means

(A) the commissioner of each department in the executive branch, for public employees within the department;

(B) the president of the University of Alaska, for university employees;

(C) the chief executive officer of the Alaska Railroad, for railroad employees;

(D) the attorney general, for the governor and lieutenant governor;

(E) the executive director of a board or commission for the staff of the board or commission;

(F) the chair or acting chair of the board or commission, for the members and the executive director of a board or commission; and

(G) the governor, for commissioners and for other public officers not included in (A) -- (F) of this subsection; or

(H) a public officer designated by a commissioner, the university president, or the governor to act as the supervisor if the name and position of the officer designated has been reported to the attorney general;

(9) "financial interest" means

(A) an interest held by a public officer, an immediate family member, or parent, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit;

(B) holding a position in a business, such as an

officer, director, trustee, partner, employee, or the like, or holding a position of management;

(C) involvement, or ownership of an interest, in a property or a business as specified by regulation of the attorney general;

(10) "gain" includes actual or anticipated gain, benefit, profit, or compensation, whether for oneself or for another person;

(11) "immediate family member" means a public officer's spouse, a relation by blood within and including the second degree of kindred, and a regular member of the officer's household;

(12) "instrumentality of the state" means a state agency or administrative unit, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska, the Alaska Railroad, and any public or quasi-public corporations, boards, or commissions; the term includes municipalities;

(13) "non-salaried member of a board or commission" means a member of a board or commission who is not a public employee by virtue of membership on a board or commission; receipt of per diem, nominal compensation for attendance at meetings, and travel expense reimbursement does not make a member of a board or commission a public employee for purposes of this chapter;

(14) "official action" means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

(15) "organization" includes a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or non-profit;

(16) "parent" includes a biological parent, an adoptive parent, and a step-parent of the public officer;

(17) "person" includes a natural person, a business, and an organization;

(18) "personal interest" means

(A) an interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit;

(B) an involvement, as may be specified by the regulations of the attorney general, in any organization;

(19) "personnel board" or "board" means the personnel board established in AS 39.25.060;

(20) "public employee" or "employee" means a permanent, probationary, temporary, provisional, or nonpermanent employee of an agency, whether in the classified, partially exempt, or exempt service;

(21) "public officer" or "officer" means

(A) a public employee; and

(B) a member of a board or commission;

(22) "source of income" means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or child, or a combination of them, holds a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed,

both are considered the source.

* Sec. 2. AS 39.25.060(c) is amended to read:

(c) A board member <u>may be removed by the governor only for cause</u> [HOLDS OFFICE AT THE PLEASURE OF THE GOVERNOR NOTWITHSTANDING THE MEMBER'S TERM].

* Sec. 3. AS 39.25.070 is amended to read:

Sec. 39.25.070. POWERS AND DUTIES OF PERSONNEL BOARD. In addition to the other duties imposed by this chapter, the personnel board shall

(1) approve or disapprove amendments to the personnel rules in accordance with AS 39.25.140;

(2) consider and act upon recommendations for the extension of the partially exempt service and the classified service as provided in AS 39.25.130;

(3) hear and determine appeals by employees in the classified service as provided in AS 39.25.170;

(4) establish its own rules of procedure (two members constitute a quorum for the transaction of business and two affirmative votes are required for final action on matters acted upon by the board);

(5) elect a chairman from its membership;

(6) have the power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to a hearing authorized by this chapter;[.]

(7) employ staff members, who shall be in the classified service;

<u>(8) appoint, and review the findings, conclusions, and recommendations of, hearing officers in accordance with AS 39.52.-350(c), 39.52.360, and 39.52.370;</u>

(9) issue findings, conclusions, and decisions regarding violations of the code of ethics in AS 39.52.110 -- 39.52.190; and

(10) impose the penalties described in AS 39.52.410, 39.52.440, and 39.52.450.

* Sec. 4. AS 42.40.710 is amended to read:

Sec. 42.40.710. CORPORATION EMPLOYEES. Employees of the Alaska Railroad are employees of the corporation and not of the state. The provisions of AS 39, except AS 39.52, do not apply to employees of the corporation.

* Sec. 5. AS 44.62.175(a) is amended by adding a new paragraph to read:

(10) in accordance with AS 39.52.240(h), advisory opinions of the attorney general.

* Sec. 6. The attorney general and the personnel board have no jurisdiction over an alleged violation of AS 39.52.110 -- 39.52.190 that occurred before January 1, 1987, unless the violation continues after that date.

* Sec. 7. An agency or administrative unit with a policy in effect on July 1, 1986 related to the subject of AS 39.52.110 -- 39.52.190 shall, by January 1, 1987, submit the policy to the attorney general for review as to conformity with the provisions enacted in this Act, the attorney general's suggestions for amendment, and the attorney general's necessary approval under AS 39.52.920.

* Sec. 8. AS 39.52.010, 39.52.210 -- 39.52.260, and 39.52.910 -- 39.52.960, enacted in sec. 1 of this Act, and secs. 2 -- 7 of this Act take effect July 1, 1986.

* Sec. 9. AS 39.52.110 -- 39.52.190, and 39.52.310 -- 39.52.460, enacted in sec. 1 of this Act, take effect January 1, 1987.

Introduced: 4/11/86
Referred: Finance

Original sponsor: Rules/Governor

IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 391

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the ethical conduct of governmental activities; and providing for an effective date."

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

* Section 1. AS 39 is amended by adding a new chapter to read:

CHAPTER 52. ALASKA EXECUTIVE BRANCH ETHICS ACT.

ARTICLE 1. DECLARATIONS.

Sec. 39.52.010. DECLARATION OF POLICY. (a) It is declared (1) that high moral and ethical standards among public officers in the executive branch are essential to the conduct of free government; and (2) that the legislature believes that a code of ethics for the guidance of public officers will discourage those officers from acting upon personal or financial interests in the performance of their public responsibilities, will improve standards of public service, and will promote and strengthen the faith and confidence of the people of this state in their public officers. It is further declared that holding public office or employment is a public trust and that as one safeguard of that trust, the people require public officers to adhere to a code of ethics.

(b) The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, that the holding of such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions

rendered under it, or another statute.

ARTICLE 2. CODE OF ETHICS.

Sec. 39.52.110. SCOPE OF CODE. (a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds that, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, this chapter does not prevent an officer from following other independent pursuits. The legislature further recognizes that

(1) in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government;

(2) people who serve as public officers retain their rights to interests of a personal or financial nature; and

(3) standards of ethical conduct for members of the executive branch need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's

(1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs, or

(2) action or influence would have insignificant or conjectural effect on the matter.

(c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when

issuing opinions and reaching decisions.

Sec. 39.52.120. MISUSE OF OFFICIAL POSITION. (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests; or

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest; or

(5) attempt to benefit a personal or financial interest through coercion of a subordinate.

Sec. 39.52.130. IMPROPER GIFTS. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment.

(b) Notice of the receipt by a public officer of a gift with a value in excess of $50, including the name of the giver and a description of the gift and its approximate value, must be provided to the

designated supervisor within 30 days after the date of its receipt if the public officer may take or withhold official action that affects the giver.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.

(d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. (a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.

(b) A current or former public officer may not disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential by law.

Sec. 39.52.150. IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS, LEASES, OR LOANS. (a) A public officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.

(b) The prohibition in (a) of this section does not apply to a state grant, contract, or lease competitively solicited unless the officer

(1) is employed by the administrative unit awarding the grant, contract, or lease or is employed by the administrative unit for which the grant, contract, or lease is let; or

(2) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

(c) The prohibition in (a) of this section does not apply to a state loan if

(1) the public officer does not take or withhold official action that affects the award, execution, or administration of the loan held by the officer, or an immediate family member;

(2) the loan is generally available to members of the public; and

(3) the loan is subject to fixed eligibility standards.

(d) A public officer shall report in writing to the designated supervisor a personal or financial interest held by the officer, or an immediate family member, in a state grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves.

Sec. 39.52.160. IMPROPER REPRESENTATION. (a) A public officer may not represent, advise, or assist a person in any matter pending before the administrative unit that the officer serves, if the representation, advice, or assistance is

(1) for compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule, or is otherwise customary; or

(2) without compensation, but rendered to benefit a personal or financial interest of the public officer.

(b) This section does not prohibit activities related to collective bargaining.

(c) This section does not preclude a non-salaried member of a board or commission from representing, advising, or assisting in any matter in which the member has a personal or financial interest regulated by the board or commission on which the member serves, except that the member must act in accordance with AS 39.52.220.

Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.

(b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report by July 1 of each year the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.

Sec. 39.52.180. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING STATE SERVICE. (a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, or determination, but does not include the proposal or consideration of legislative bills, resolutions and constitutional amendments, or other legislative measures; or the proposal, consideration, or adoption of administrative regulations.

(b) Nothing in this section prohibits an agency from contracting

with a former public officer to act on a matter on behalf of the state.

(c) The head of an agency may waive application of (a) of this section after determining that representation by a former public officer is not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval.

Sec. 39.52.190. AIDING A VIOLATION PROHIBITED. It is a violation of this chapter for a public officer to knowingly aid another public officer in a violation of this chapter.

ARTICLE 3. DISCLOSURE AND ACTION TO PREVENT VIOLATION OF CODE.

Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC EMPLOYEES. (a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 -- 39.52.190. If the supervisor determines that a violation could exist or will occur, the supervisor shall,

(1) reassign duties to cure the employee's potential violation, if feasible; or

(2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the

attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS. (a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor. The supervisor shall determine whether the member's involvement violates AS 39.52.110 -- 39.52.190. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. A person may report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 -- 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter may result in a violation of

AS 39.52.110 -- 39.52.190.

Sec. 39.52.240. ADVISORY OPINIONS. (a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 -- 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 -- 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under (a) of this section is confidential.

(h) The attorney general shall publish in the Alaska Administrative Journal, with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers.

Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. (a) A former public officer may request, in writing, an opinion from the attorney general interpreting this chapter. The attorney general shall give advice in accordance with AS 39.52.240(a) or (b) and publish opinions in accordance with AS 39.52.240(h).

(b) A former public officer is not liable under this chapter for any action carried out in accordance with the advice of the attorney general issued under this section, if the public officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice.

Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND ATTORNEY GENERAL REVIEW. (a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts, circumstances, and disposition of any disclosure made under AS 39.52.210 -- 39.52.-240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its disposition.

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public

documents open to inspection. The attorney general shall, however, make available to the public a summary of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

ARTICLE 4. COMPLAINTS; HEARING PROCEDURES.

Sec. 39.52.310. COMPLAINTS. (a) The attorney general may initiate a complaint, or elect to treat as a complaint any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or 39.52.260.

(b) A person may file a complaint with the attorney general regarding the conduct of a current or former public officer. A complaint must be in writing, be signed under oath, and contain a clear statement of the details of the alleged violation.

(c) If a complaint alleges a violation of AS 39.52.110 -- 39.52.190 by the governor, lieutenant governor, or the attorney general, the matter shall be referred to the personnel board. The personnel board shall retain independent counsel who shall act in the place of the attorney general under (d) -- (i) of this section, AS 39.52.320 -- 39.52.350, and AS 39.52.360(c) and (d).

(d) The attorney general shall review each complaint filed, to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of this chapter. The attorney general may require the complainant to provide additional information before accepting the complaint. If the attorney general determines that the allegations in the complaint do not warrant an investigation, the attorney general shall dismiss the complaint with notice to the complainant and the subject of the complaint.

(e) The attorney general may refer a complaint to the subject's designated supervisor for resolution under AS 39.52.210 or 39.52.220.

(f) If the attorney general accepts a complaint for inves-

tigation, the attorney general shall serve a copy of the complaint upon the subject of the complaint, for a response. The attorney general may require the subject to provide, within 20 days after service, full and fair disclosure in writing of all facts and circumstances pertaining to the alleged violation. Misrepresentation of a material fact in a response to the attorney general is a violation of this chapter. Failure to answer within the prescribed time, or within any additional time period that may be granted in writing by the attorney general, may be considered an admission of the allegations in the complaint.

(g) If a complaint is accepted under (f) of this section, the attorney general shall investigate to determine whether a violation of this chapter has occurred. At any stage of an investigation or review, the attorney general may issue a subpoena under AS 39.52.380.

(h) A violation of this chapter may be investigated within two years after discovery of the alleged violation.

(i) The unwillingness of a complainant to assist in an investigation, the withdrawal of a complaint, or restitution by the subject of the complaint may, but need not in and of itself, justify termination of an investigation or proceeding.

Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If, after investigation, it appears that there is no probable cause to believe that a violation of this chapter has occurred, the attorney general shall dismiss the complaint and prepare and file a confidential summary with the personnel board. The attorney general shall communicate disposition of the matter promptly to the complainant and to the subject of the complaint.

Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. After determining that the conduct of the subject of a complaint does not warrant

a hearing under AS 39.52.360, the attorney general shall recommend action to correct or prevent a violation of this chapter. The attorney general shall communicate the recommended action to the complainant and the subject of the complaint. The subject of the complaint shall comply with the attorney general's recommendation.

Sec. 39.52.340. CONFIDENTIALITY. (a) Before the initiation of formal proceedings under AS 39.52.350, information regarding an investigation conducted under this chapter, or obtained by the attorney general during the investigation, is confidential. The attorney general and all persons contacted during the course of an investigation shall maintain confidentiality regarding the existence of the investigation. A person who violates this section is guilty of a class A misdemeanor.

(b) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(c) The subject of the complaint may, in writing, waive the confidentiality protection of this section.

Sec. 39.52.350. PROBABLE CAUSE FOR HEARING. (a) If the attorney general determines that there is probable cause to believe that a knowing violation of this chapter or a violation that cannot be corrected under AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with a recommendation for corrective or preventive action, the attorney general shall initiate formal proceedings by serving a copy of an accusation upon the subject of the accusation. The accusation shall specifically set out the alleged violation. After service, the accusation is a public document open to inspection. Except as provided in AS 39.52.370(c), all subsequent proceedings are open to the public.

(b) The subject of the accusation shall file an answer with the

attorney general within 20 days after service of the accusation, or at a later time specified by the attorney general. If the subject of the accusation fails to timely answer, the allegations are considered admitted.

(c) If the subject of the accusation denies that a violation of this chapter has occurred, the attorney general shall refer the matter to the personnel board, which shall appoint a hearing officer to conduct a hearing.

(d) If the subject of the accusation admits a violation of this chapter, the attorney general shall refer the matter to the personnel board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.450, as appropriate.

Sec. 39.52.360. HEARINGS. (a) The hearing officer may convene a pre-hearing conference to set a time and place for the hearing, and for stipulation as to matters of fact and to simplify issues, identify and schedule pre-hearing matters, and resolve other similar matters before the hearing.

(b) The hearing officer may administer oaths, hold hearings, and take testimony. Upon application by a party to the hearing, the hearing officer may issue subpoenas under AS 39.52.380.

(c) The attorney general shall present the charges before the hearing officer. At a hearing, the attorney general has the burden of demonstrating by a preponderance of the evidence that the subject of the accusation has, by act or omission, violated this chapter.

(d) The parties to a hearing are the attorney general and the subject of the accusation. The subject of an accusation may be represented by counsel. Each party has an opportunity to be heard and cross-examine witnesses, who shall testify under oath.

(e) The Administrative Procedure Act does not apply to hearings

under this section, except as provided in AS 39.52.380.

(f) Technical rules of evidence do not apply, but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. Copies of transcripts of the hearing record are available to the subject of the accusation at the subject's expense; however, upon request, a copy of the recording of the hearing must be furnished without charge to the subject of the accusation.

(g) At the conclusion of the formal hearing, the hearing officer may direct either or both parties to submit proposed findings of fact, conclusions of law, and recommendation to be filed within 10 days after the conclusion of the hearing.

(h) Within 30 days after the conclusion of a formal hearing, the hearing officer shall serve a written report on the personnel board and the parties, unless the personnel board grants an extension of time. The report must contain the officer's findings of fact, conclusions of law, and recommendation. The hearing officer shall submit the record to the personnel board.

Sec. 39.52.370. PERSONNEL BOARD ACTION. (a) Within 10 days after receipt of the hearing officer's report, either party may protest the officer's findings of fact, conclusions of law, and recommendation, and, if a protest is filed, shall serve a copy on the other party. Oral argument before the personnel board must be provided only if requested by either party. The board chair shall set the deadline for submission of requests for oral argument, and set the dates for submission of briefs and oral argument before the board, if requested.

(b) The board may issue subpoenas under AS 39.52.380, and may, for good cause shown, augment the hearing record, in whole or in part, or hold a hearing de novo.

(c) The personnel board shall review each report submitted by a hearing officer and shall either adopt or amend the findings of fact, conclusions of law, and recommendation of the officer. Deliberations of the personnel board must be conducted in sessions not open to the public.

(d) If the personnel board determines that a violation occurred, it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450, as appropriate. If the board determines that no violation occurred, the board shall issue a written order of dismissal.

(e) The personnel board secretary shall promptly notify the parties and the public officer's designated supervisor of the board's action.

(f) The subject of the accusation may appeal the personnel board's decision by filing an appeal in the superior court as provided in the Alaska Rules of Appellate Procedure.

Sec. 39.52.380. SUBPOENAS. (a) As provided in AS 39.52.310(g), 39.52.360(b), and 39.52.370(b), the attorney general, independent counsel retained under AS 39.52.310(c), a hearing officer, the subject of an accusation, and the personnel board may summon witnesses and require the production of records, books, and papers by the issuance of subpoenas.

(b) Subpoenas must be served in the manner prescribed by AS 44.-62.430 and Rule 45 of the Alaska Rules of Civil Procedure. Failure or refusal to obey a subpoena issued under this chapter is punishable as contempt in the manner provided by law and court rule. The superior court may compel obedience to the subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

Sec. 39.52.390. SERVICE. Service of an accusation must be accomplished in accordance with Rule 4 of the Alaska Rules of Civil

Procedure. Service of any other pleading, motion, or other document must be accomplished in accordance with Rule 5 of the Alaska Rules of Civil Procedure.

ARTICLE 5. ENFORCEMENT; REMEDIES.

Sec. 39.52.410. VIOLATIONS; PENALTIES FOR MISCONDUCT. (a) If the personnel board determines that a public employee has violated this chapter, it (1) shall order the employee to stop engaging in any official action related to the violation; (2) may order divestiture, establishment of a blind trust, restitution, or forfeiture; and (3) may recommend that the employee's agency take disciplinary action, including dismissal.

(b) If the personnel board determines that a non-salaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission. A violation of this chapter is grounds for removal of a board or commission member for cause. If the personnel board recommends that a board or commission member be removed from office, the appointing authority shall immediately act to remove the member from office.

(c) If the personnel board determines that a former public officer has violated this chapter, it shall (1) issue a public statement of its findings, conclusions, and recommendation; and (2) request the attorney general to exercise all legal and equitable remedies available to the state to seek whatever relief is appropriate.

(d) If the personnel board finds a violation of this chapter by a public officer removable from office only by impeachment, it shall file a report with the president of the Senate, with its finding. The

report must contain a statement of the facts alleged to constitute the violation.

Sec. 39.52.420. DISCIPLINARY ACTION FOR VIOLATION. (a) In addition to any other cause an agency may have to discipline a public employee, an agency may reprimand, demote, suspend, discharge, or otherwise subject an employee to agency disciplinary action commensurate with the violations of this chapter. This section does not prohibit the review of a disciplinary action in the manner prescribed by an applicable collective bargaining agreement or personnel statute or rule.

(b) An agency may initiate appropriate disciplinary action in the absence of an accusation under this chapter or during the pendency of a hearing or personnel board action.

Sec. 39.52.430. ACTIONS VOIDABLE. (a) In addition to any other penalty provided by law, a state grant, contract, or lease entered into in violation of this chapter is voidable by the state. In a determination under this section of whether to void a grant, contract, or lease, the interests of third parties who could be damaged may be taken into account. The attorney general shall give notice of intent to void a state grant, contract, or lease under this section no later than 30 days after the personnel board's determination of a violation under this chapter.

(b) In addition to any other penalty provided for by law, the state may require a state loan received in violation of this chapter to become immediately payable.

(c) Any state action taken in violation of this chapter is voidable, except that the interests of third parties and the nature of the violation may be taken into account. The attorney general may pursue any other available legal and equitable remedies.

(d) The attorney general may recover any fee, compensation, gift, or benefit received by a person as a result of a violation of this chapter by a current or former public officer. Action to recover under this subsection must be brought within two years after discovery of the violation.

Sec. 39.52.440. CIVIL PENALTIES. The personnel board may impose on a current or former public officer civil penalties not to exceed $5,000 for a violation of this chapter. A penalty imposed under this section is in addition to and not instead of any other penalty that may be imposed according to law.

Sec. 39.52.450. PAYMENT OF TWICE THE FINANCIAL BENEFIT. The personnel board may, in addition to the civil penalties described in this chapter, require a current or former public officer who has financially benefited a person in violation of this chapter to pay to the state up to twice the amount that the person realized from the violation.

Sec. 39.52.460. CRIMINAL SANCTIONS ADDITIONAL. To the extent that violations under this chapter are punishable in a criminal action, that sanction is in addition to the civil remedies set out in this chapter.

ARTICLE 6. GENERAL PROVISIONS.

Sec. 39.52.910. APPLICABILITY. (a) Except as specifically provided, this chapter applies to all public officers within executive-branch agencies, including members of boards or commissions. This chapter does not apply to a former public officer of an executive-branch agency unless a provision specifically states that it so applies. This chapter does not apply to legislators covered by AS 24.60.

(b) The provisions of this chapter supersede the common law on

conflicts of interests that may apply to a public officer of an executive-branch agency and any personnel rules relating to conflicts of interests, excluding nepotism, adopted under AS 39.25. However, nothing in this chapter precludes a prosecution under an applicable criminal statute nor prevents enforcement of any other state law that imposes a stricter standard of ethical conduct on public officers.

(c) The provisions of this chapter are not subject to negotiation by collective bargaining under AS 23.40 or AS 42.40.720 -- 42.40.880.

Sec. 39.52.920. AGENCY POLICIES. Subject to the review and approval of the attorney general, an agency may adopt a written policy that, in addition to the requirements of this chapter, limits the extent to which a public officer in the agency or an administrative unit of the agency may

(1) acquire a personal interest in an organization or a financial interest in a business or undertaking that may benefit from official action taken or withheld by the agency or unit;

(2) have a personal or financial interest in a state grant, contract, lease, or loan administered by the agency or unit; or

(3) accept a gift.

Sec. 39.52.930. COOPERATION. All agencies and instrumentalities of the state shall cooperate fully with the attorney general and the personnel board in the performance of their duties under this chapter.

Sec. 39.52.940. CONSTRUCTION. This chapter must be construed to promote high standards of ethical conduct in state government.

Sec. 39.52.950. REGULATIONS. The attorney general may adopt regulations under the Administrative Procedure Act necessary to interpret and implement this chapter.

Sec. 39.52.960. DEFINITIONS. In this chapter, unless the

context requires otherwise,

(1) "administrative unit" means a branch, bureau, center, committee, division, fund, office, program, section, or any other subdivision of an agency;

(2) "agency" means a department, office of the governor, or entity in the executive branch, including but not limited to the University of Alaska, the Alaska Railroad, public or quasi-public corporations, and boards or commissions;

(3) "benefit" means anything that is to a person's advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value;

(4) "board or commission" means a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad;

(5) "business" includes a corporation, company, firm, partnership, sole proprietorship, trust or foundation, or any other individual or entity carrying on a business, whether operated for profit or non-profit;

(6) "child" includes a biological child, an adoptive child, and a stepchild;

(7) "compensation" means any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered by the person for another;

(8) "designated supervisor" or "supervisor" means

(A) the commissioner of each department in the executive branch, for public employees within the department;

(B) the president of the University of Alaska, for university employees;

(C) the chief executive officer of the Alaska Railroad, for railroad employees;

(D) the attorney general, for the governor and lieutenant governor;

(E) the executive director of a board or commission for the staff of the board or commission;

(F) the chair or acting chair of the board or commission, for the members and the executive director of a board or commission; and

(G) the governor, for commissioners and for other public officers not included in (A) -- (F) of this subsection; or

(H) a public officer designated by a commissioner, the university president, or the governor to act as the supervisor if the name and position of the officer designated has been reported to the attorney general;

(9) "financial interest" means

(A) an interest held by a public officer or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit;

(B) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management;

(10) "gain" includes actual or anticipated gain, benefit, profit, or compensation;

(11) "immediate family member" means a public officer's spouse, a relation by blood within and including the second degree of kindred, and a regular member of the officer's household;

(12) "instrumentality of the state" means a state agency or administrative unit, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska, the Alaska Railroad, and any public or quasi-public corporations, boards, or commissions; the term includes municipalities;

(13) "non-salaried member of a board or commission" means a member of a board or commission who is not a public employee by virtue of membership on a board or commission; receipt of per diem, nominal compensation for attendance at meetings, and travel expense reimbursement does not make a member of a board or commission a public employee for purposes of this chapter;

(14) "official action" means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

(15) "organization" includes a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or non-profit;

(16) "parent" includes a biological parent, an adoptive parent, and a step-parent of the public officer;

(17) "person" includes a natural person, a business, and an organization;

(18) "personal interest" means an interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether

fraternal, non-profit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit;

(19) "personnel board" or "board" means the personnel board established in AS 39.25.060;

(20) "public employee" or "employee" means a permanent, probationary, seasonal, temporary, provisional, or nonpermanent employee of an agency, whether in the classified, partially exempt, or exempt service;

(21) "public officer" or "officer" means

(A) a public employee; and

(B) a member of a board or commission;

(22) "source of income" means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or child, or a combination of them, holds a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

* Sec. 2. AS 39.25.060(c) is amended to read:

(c) A board member <u>may be removed by the governor only for cause</u> [HOLDS OFFICE AT THE PLEASURE OF THE GOVERNOR NOTWITHSTANDING THE MEMBER'S TERM].

* Sec. 3. AS 39.25.070 is amended to read:

Sec. 39.25.070. POWERS AND DUTIES OF PERSONNEL BOARD. In

addition to the other duties imposed by this chapter, the personnel board shall

(1) approve or disapprove amendments to the personnel rules in accordance with AS 39.25.140;

(2) consider and act upon recommendations for the extension of the partially exempt service and the classified service as provided in AS 39.25.130;

(3) hear and determine appeals by employees in the classified service as provided in AS 39.25.170;

(4) establish its own rules of procedure (two members constitute a quorum for the transaction of business and two affirmative votes are required for final action on matters acted upon by the board);

(5) elect a chairman from its membership;

(6) have the power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to a hearing authorized by this chapter;[.]

(7) employ staff members, who shall be in the classified service;

(8) retain independent counsel in accordance with AS 39.52.310(c);

(9) appoint, and review the findings, conclusions, and recommendations of, hearing officers in accordance with AS 39.52.350(c), 39.52.360, and 39.52.370;

(10) issue findings, conclusions, and decisions regarding violations of the code of ethics in AS 39.52.110 -- 39.52.190; and

(11) impose the penalties described in AS 39.52.410, 39.52.440, and 39.52.450.

* Sec. 4. AS 42.40.710 is amended to read:

Sec. 42.40.710. CORPORATION EMPLOYEES. Employees of the Alaska Railroad are employees of the corporation and not of the state. The provisions of AS 39, except AS 39.52, do not apply to employees of the corporation.

* Sec. 5. AS 44.62.175(a) is amended by adding a new paragraph to read:

(10) in accordance with AS 39.52.240(h), advisory opinions of the attorney general.

* Sec. 6. The attorney general and the personnel board have no jurisdiction over an alleged violation of AS 39.52.110 -- 39.52.190 that occurred before January 1, 1987, unless the violation continues after that date.

* Sec. 7. An agency or administrative unit with a policy in effect on July 1, 1986 related to the subject of AS 39.52.110 -- 39.52.190 shall, by January 1, 1987, submit the policy to the attorney general for review as to conformity with the provisions enacted in this Act, the attorney general's suggestions for amendment, and the attorney general's necessary approval under AS 39.52.920.

* Sec. 8. AS 39.52.010, 39.52.210 -- 39.52.260, and 39.52.910 -- 39.52.960, enacted in sec. 1 of this Act, and secs. 2 -- 7 of this Act take effect July 1, 1986.

* Sec. 9. AS 39.52.110 -- 39.52.190, and 39.52.310 -- 39.52.460, enacted in sec. 1 of this Act, take effect January 1, 1987.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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April 7, 1986

The Honorable Mitch Abood
Chair
Senate State Affairs Committee
P. O. Box V
Juneau, AK 99811

Dear Senator Abood:

Attached to this brief letter are proposed amendments to SSSB 391. All of the amendments, except No. 14, were suggested by the members of the Senate State Affairs Committee last Thursday, April 3rd. The fourteenth amendment reflects a needed amendment that Susan Cox and I neglected to include when drafting the sponsor substitute. We have attempted to respond to the concerns expressed by your Committee in the attached amendments, and look forward to further discussions and continued progress on SSSB 391 this coming Wednesday.

Respectfully sumitted,

Randall P Burns

Randall P. Burns
Special Assistant
to the Attorney General

RPB/s

PROPOSED COMMITTEE AMENDMENTS
TO SSSB 391 (Executive Branch Ethics)

Amendment No. 1:

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Line 25

(b) [THE LEGISLATURE RECOGNIZES THAT IT MAY BE NECESSARY FOR PUBLIC OFFICIALS WHO MAY HAVE POTENTIALLY CONFLICTING PUBLIC RESPONSIBILITIES TO SERVE ON STATE BOARDS OR COMMISSIONS.] The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, regardless of whether such public service 1) is required of the employee by statute or 2) may have potentially conflicting public responsibilities, that the holding of [TWO OR MORE] such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions rendered under it, or another statute.

Amendment No. 2:

Page 2
Line 4

Sec. 39.52.110. SCOPE OF CODE. (a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, that this chapter does not prevent an officer from accepting employment outside state service or following other independent pursuits. [THIS CHAPTER, HOWEVER, DOES NOT PREVENT AN OFFICER FROM ACCEPTING OTHER EMPLOYMENT OR FOLLOWING A PURSUIT THAT DOES NOT INTERFERE WITH THE FULL AND FAITHFUL DISCHARGE OF THE OFFICER'S PUBLIC DUTIES AND RESPONSIBILITIES.] The legislature further recognizes that...

Amendment No. 3:

Page 3
Line 18

(5) jointly hold a financial interest [ENGAGE IN A CLOSE ECONOMIC ASSOCIATION] with a subordinate;

(6) directly solicit a subordinate for the purpose of selling products or services with a value in excess of $25;

Amendment No. 4:

Page 3
Line 24

Sec. 39.52.130. IMPROPER GIFTS [OR BENEFITS]. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift [OR BENEFIT], whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift [OR BENEFIT] is intended to influence the officer in the performance of official duties, actions, or judgment. [NOTHING IN THIS SECTION PRECLUDES THE ACCEPTANCE OF TRAVEL OR HOSPITALITY GIVEN TO A PUBLIC OFFICER TO AID OR ASSIST IN THE PERFORMANCE OF OFFICIAL DUTIES IF THE OFFICER'S DESIGNATED SUPERVISOR DETERMINES THAT ACCEPTANCE DOES NOT INTERFERE WITH THE FULL AND FAITHFUL DISCHARGE OF THE OFFICER'S PUBLIC DUTIES AND RESPONSIBILITIES.]

Amendment No. 5:

Page 4
Line 7

(b) Notice of the receipt by a public officer of a gift [OR BENEFIT] with a value in excess of $50 [$25], including the name of the giver and a description of the gift [OR BENEFIT] and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt if the public officer may take or withhold official action that affects [BENEFITS] the giver.

Amendment No. 6:

Page 4
Line 13

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift [OR BENEFIT] is prohibited.

Amendment No. 7:

Page 4
Line 16

(d) The restrictions relating to gifts [OR BENEFITS] imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

Amendment No. 8:

Page 4
Line 20

Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. (a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated [COMMUNICATED] to the public.

Amendment No. 9:

Page 6
Line 20

(b) A public employee rendering services for compensation or engaging in employment outside the employee's agency, shall quarterly report the outside services or employment [ACTIVITIES] to the employee's designated supervisor.

Amendment No. 10:

Page 8
Line 7

(c) [IN ACCORDANCE WITH AS 39.52.240, A] A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining [CONCERNING] whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Amendment No. 11:

Page 8
Line 24

(b) [IN ACCORDANCE WITH AS 39.52.240, THE] The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining [CONCERNING] whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Amendment No. 12:

Page 9
Line 11

Sec. 39.52.240. ADVISORY OPINIONS. (a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall [MAY] issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

Amendment No. 13:

Page 20
Line 19

(C) accept a gift [OR BENEFIT]; or....

Amendment No. 14:

Page 25
Line 27

(8) retain independent counsel in accordance with AS 39.52.310(c);

(9) [(8)] appoint, and review the findings, conclusions, and recommendations of, hearing officers in accordance with AS 39.52.350(c), 39.52.360, and 39.52.370;

(10) [(9)] issue findings, conclusions, and decisions regarding violations of the code of ethics in AS 39.52.110 -- 39.52.190; and

(11) [(10)] impose the penalties described in AS 39.52.410, 39.52.440, and 39.52.450.

Amendments 1-14 made on 7-3-06
Amendments 15-20 made on 4-9-86

Revised Version
4-10-86

PROPOSED COMMITTEE AMENDMENTS
TO SSSB 391 (Executive Branch Ethics)

Amendment No. 1:

Page 1
Line 25

(b) [THE LEGISLATURE RECOGNIZES THAT IT MAY BE NECESSARY FOR PUBLIC OFFICIALS WHO MAY HAVE POTENTIALLY CONFLICTING PUBLIC RESPONSIBILITIES TO SERVE ON STATE BOARDS OR COMMISSIONS.] The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, that the holding of [TWO OR MORE] such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions rendered under it, or another statute.

Amendment No. 2:

Page 2
Line 4

Sec. 39.52.110. SCOPE OF CODE. (a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds that, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, this chapter does not prevent an officer from following other independent pursuits. [THIS CHAPTER, HOWEVER, DOES NOT PREVENT AN OFFICER FROM ACCEPTING OTHER EMPLOYMENT OR FOLLOWING A PURSUIT THAT DOES NOT INTERFERE WITH THE FULL AND FAITHFUL DISCHARGE OF THE OFFICER'S PUBLIC DUTIES AND RESPONSIBILITIES.] The legislature further recognizes that...

Amendment No. 3:

Page 3
Line 15

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest; or

[(5) ENGAGE IN A CLOSE ECONOMIC ASSOCIATION WITH A SUBORDINATE;]

[(6) DIRECTLY SOLICIT A SUBORDINATE FOR THE PURPOSE OF SELLING PRODUCTS OR SERVICES; OR]

(5) [7] attempt to benefit a personal or financial interest through coercion of a subordinate.

Amendment No. 4:

Page 3
Line 24

Sec. 39.52.130. IMPROPER GIFTS [OR BENEFITS]. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift [OR BENEFIT], whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift [OR BENEFIT] is intended to influence the officer in the performance of official duties, actions, or judgment. [NOTHING IN THIS SECTION PRECLUDES THE ACCEPTANCE OF TRAVEL OR HOSPITALITY GIVEN TO A PUBLIC OFFICER TO AID OR ASSIST IN THE PERFORMANCE OF OFFICIAL DUTIES IF THE OFFICER'S DESIGNATED SUPERVISOR DETERMINES THAT ACCEPTANCE DOES NOT INTERFERE WITH THE FULL AND FAITHFUL DISCHARGE OF THE OFFICER'S PUBLIC DUTIES AND RESPONSIBILITIES.]

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Amendment No. 9:

Page 6
Line 20

(b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report on July 1 of each year [QUARTERLY REPORT] the outside services or employment [ACTIVITIES] to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.

Amendment No. 10:

Page 8
Line 7

(c) [IN ACCORDANCE WITH AS 39.52.240, A] A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining [CONCERNING] whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Amendment No. 11:

Page 8
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(8) retain independent counsel in accordance with AS 39.52.310(c);

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(10) [(9)] issue findings, conclusions, and decisions regarding violations of the code of ethics in AS 39.52.110 -- 39.52.190; and

(11) [(10)] impose the penalties described in AS 39.52.410, 39.52.440, and 39.52.450.

Amendment No. 15:

Page 9
Line 18

(c) The designated supervisor or board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provided more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 -- 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

Amendment No. 16:

Page 10
Line 6

(g) A request for advice made under (a) of this section is confidential.

Amendment No. 17:

Page 10
Line 8

(h) The attorney general shall publish [THE ADVISORY OPINIONS] in the Alaska Administrative Journal, with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers.

Amendment No. 18:

Page 11
Line 2

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public documents open to inspection. The attorney general shall, however, make available to the public a summary [AN EXTRACT] of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

Amendment No. 19:

Page 12
Line 12

Failure to answer within the prescribed time [,] or within any additional time period that may be granted in writing by the attorney general may be [IS] considered an admission of the allegations in the complaint.

Amendment No. 20:

Page 17
Line 15

(b) If the personnel board determines that a nonsalaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission. A violation of this chapter is grounds for removal of a board or commission member for cause. If the personnel board recommends that a board or commission member be removed from office, the appointing authority shall immediately act to remove the member from office.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : 3/26/86

REQUEST

Bill/Resolution No. : SSSB 391
Title : "An Act relating to the ethical conduct of government; and providing for an effective date."
Sponsor : By Request of the Governor
Requestor : Governor's Office/OMB
Date of Request : March 24, 1986

FISCAL DETAIL

Agency Affected : Department of Law
BRU : Legal Services
Components : Legal Services Operations

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		155.2	170.6	175.7	181.0	86.4
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		7.3	7.9	8.1	8.3	8.5
SUPPLIES		10.1	6.2	6.4	6.6	6.8
EQUIPMENT		9.5	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		187.1	189.9	195.6	201.5	207.5
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		187.1	189.9	195.6	201.5	207.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Please see attached analysis.

Prepared by : Richard L. Pegues
Richard L. Pegues, Director — Phone : 465-3672
Division : Administrative Services Division — Date : 3/26/86
Approved by Commissioner : Richard L. Pegues /FOR/ Harold M. Brown, Atty General — Date : 3/26/86
Agency : Department of Law

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SS SB 391

This bill provides a code of ethics for the guidance of public officers and employees in the executive branch. It establishes procedure to determine if violations exist and requires that the attorney general provide advisory opinions to interpret the Act and recommend corrective action, as may be needed. The bill also requires that the attorney general investigate complaints on suspected violations and bring allegations before the state personnel board, where appropriate. Based on the experience of other states who have implemented similar legislation, we can expect between 200 and 300 requests for advisory opinions during the first year (FY 87) after the bill goes into effect. We have no accurate guide to determine how many complaints may have to be investigated, but obviously there will be more than a few. Consequently, there will be a heavy caseload almost from the day the bill takes effect on July 1, 1986. We therefore anticipate that the services of two attorneys will be needed for at least the first two years. This is the time it will take to deal with a wide variety of conflict issues that will arise when the bill is implemented.

COST SUMMARY - EXECUTIVE BRANCH ETHICS BILL

	Attorney IV	Attorney III	Leg. Secretary I	Total
71000	71.5	52.8	30.9	155.2
72000	3.0	2.0	-0-	5.0
73000	2.4	2.0	2.9	7.3
74000	3.9	3.5	2.7	10.1
75000	1.5	1.5	6.5	9.5
Total	82.3	61.8	43.0	187.1

FY 87 costs are based on 12 months each for the Attorney IV and the Legal Secretary, and 10 months for the Attorney III. Costs beyond FY 87, extend the Attorney III to 12 months, delete one-time costs, and include a 3% annual inflation factor.

Position Title	No. of Positions	Range/Step	Barg. Unit	Gov.	Approv.	Disappr.
Attorney IV	1	24A	PX			

Time Status	Staff Months	RP Number	Location	Election District
PFT	12		AWA - Juneau	4

Type of Expenditure		Amount
1	2	3
Salary	56,244	
Benefits	15,248	
Premium Pay		
Other		
Total Personal Services		71,492
Travel		3,000
Contractual		2,400
Commodities		3,900
Equipment		1,500
Other		
Total Cost		82,292

Receipt Code	Funding Source		
	Federal Receipts	1002	
	G. F. Match	1003	
	General Funds	1004	82,292
	I-A Receipts	1005	
	Program Receipts	1028	
	CIP Receipts	1061	
	Other		

For B&M Use Only
Key Number ___ ___ - ___ ___ - ___ ___ - ___ ___ - ___ ___

Justification

This is a request for the first of two attorneys that will be needed to implement the executive branch ethics bill. The bill provides that the attorney general will provide advisory opinions to agencies, boards and commissions regarding potential conflicts of interest. The bill also provides that the attorney general will investigate all complaints and, where appropriate, bring allegations before the state personnel board for action. The attorney general would also be empowered to seek civil penalties. Based on the experience of other states, we anticipate between 200 and 300 requests for advisory opinions during the first year that the bill goes into effect. For this reason, we are reporting that this position be established at the beginning of FY 87. The duties of the position will require full working level attorney experience and allocation to Attorney IV is therefore recommended.

Request For New Position

Agency: Department of Law
BRU: Legal Services
Component: Operations

Revised Date

FY 87

Position Title	No. of Positions	Range/Step	Barg. Unit	Gov.	Approv.	Disapp.
Attorney III	1	22A	PX			

Time Status	Staff Months	RP Number	Location	Election District	Leg.		
PFT	10		AWA-Juneau	4			

Type of Expenditure		Amount
1	2	3
Salary	40,950	
Benefits	11,592	
Premium Pay		
Other		
Total Personal Services		52,842
Travel		2,000
Contractual		2,000
Commodities		3,500
Equipment		1,500
Other		
Total Cost		61,842

Receipt Code	Funding Source		
	Federal Receipts	1002	
	G. F. Match	1003	
	General Funds	1004	61,842
	I-A Receipts	1005	
	Program Receipts	1028	
	CIP Receipts	1061	
	Other		

For B&M Use Only
Key Number __ __ - __ __ - __ __ - __ __ - __ __

Justification

This is a request for the second of two attorneys that will be needed to implement the executive branch ethics bill. This position will assist the first attorney in rendering advisory opinions and will have primary responsibility for investigating complaints. We anticipate a flood of opinion requests beginning on July 1, 1986. Complaint handling will begin on January 1, 1987. Advisory opinion requests must be satisfied within 60 days. Because we expect between 200 and 300 such requests within the first year, and because we must also be in a position to begin investigating complaints by January 1, 1987, this second position should be established by September 1, 1986. Allocation to the Attorney III level is recommended in view of the availability of the Attorney IV, who can handle the more complex issues.

Request For New Position

Agency: Department of Law
BRU: Legal Services
Component: Operations

Revised Date

FY 87

Position Title	No. of Positions	Range/Step	Barg. Unit	Gov.	Approv.	Disapp.
Legal Secretary I	1	10B	GGU			

Time Status	Staff Months	RP Number	Location	Election District	Leg.		
PFT	12		AWA-Juneau	4			

Type of Expenditure		Amount
1	2	3
Salary	22,716	
Benefits	8,224	
Premium Pay		
Other		
Total Personal Services		30,490
Travel		2,900
Contractual		2,700
Commodities		6,500
Equipment		
Other		
Total Cost		43,040

Receipt Code	Funding Source		
	Federal Receipts	1002	
	G. F. Match	1003	
	General Funds	1004	43,040
	I-A Receipts	1005	
	Program Receipts	1028	
	CIP Receipts	1061	
	Other		

For B&M Use Only
Key Number ___-___-___-___-___

Justification

This is a request for a legal secretary position to provide clerical support for the two attorneys being assigned to handle executive branch ethics work. This work will involve a high volume of written opinions, prosecution of violations, and civil litigation to impose and collect penalties. The position will be responsible for producing all of the written work, including opinions and legal documents. Allocation to Legal Secretary I is therefore recommended.

Request For New Position

Agency: Department of Law
BRU: Legal Services
Component: Operations

Revised Date

FY 87

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

February 14, 1985

The Honorable Mitch Abood
Chair, Senate State Affairs
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Senator Abood:

Enclosed is the Department of Law's position paper on the ethics bill, SB 391. The Department of Law supports the proposed legislation, and Randall Burns and Susan Cox of my staff stand ready to work with your committee upon request.

Please do not hesitate to contact this office if we can be of assistance.

Sincerely yours,

Harold M. Brown
Attorney General

HMB/glg

Enclosure

SB 391

Position Paper

Department of Law

The provisions of SB 391 encompass all executive branch public officials and employees. A "public official" is defined as any executive branch employee at a range 26 or higher, all division directors, all members of state boards and commissions, any person appointed as an assistant to the governor, and the executive directors of some forty-eight boards and commissions.

A "public employee" is defined as all executive branch employees in the classified, partially-exempt, or exempt service. All agencies and departments of the state are covered by the bill, including the University of Alaska, the Alaska Railroad, as well as all public and quasi-public corporations.

Employees at a range 26 or higher and members of forty-eight specifically listed boards and commissions must file financial disclosure statements, reporting their financial or business interests. These disclosure requirements were transferred from the Conflict of Interest Law to the new bill, so that all executive branch officials previously filing with the APOC now file financial disclosure statements with the new ethics commission.

The bill creates the seven-member Alaska Ethics Commission to administer the ethics law. The members are appointed by the governor, subject to legislative confirmation. Only one member of the commission may be a public official or employee.

The bill sets out a code of ethics that prohibits a public official or employee from the following acts:

A. the misuse of one's official position for personal gain;

B. the acceptance of any gift or benefit where it can reasonably be interpreted as an act intended to influence or reward the official or employee for actions taken to benefit the giver;

C. the use of information that has not been communicated to the public ("insider information") or the disclosure of information that is confidential by law;

D. having a personal or financial interest in a state grant, contract, lease, or loan if the official or employee could in any way affect the award, execution, or administration of that grant, contract, lease, or loan;

E. providing representation, advice, or assistance to any person concerning a matter pending before the agency that the official or employee serves;

F. holding outside employment if that work is in conflict with the duties of the state job held;

G. for two years after state service, representing any person for compensation regarding a matter in which the official or employee participated personally and substantially while employed by the state; and

H. knowingly aiding an official or employee who is in violation of the ethics law.

The bill creates procedures whereby officials and employees may seek advisory opinions concerning their particular standing under the various provisions of the ethics code. The bill also sets out procedures for filing complaints and holding hearings concerning alleged violations of the code of ethics.

The bill requires a series of reports to be filed by all officials and employees concerning (1) the receipt of any gift or benefit where the giver could benefit from the official's or employee's actions; (2) the personal and financial interest of any official or employee in any state grant, contract, lease, or loan; and (3) any employment held outside state service while employed by the state.

The bill requires the establishment of an education program by the commission to provide information to the public and officials and employees regarding the ethics law.

The bill staggers the effective dates of the bill. The commission is created in July of this year so that staff can be hired and the commission's education program can be in place by year's end. The sections of the bill providing for the issuance of advisory opinions become effective January 1, 1987, so that officials and employees may seek guidance from the commission in order that any necessary reassignments, transfers, or divestitures that need to occur can be accomplished before the code is actually in force. The provisions of the code of ethics itself take effect July 1, 1987.

The bill provides for the protection of employees who report violations of state and federal law: a so-called "whistleblowers" act.

The bill has been drafted with the following assumptions in mind:

1. A code of ethics is both necessary and desirable, as it supersedes the common law on conflicts of interest, including replacement of the common law standard of "appearance of impropriety" with the specific standards set out in the code.

2. The bill describes general prohibitions in the code of ethics because a bill which attempts to predict every imaginable conflict is not workable and becomes a negative rather than a positive document.

3. Members of boards and commissions pose unique problems because citizens appointed to such bodies are often sought for their expertise in the very areas regulated by the boards on which they serve; therefore, it should be left to the commission to adopt specific regulations concerning the code's interface with non-salaried members of boards and commissions after some history with the law has been established.

4. The bill requires various reports to be made by public officials and employees and gives broad authority to further refine the code through the adoption of administrative regulations. After a period of time, the actual experience of the state's work force, as detailed in the reports filed under the law, will enable the commission to intelligently refine the general prohibitions of the code through the adoption of meaningful regulations based on fact, not fancy.

5. The most significant aspect of the bill is its provisions for the issuance of advisory opinions, which can be sought by any current or former public official or employee. This will provide executive branch officials and employees with the opportunity to seek guidance in matters currently left to choice or doubt and thus contribute significantly to increased public trust in our public servants.

SB 391 reflects Governor Sheffield's commitment to imposing a uniform standard of conduct on the executive branch and its adoption is urged by the Department of Law. Under the current common law regarding conflicts of interests, the Department finds itself having to frequently interpret -- on a case-by-case basis -- the common law standard, a standard which is both confusing and poorly understood. A specific set of standards, as are codified in SB 391, will remove from "ethics" that haze of mystery which currently surrounds it. In addition, the Department of Law is often asked to give advice concerning

possible improprieties or conflicts, but we have no enforcement powers. By placing in statute a code of ethics, the new commission will have the authority to compel compliance, thus guaranteeing a higher level of public trust.

Harold M. Brown
Attorney General

Feb 13, 1986
Dated: February 13, 1986

RPB:HMB/glg
SB 391/RB2

CAMPAIGN FINANCE, ETHICS & LOBBY LAW

BLUE BOOK

1984-85

The Council on Governmental Ethics Laws
The Council of State Government

CAMPAIGN FINANCE, ETHICS AND LOBBY LAW
BLUE BOOK 1984-85

Edited by
James Whelan
David Johnson
Office of the Chief Election Officer
Toronto, Ontario

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1984

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The Council on Governmental Ethics Laws and the Council of State Governments would appreciate your help in identifying any changes in laws or regulations mentioned within this volume, as well as your comments on how we might improve this volume in future editions. Please direct any new information or suggestions to:

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FOREWORD

The Council of State Governments is pleased to collaborate with the Council on Governmental Ethics Laws in the preparation of this Campaign Finance, Ethics, and Lobby Law Blue Book for 1984-85. This volume illustrates the variety of approaches that the 50 states, the District of Columbia, and our Canadian neighbors have adopted in reconciling the conflicting, but equally important, goals of improving access to government and continuing to preserve the integrity of public officials and employees.

The Office of the Chief Election Officer of Ontario and his colleagues with the Council on Governmental Ethics Laws have done an admirable job in compiling information on campaign finance, conflict of interest, and lobbying laws from the agencies which are responsible for regulating these areas. We hope that you will find this volume to be a valuable reference work.

February 1984

Carl W. Stenberg
Executive Director
The Council of
State Governments

PREFACE

The Blue Book, now in its fifth edition, is a compilation of information regarding electoral, campaign finance, and ethics regulatory agencies. In particular, this book contains a summary of campaign finance, public financing, conflict of interest (ethics) and lobbying laws compiled from questionnaires completed by such aforementioned American and Canadian agencies which responded to a survey distributed by the COGEL in the autumn of 1983.

Also included is a synopsis of the structure of the agencies established to interpret and regulate these statutes, along with their names, addresses and telephone numbers. Furthermore, this edition contains statutory references to applicable statutes, and a section of important descriptive notations provided by certain agencies in regard to their current status and interests. For any additional information, please contact tne appropriate agency.

In using the Blue Book, one should be aware of the political-cultural differences between the American and Canadian political systems. The Canadian system, based on the British parliamentary model, does not have conflict of interest and personal financial disclosure legislation comparable to that in the American system. The Canadian system does not have legislation regulating lobbyists; this system does not have judicial candidates, etc.

I wish to thank all the state, federal and provincial agencies which responded to our lengthy survey. Very special thanks must be given to James Whelan and David Johnson; their labor, patience and care made this edition a reality.

Warren R. Bailie
Office of the
Chief Election Officer
Toronto, Ontario

Secretary
Steering Committee

AGENCY INFORMATION

	MEMBERSHIP OF AGENCY												
	Appointed by					Members		Compensation					
	Governor	Legislature	Judiciary	Other		Number	Terms	Full-Time Salary	Per Diem Per	Per Diem and Travel			
Alabama Eth.	X	X		X		5	5 yrs		$50	X			
Alaska POC	X			X		5	5 yrs		$50	X			
Arizona Eth.	X					8	3 yrs		$30	X			
Arkansas SOS													
California FPPC	X			X		5	4 yrs	$57,000	$100	X			
Colorado DOS	X					3							
Connecticut Elec.	X	X				5	5 yrs			X			
Connecticut Eth.	X	X				7	4 yrs		$25	X			
Dist of Columbia				X		1	4 yrs	$63,000					
Federal Elec.				X		6	6 yrs	$67,200					
Florida Eth.	X	X				9	2 yrs			X			
Georgia CFDC	X	X		X		5	5 yrs						
Hawaii CSC	X					5	2 yrs			X			
Hawaii Eth.	X					5	4 yrs			X			
Idaho SOS				X									
Illinois Elec.	X					8	4 yrs	$15,000		X			
Illinois Eth.	X					3				X			
Indiana Elec.	X					3	2 yrs	$ 2,500					
Indiana Eth.	X					5	4 yrs			X			
Iowa CFDC	X					5	6 yrs			X			
Kansas PDC	X	X				5	2 yrs		$35	X			
Kentucky FDRC	X					5	4 yrs		$65	X			
Louisiana Elec.		X				5				X			
Louisiana Eth.	X	X				5	6 yr			X			
Maryland Eth.	X					5	5 yrs		$100				
Massachusetts OCP				X		1	6 yrs	$45,000					
Massachusetts Eth	X			X		5	5 yrs			X			
Michigan Elec.				X		25							
Michigan Eth.	X					7	4 yrs			X			
Minnesota FPB	X			X		6	4 yrs			X			
Mississippi Eth.	X	X	X			8	4 yrs			X			
Missouri SOS													
Montana CFP	X							$25,000		X			
Nebraska PADC	X			X		8	6 yrs		$50	X			
Nevada SOS	X	X				8	6 yrs			X			
New Hampshire													
New Jersey Elec.	X					4	3 yrs		$200	X			
New Jersey Eth.	X					7				X			
New Mexico SOS													
New York Elec.	X					4	4 yrs	$25,000					
New York TSCRL	X					6	2 yrs			X			
No Carolina Elec.	X					5	4 yrs		$35	X			
No Carolina Eth.	X					5							
Ohio Elec.				X		5	6 yrs			X			
Ohio Eth.	X			X		6	6 yrs			X			
Oklahoma Elec.	X	X				3	var.	$28,400		X			
Oregon Eth.	X	X				7	4 yrs			X			
Oregon SOS													
Pennsylvania Eth.	X	X				7	4 yrs		$50	X			
Rhode Island CIC	X	X		X					$50				
So Carolina Eth.	X			X		6	4 yrs		$35	X			
South Dakota SOS													
Texas SOS	X			X		11	2 yrs			X			
Utah SA				X									
Virginia Elec.	X					3	4 yrs	$39,400		X			
Washington PDC	X					5	5 yrs		$75	X			
Wisconsin Elec.	X					8	2 yrs			X			
Wisconsin Eth.	X					6	6 yrs			X			
Wyoming SOS				X		1	4 yrs	$52,500					
CANADA													
Alberta		X											
Federal CEO		X											
Manitoba				X		6	5 yrs	$[illegible]5,000					
Ontario Elec.	X					9	5 yrs						
Quebec		X											
Saskatchewan													

AGENCY INFORMATION

	JURISDICTION						YEAR AGENCY STARTED		AGENCY AUTHORIZED BY					
	Campaign Finance	Public Financing	Conflict of Interest (Ethics)	Personal Financial Disclosure	Lobbyist Regulation	Other		Statute	Executive Order	Resolution of the Legislature	Initiative	Other		
Alabama Eth.			X	X	X	X	1973	X						
Alaska POC	X			X	X		1974	X			X			
Arizona Eth.				X			1975	X						
Akansas SOS	X		X					X						
California FPPC	X		X	X	X		1975				X			
Colorado DOS	X		X	X	X									
Connecticut Elec.	X					X	1974	X						
Connecticut Eth.			X	X	X		1977	X						
Dist of Columbia	X	X	X	X	X		1974	X						
Federal Elec.	X	X		X			1975	X						
Florida Eth.			X	X			1974	X				X		
Georgia CFDC	X						1974	X						
Hawaii CSC	X	X					1974	X						
Hawaii Eth.			X	X	X		1968	X				X		
Idaho SOS	X	X			X		1974	X			X			
Illinois Elec.	X						1973	X				X		
Illinois Eth.			X	X			1977		X					
Indiana Elec.	X				X		1945	X						
Indiana Eth.			X				1974	X						
Iowa CFDC	X						1973	X						
Kansas PDC	X		X	X	X		1974	X						
Kentucky FDRC			X	X			1975	X						
Louisiana Elec.	X			X			1975	X						
Louisiana Eth.	X		X				1964	X				X		
Maryland Eth.			X	X	X		1979	X						
Massachusetts OCF	X	X					1974	X						
Massachusetts Eth			X	X			1978	X						
Michigan Elec.	X	X			X		1977	X						
Michigan Eth.			X				1974	X						
Minnesota EPB	X	X	X	X	X	X	1974	X				X		
Mississippi Eth.			X	X			1979	X						
Missouri SOS	X						1975	X						
Montana CFP	X	X		X	X		1975	X			X			
Nebraska PADC	X		X	X	X		1977	X						
Nevada SOS	X		X	X	X		1977	X						
New Hampshire	X				X							X		
New Jersey Elec.	X	X		X	X		1973	X						
New Jersey Eth.			X	X			1971	X	X					
New Mexico SOS	X		X		X			X						
New York Elec.	X					X	1974	X						
New York TSCRL					X		1978	X						
No Carolina Elec.	X					X		X						
No Carolina Eth.			X	X			1977		X					
Ohio Elec.	X					X	1974	X						
Ohio Eth.			X	X			1974	X						
Oklahoma Elec.	X						1907					X		
Oregon Eth.			X	X	X		1974	X				X		
Oregon SOS	X	X					1859	X						
Pennsylvania Eth.			X	X			1979	X		X				
Rhode Island CIC			X	X			1977	X						
So Carolina Eth.	X		X	X			1976	X						
South Dakota SOS	X			X	X			X						
Texas SOS	X		X	X	X	X	1983	X						
Utah SA	X						1896	X						
Virginia Elec.	X			X			1946	X						
Washington PDC	X			X	X	X	1973				X			
Wisconsin Elec.	X	X				X	1974	X						
Wisconsin Eth.			X	X			1973	X						
Wyoming SOS	X					X		X				X		
CANADA														
Alberta	X						1978	X						
Federal CEO	X	X					1920	X						
Manitoba	X					X	1980	X						
Ontario Elec.	X	X				X	1975	X						
Quebec	X	X					1945	X						
Saskatchewan	X	X					1905	X						

AGENCY INFORMATION

	STAFF		BUDGET		ADVISORY OPINIONS			PROSECUTORIAL AUTHORITY						
	Number Full-Time	Number Part-Time	Total Annual 1982/83	Total Annual 1983/84	Approximate Number Issued Annually	Available to the Public	Confidential	Agency May Conduct Investigations	In Response to Complaints	On Agency's Own Motion	Agency Has Subpoena Power	Agency May Conduct Administrative Hearings	Agency May File Court Actions	Other Agency Prosecutorial Powers
Alabama Eth.	8		231,000	245,000	100	X		X	X			X		X
Alaska POC	6	3	591,100	464,300				X	X	X	X	X	X	X
Arizona Eth.								X	X	X	X	X		
Arkansas SOS	4	2												X
California FPPC	45		1.80mil	1.90mil	100	X		X	X	X	X	X	X	X
Colorado DOS	3	5						X	X	X	X	X		
Connecticut Elec.	6		146,588	175,982	15	X		X	X	X	X	X		X
Connecticut Eth.	4		109,372	121,749	22	X		X	X	X	X	X		X
Dist of Columbia			400,200	435,900		X		X	X	X	X	X		
Federal Elec.	246	10	9.897mil	10.65mil	75	X		X	X	X	X	X	X	X
Florida Elec.	42	1	11,000	11,000	50	X		X	X	X	X			
Florida Eth.	9	1	314,179	352,307	100	X		X	X		X	X	X	
Georgia CFDC	3	1	110,279	117,024	5	X		X	X	X	X	X	X	
Hawaii CSC	5		130,812	132,830	85	X	X	X	X	X	X	X		X
Hawaii Eth.	6		150,000		31	X		X	X	X	X	X		X
Idaho SOS	3		42,000	39,600				X	X	X			X	X
Illinois Elec.	71		4.80mil	4.2mil				X	X	X	X	X	X	
Illinois Eth.	3		80,500	82,000	10	X		X	X	X		X		X
Indiana Elec.	7		219,074	216,698				X	X	X	X	X		X
Indiana Eth.	1		30,588	31,853	50	X		X	X		X	X		
Iowa CFDC	4		125,904	124,501	6	X		X	X	X	X	X		
Kansas PDC	5	2	160,345	179,162	40	X		X	X	X	X	X		X
Kentucky FDRC	2		53,000		10	X		X	X	X				
Louisiana Elec.	3	1			20	X		X	X	X	X			
Louisiana Eth.	13	1	467,000	547,000	200	X		X	X	X	X	X	X	
Maryland Eth.	6	1	198,000	201,000	45	X		X	X	X	X	X	X	X
Massachusetts OCF	11	3	297,919	316,654	25	X		X	X	X	X	X		X
Massachusetts Eth	23	2	657,000	750,000	200	X		X	X	X	X	X	X	X
Michigan Elec.	25				25	X		X	X	X		X		X
Michigan Eth.		2			25	X		X	X	X		X		
Minnesota FPB	5	1	167,049	172,100	6	X		X	X	X	X		X	
Mississippi Eth.	7	1	258,161	273,809	12		X	X	X	X	X		X	
Missouri SOS	7	10	156,868	162,521										X
Montana CFP	5		135,000		10	X		X	X	X	X	X	X	
Nebraska PADC	5	1	157,645	163,887	10	X		X	X	X	X	X	X	X
Nevada SOS			640,248				X							X
New Hampshire SOS														X
New Jersey Elec.	23	2	700,000		35	X		X	X	X	X	X	X	X
New Jersey Eth.	4		115,000	112,000	73	X		X	X	X	X	X	X	
New Mexico SOS						X								X
New York Elec.	51	4			15	X		X	X	X	X	X	X	X
New York TSCRL	9					X		X	X	X	X		X	
No Carolina Elec.	5	3	73,609		24	X		X			X	X		X
No Carolina Eth.	1		25,222	25,222		X		X	X					
Ohio Elec.	2							X	X	X	X	X		X
Ohio Eth.	11		272,503	348,550	110			X	X	X	X	X	X	X
Oklahoma Elec.	15													X
Oregon Eth.	3	1		279,322	77	X		X	X	X	X	X		
Oregon SOS	4	3						X	X	X			X	X
Pennsylvania Eth.	10		390,000	406,000	25			X	X	X	X	X	X	X
Rhode Island CIC	3	6	159,228	149,540	80	X	*	X	X		X	X		
So Carolina Eth.	4	1	119,415	124,773	55	X		X	X	X	X	X		X
South Dakota SOS														X
Texas SOS				60,000		X								
Utah SA	1							X	X	X			X	
Virginia Elec.	13		3.63mil	3.678mil								X	X	
Washington PDC	11		380,200	447,400				X	X	X	X	X		X
Wisconsin Elec.	8	2			16	X		X	X	X	X	X	X	
Wisconsin Eth.	2		118,100	120,300	25	X		X	X	X	X	X		X
Wyoming SOS	2		25,000	25,000				X	X	X				
CANADA														
Alberta	8				1	X		X				X		
Federal CEO	51		2.90mil	4.10mil				X	X	X			X	
Manitoba	5		235,300	211,800				X	X	X			X	
Ontario Elec.	9	4	671,600	692,400				X		X		X		X
Quebec	16	13	9.851mil	10.69mil				X	X	X	X	X	X	
Saskatchewan	5		4.84mil	405,920				X						X

AGENCY INFORMATION

		INVESTIGATIONS								PENALTIES					
		Disclosure Violations			Standards of Conduct										
	Approximate Number Conducted Annually	May Be Initiated by Complaint	May Be Initiated by Agency		Approximate Number Conducted Annually	May Be Initiated by Complaint	May Be Initiated by Agency		Civil	Criminal	Removal from Office	Void Election	Fines for Filing Late	Other	
Alabama Eth.					50	X				X					
Alaska POC	10	X	X						X	X			X		
Arizona Eth.		X	X			X	X			X					
Arkansas SOS	3	X				X			X	X	X				
California FPPC	50	X	X		10	X	X		X	X			X	X	
Colorado DOS	6	X	X						X	X	X		X		
Connecticut Elec.	50	X	X		25	X	X		X	X	X	X	X	X	
Connecticut	10	X	X		4	X	X		X				X	X	
Dist of Columbia		X	X			X	X		X	X			X		
Federal Elec.	150	X	X						X	X					
Florida Eth.	40	X			49	X			X		X		X	X	
Georgia CFDC	25	X	X						X	X			X		
Hawaii CSC	3	X	X						X	X			X		
Hawaii Eth.	6	X	X		10	X	X			X					
Idaho SOS	5	X	X						X	X			X		
Illinois Elec.	300	X	X						X	X			X		
Illinois Eth.		Y	X			X	X		X	X	X				
Indiana Elec.	10	X	X							X					
Indiana Eth.		X				X								X	
Iowa CFDC	10	X	X							X			X		
Kansas PDC	25	X	X			X	X		X	X	X		X		
Kentucky FDRC		X	X			X	X							X	
Louisiana Elec.	10	X	X						X	X			X		
Louisiana Eth.					95	X	X		X	X	X				
Maryland Eth.	10	X	X		15	X	X		X					X	
Massachusetts OCF	58	X	X						X	X	X				
Massachusetts Eth	20	X	X		50	X	X		X	X			X		
Michigan Elec.		X	X			X	X		X	X			X		
Michigan Eth.					4	X	X							X	
Minnesota EPB	14	X	X						X	X			X		
Mississippi Eth.		X	X						X	X	X			X	
Missouri SOS										X				X	
Montana CFP		X	X						X	X	X	X	X	X	
Nebraska PADC	10	X	X		20	X	X		X	X			X		
Nevada SOS	5	X	X		5	X	X		X	X					
New Hampshire									X	X					
New Jersey Elec.	150	X	X						X	X		X	X		
New Jersey Eth.	1300		X		100	X	X		X	X	X			X	
New Mexico SOS		X	X			X	X		X	X			X		
New York Elec.						X	X		X	X			X		
New York TSCRL		X	X						X	X				X	
No Carolina Elec.	12	X	X							X		X	X		
No Carolina Eth.															
Ohio Elec.		X				X				X	X		X		
Ohio Eth.	49	X	X		55	X	X			X					
Oklahoma Elec.		X							X	X	X				
Oregon Eth.	15	X	X		60	X	X		X		X	X	X	X	
Oregon SOS	20	X	X						X	X			X		
Pennsylvania Eth.	100	X	X			X	X		X	X	X		X	X	
Rhode Island CIC	30		X		25	X			X	X	X				
So Carolina Eth.	20	X	X		35	X	X		X	X				X	
South Dakota SOS										X					
Texas SOS									X	X					
Utah SA											X	X			
Virginia Elec.														X	
Washington PDC									X						
Wisconsin Elec.	5	X	X						X	X	X		X		
Wisconsin Eth.	5	X	X		2	X	X		X	X					
Wyoming SOS	2	X	X											X	
CANADA															
Alberta		X	X						X		X				
Federal CEO		X	X							X	X	X	X	Y	
Manitoba										X			X		
Ontario Elec.			X						X		X		X	X	
Quebec		X	X		20					X	X	X	X		
Saskatchewan															

CAMPAIGN FINANCE

	FILERS												
	Statewide Candidates	Legislative Candidates	County Candidates	Municipal Candidates	Judicial Candidates		Candidate's Campaign Committees	Independent Campaign Committees	Political Party Committees	Political Action Committees	Other	
Alabama	X	X			X		X	X	X	X		
Alaska	X	X		X	X		X	X	X	X	X	
Arizona	X	X			X		X		X	X		
Arkansas	X	X	X		X							
California	X	X	X	X	X		X	X	X	X	X	
Colorado	X	X	X	X	X		X	X	X	X		
Connecticut	X	X	X	X	X		X	X	X	X	X	
Delaware	X	X	X	X			X	X	X	X		
Dist of Columbia				X			X	X	X	X		
Federal		X					X	X	X	X	X	
Florida	X	X	X	X	X		X	X	X	X	X	
Georgia	X	X	X	X	X		X	X	X	X	X	
Hawaii	X	X	X	X			X	X	X	X	X	
Idaho	X	X			X		X	X	X	X		
Illinois	X	X	X	X	X		X	X	X	X		
Indiana	X	X			X		X	X	X	X		
Iowa							X	X	X	X	X	
Kansas	X	X					X	X	X	X		
Kentucky	X	X	X	X	X		X	X	X	X	X	
Louisiana	X	X	X	X	X		X	X	X	X		
Maine	X	X	X				X	X	X	X		
Maryland	X	X	X	X	X		X	X	X	X		
Massachusetts	X	X	X	X			X	X	X	X	X	
Michigan	X	X	X	X	X		X	X	X	X	X	
Minnesota	X	X			X		X	X	X	X	X	
Mississippi	X	X	X	X	X		X	X	X	X		
Missouri	X	X	X	X	X		X	X	X	X	X	
Montana	X	X	X	X	X		X	X	X	X	X	
Nebraska	X	X	X	X			X	X	X	X	X	
Nevada	X	X	X	X	X							
New Hamsphire	X	X	X				X	X	X	X		
New Jersey	X	X	X	X			X	X	X	X	X	
New Mexico	X	X	X		X		X	X	X	X		
New York	X	X	X	X	X		X	X	X	X		
North Carolina	X	X	X	X	X		X	X	X	X		
North Dakota	X	X	X	X	X		X					
Ohio	X	X	X	X	X		X	X	X	X		
Oklahoma	X	X	X	X	X		X	X	X	X		
Oregon	X	X	X	X	X		X	X	X	X	X	
Pennsylvania	X	X	X	X	X		X	X	X	X	X	
Rhode Island	X	X	X	X			X		X	X		
South Carolina	X	X	X	X	X		X	X	X	X	X	
South Dakota	X	X	X				X	X	X	X	X	
Tennessee	X	X	X	X	X		X	X	X	X	X	
Texas	X	X			X		X	X	X	X	X	
Utah	X	X					X		X			
Vermont	X	X					X	X	X	X		
Virginia	X	X	X	X			X	X		X		
Washington	X	X	X	X	X		X	X	X	X		
West Virginia	X	X					X	X	X	X		
Wisconsin	X	X	X	X	X		X	X	X	X		
Wyoming	X	X			X		X		X	X		
CANADA												
Alberta							X	X	X			
Federal CEO											X	
Manitoba		X							X			
Ontario	X	X					X		X		X	
Quebec		X		X			X		X			
Saskatchewan		X							X			

CAMPAIGN FINANCE

	REPORTS REQUIRED																	
	Candidates								Committees									
	Personal Financial Disclosure	Pre-Election Reports	Post-Election Reports	Monthly	Quarterly	Annual	Other		Organization Reports	Pre-Election Reports	Post-Election Reports	Monthly	Quarterly	Annual	Other			
Alabama	X		X						X		X							
Alaska	X	X	X			X	X		X	X	X		X	X	X			
Arizona	X	X	X						X	X	X	X		X				
Arkansas		X	X				X											
California	X	X	X				X		X	X	X				X			
Colorado	X	X	X			X			X	X	X			X				
Connecticut		X	X		X		X		X	X	X		X		X			
Delaware		X	X				X		X	X	X				X			
Dist of Columbia	X	X	X															
Federal	X	X	X		X	X	X		X	X	X	X	X	X				
Florida	X	X	X						X	X	X		X	X				
Georgia		X	X	X						X	X	X						
Hawaii		X	X				X		X	X	X				X			
Idaho		X	X			X			X	X	X			X				
Illinois		X	X			X	X		X	X	X			X				
Indiana		X				X	X			X				X	X			
Iowa									X	X	X		X		X			
Kansas	X	X	X						X	X	X							
Kentucky	X	X	X		X				X	X	X		X					
Louisiana	X	X	X			X			X	X	X			X				
Maine		X	X		X				X	X	X		X					
Maryland	X																	
Massachusetts	X	X	X			X	X		X	X	X			X	X			
Michigan		X	X			X			X	X	X			X				
Minnesota	X	X	X			X	X		X	X	X			X	X			
Mississippi	X	X	X	X		X				X	X	X						
Missouri		X	X		X	X	X		X	X	X		X	X	X			
Montana	X	X	X						X	X	X							
Nebraska	X	X	X			X			X	X	X			X				
Nevada	X	X	X															
New Hampshire		X	X						X	X	X							
New Jersey	X	X	X							X	X			X				
New Mexico		X	X			X	X			X	X				X			
New York										X	X				X			
North Carolina		X	X			X	X		X	X	X			X				
North Dakota	X	X	X			X	X											
Ohio	X	X	X			X				X	X			X				
Oklahoma	X	X	X							X	X							
Oregon		X	X			X			X	X	X			X				
Pennsylvania	X	X	X			X			X	X	X			X				
Rhode Island		X	X							X	X							
South Carolina	X		X		X						X							
South Dakota	X	X				X				X				X	X			
Tennessee	X	X	X			X			X	X	X		X					
Texas	X	X	X				X		X	X	X	X			X			
Utah							X								X			
Vermont		X	X				X			X	X				X			
Virginia		X	X			X			X	X	X							
Washington	X	X	X	X			X		X	X	X	X			X			
West Virginia		X	X				X			X	X				X			
Wisconsin	X	X	X				X			X	X				X			
Wyoming							X		X						X			
CANADA																		
Alberta							X											
Federal CEO			X															
Manitoba			X												X			
Ontario	X					X					X							
Quebec			X								X			X				
Saskatchewan			X								X			X				

CAMPAIGN FINANCE

	DISCLOSURE					PROHIBITED CONTRIBUTIONS from:							
	CONTRIBUTIONS		EXPENDITURES										
	Over $	All	Over $	All	Government Employees	Lobbyists	Anonymous Donors	Corporations	Labor Unions	Government Contractors	In Name of Another	Cash (over $	Other
Alabama	10		5			X				X			
Alaska	100	X		X		X				X			
Arizona							X	X					
Arkansas	250		100			X						50	
California	100		100			X				X		100	
Colorado	25		25			X						100	
Connecticut	30	X		X		X	X	X		X		50	X
Delaware		X		X		X				X		50	
Dist of Columbia				X		X				X		50	
Federal	200		200				X	X	X	X		100	X
Florida		X		X		X				X		100	
Georgia	101	X	101	X						X			X
Hawaii	100	X		X		X				X		2,000	
Idaho	50	X	25	X		X				X			
Illinois	150	X	150	X		X				X			
Indiana	100		100							X			
Iowa		X		X		X	X			X			
Kansas	50		50			X				X			X
Kentucky	100		50			X	X			X		100	X
Louisiana	1,000											300	
Maine	50			X						X			
Maryland		X		X		X						99	
Massachusetts	15/25	X	24.99	X		X	X			X		50	X
Michigan	20		50			X	X					20	
Minnesota	50	X	100	X		X	X						X
Mississippi	500	X	250	X									
Missouri	50		50			X				X		50	X
Montana	25	X		X		X	X			X			
Nebraska	100	X	100	X		X				X		50	
Nevada	500			X									X
New Hampshire		X		X	X	X	X	X					
New Jersey	100			X		X				X			X
New Mexico		X		X									X
New York	99		50			X				X		100	
North Carolina	100	X		X		X	X	X		X			X
North Dakota	100	X					X			X			
Ohio		X		X			X		X			100	
Oklahoma	200			X			X						
Oregon	100			X		X	X			X			
Pennsylvania	50	X		X		X	X	X		X		100	X
Rhode Island	200		5,000			X							
South Carolina	100			X									
South Dakota	100			X			X	X					
Tennessee	100	X	100	X			X						
Texas	50		50			X	X	X		X		100	
Utah		X		X									
Vermont	25	X	1									25	
Virginia	100		100			X				X			
Washington	25		50										
West Virginia						X	X		X	X		50	
Wisconsin		X		X		X	X			X		50	
Wyoming		X		X			X	X					X
CANADA													
Alberta	375			X		X				X			X
Federal CEO	100	X		X		X				X			
Manitoba	250			X									X
Ontario	100			X		X							X
Quebec	100			X			X	X	X	X		100	
Saskatchewan	100		25			X							

CAMPAIGN FINANCE

	CONTRIBUTION LIMITS									
	Governor	Lieutenant Governor	Other Statewide	Senate		House	County	Municipal	Judicial	Other
Alabama										
Alaska	1,000	1,000	1,000	1,000		1,000		1,000	1,000	
Arizona										
Arkansas	1,500	1,500	1,500	1,500		1,500	1,500			
California										
Colorado										
Connecticut	2,500	1,500	1,500	500		250	1,000	1,000	500	
Delaware	1,000	1,000	1,000	500		500	500	500		
Dist of Columbia										
Federal				1,000		1,000				X
Florida	3,000		3,000	1,000		1,000	1,000	1,000	var.	
Georgia										
Hawaii	2,000	2,000	2,000	2,000		2,000	2,000	2,000		
Idaho										
Illinois										
Indiana										X
Iowa										
Kansas	3,000		3,000	750		750				
Kentucky	3,000	3,000	3,000	3,000		3,000	3,000	3,000	3,000	
Louisiana										
Maine	1,000			1,000		1,000	1,000			X
Maryland										X
Massachusetts	1,000	1,000	1,000	1,000		1,000	1,000	1,000		
Michigan	1,700	1,700	1,700	450		250				X
Minnesota	60,000		var.	1,500		750				
Mississippi										
Missouri										
Montana	8,000		2,000	600		300	300	300	300	X
Nebraska										
Nevada										
New Hampshire	5,000		5,000	5,000		5,000	5,000			
New Jersey	800									
New Mexico										
New York										
North Carolina										
North Dakota										
Ohio										
Oklahoma	5,000		5,000	5,000		5,000	1,000	1,000		X
Oregon										
Pennsylvania										
Rhode Island										
South Carolina										
South Dakota	1,000	1,000	1,000	250		250	250			X
Tennessee										
Texas										
Utah										
Vermont	1,000		1,000	1,000		1,000				
Virginia										
Washington										
West Virginia	1,000	1,000	1,000	1,000		1,000	1,000	1,000	1,000	X
Wisconsin	*	*	*	1,000		500	var.	var.	var.	X
Wyoming	1,000		1,000	1,000		1,000	1,000	1,000		X
CANADA										
Alberta										X
Federal CEO										
Manitoba										
Ontario						8,000				
Quebec						3,000		500		
Saskatchewan										

CAMPAIGN FINANCE

	LOAN LIMITS										
	Governor	Lieutenant Governor	Other Statewide	Senate		House	County	Municipal	Judicial	Other	
Alabama											
Alaska	1,000	1,000	1,000	1,000		1,000		1,000	1,000		
Arizona											
Arkansas											
California											
Colorado											
Connecticut	2,500	1,500	1,500	500		250	1,000	1,000	500		
Delaware											
Dist of Columbia											
Federal				1,000		1,000				X	
Florida	3,000		3,000	1,000		1,000	1,000	1,000	var.		
Georgia											
Hawaii										X	
Idaho											
Illinois											
Indiana										X	
Iowa											
Kansas	3,000		3,000	750		750					
Kentucky	3,000	3,000	3,000	3,000		3,000	3,000	3,000	3,000		
Louisiana											
Maine	1,000			1,000		1,000	1,000				
Maryland											
Massachusetts	1,000	1,000	1,000	1,000		1,000	1,000	1,000			
Michigan											
Minnesota	60,000		var.	1,500		750					
Mississippi											
Missouri											
Montana	8,000		2,000	600		300	300	300	300	X	
Nebraska											
Nevada											
New Hampshire	5,000		5,000	5,000		5,000	5,000				
New Jersey	800									X	
New Mexico											
New York											
North Carolina	3,000	3,000	3,000	3,000		3,000	3,000	3,000	3,000	X	
North Dakota											
Ohio											
Oklahoma											
Oregon											
Pennsylvania											
Rhode Island											
South Carolina											
South Dakota											
Tennessee											
Texas											
Utah											
Vermont											
Virginia											
Washington											
West Virginia											
Wisconsin											
Wyoming											
CANADA											
Alberta											
Federal CEO											
Manitoba											
Ontario											
Quebec											
Saskatchewan											

CAMPAIGN FINANCE

	REVIEW OF FILINGS											
	All Reports	All Reports Showing $ Expenditure Over	Randomly Selected Reports	Reports About Which Complaints Are Filed	Other	Approximate Number of Filings Annually		Available to the Public		Agency Publishes Summary of Data Disclosed		
Alabama	D					1,500		X				
Alaska	D			F		1,500		X		X		
Arizona						2,500		X				
Arkansas			D			2,000		X				
California	D		F			24,000		X		X		
Colorado	D		F			2,400		X		X		
Connecticut			DF	DF		5,000		X				
Delaware				DF	X			X				
Dist of Columbia	D		F	DF		4,000		X				
Federal	D				F	70,000		X		X		
Florida	D		F			15,000		X		X		
Georgia			DF	DF		15,000		X				
Hawaii	D		F			2,500		X		X		
Idaho	D			F		2,000		X		X		
Illinois	D					3,000		X				
Indiana	D		F	F		500		X				
Iowa	D					3,000		X		X		
Kansas	D		F	F		3,500		X		X		
Kentucky	D		F			3,000		X		X		
Louisiana	D			F		6,000		X				
Maine	D					2,600		X				
Maryland	DF							X				
Massachusetts	D				F	12,000		X		X		
Michigan	D			D	F	10,000		X		X		
Minnesota	D		F	F	F	3,600		X		X		
Mississippi								X				
Missouri	D					7,500		X		X		
Montana	D		F	F		1,000		X		X		
Nebraska	D		F	DF		2,000		X		X		
Nevada	D					100		X				
New Hampshire												
New Jersey	D		DF		X	18,000		X		X		
New Mexico	D			F	X			X				
New York	D		DF	DF		1,500						
North Carolina	D					4,000		X				
North Dakota	D		D			100		X				
Ohio	D							X				
Oklahoma						1,000		X				
Oregon	D		D	F		900		X		X		
Pennsylvania			D			8,000		X				
Rhode Island	D			F		5,000		X		X		
South Carolina	D		D	DF		2,200		X				
South Dakota						1,600		X				
Tennessee				D		300	*	X				
Texas	D					8,000						
Utah	D					100		X				
Vermont						1,000		X				
Virginia						2,500		X				
Washington			DF	DF		28,807		X		X		
West Virginia			DF	DF				X				
Wisconsin	D	F*		F		6,350		X		X		
Wyoming						500		X				
CANADA												
Alberta	D					300		X		X		
Federal CEO					X			X		X		
Manitoba						250		X				
Ontario	F					430		X		X		
Quebec	D					700		X		X		
Saskatchewan	D			D				X				

D – Desk Review
F – Field Review

F* F25,000

PUBLIC FINANCING

	ELIGIBLE RECIPIENTS																			
	Gubernatorial Candidates						Other Statewide Candidates						Legislative Candidates							
	Primary Election	General Election	Funds Given to Candidate	Funds Given to Party	Other		Primary Election	General Election	Funds Given to Candidate	Funds Given to Party	Other		Primary Election	General Election	Funds Given to Candidate	Funds Given to Party	Other			
Dist of Columbia																				
Federal	X	X	X		X															
Hawaii	X	X	X				X	X	X				X	X	X					
Idaho				X						X						X				
Iowa				X						X						X				
Kentucky			X												X					
Maine																				
Massachusetts	X	X	X				X	X	X											
Michigan	X	X																		
Minnesota		X	X					X	X					X	X					
Montana		X	X																	
New Jersey	X	X	X																	
North Carolina		X		X				X		X										
Oklahoma		X	X	X				X	X	X										
Oregon																				
Texas	X						X													
Utah				X						X						X				
Virginia				X						X						X				
Wisconsin		X	X					X	X					X	X					
CANADA																				
Federal CEO														X	X	X				
Manitoba																	X			
Ontario															X					
Quebec														X	X	X				

	ELIGIBLE RECIPIENTS (cont'd)								SOURCE OF FUNDS					
	Judicial Candidates													
	Primary Election	General Election	Funds Given to Candidate	Funds Given to Party	Other		Other		Tax Credit	Tax Checkoff	Tax Deduction	Surcharge (Add-on to Tax Rate)	General Treasury Funds	Other
Dist of Columbia											X			
Federal									X					
Hawaii									X			X	X	
Idaho									X					
Iowa									X					
Kentucky							X		X					
Maine									X					
Massachusetts											X			
Michigan									X					
Minnesota									X	X				
Montana			X	X							X			
New Jersey									X			X		
North Carolina			X		X		X		X					
Oklahoma									X					
Oregon														
Texas		X										X		
Utah					X				X					
Virginia							X							
Wisconsin							X		X					
CANADA														
Federal CEO									X			X		
Manitoba									X					
Ontario												X		
Quebec												X		

PUBLIC FINANCING

	EXPENDITURE LIMITS								
	Governor	Lieutenant Governor	Other Statewide		Senate	House	Judiciary	Other	
Dist of Columbia									
Federal								X	
Hawaii	$1.25*	$0.70*	$1.00		$0.70*	0.70		X	
Idaho									
Iowa									
Kentucky									
Maine									
Massachusetts									
Michigan	$1,200,000								
Minnesota	$1,270,000		var.		31,770	15,885			
Montana									
New Jersey	35/70**								
North Carolina									
Oklahoma									
Oregon									
Texas									
Utah									
Virginia									
Wisconsin	$614,400	$184,325	$122,875		19,650	$9,825		X	
CANADA									
Federal CEO								X	
Manitoba								X	
Ontario								var.	
Quebec						$0.75		X	

	AUDITS							
	All Reports	All Reports showing Expenditures Over			Randomly Selected Reports	Reports About Which Complaints Are Filed	Other	
Dist of Columbia	D				F	FD		
Federal	DF							
Hawaii	D				F			
Idaho								
Iowa	D							
Kentucky	DF							
Maine								
Massachusetts	D						F	
Michigan	F							
Minnesota	D				F	F	F	
Montana	D				DF	DF		
New Jersey	DF				DF			
North Carolina								
Oklahoma								
Oregon								
Texas							F	
Utah								
Virginia								
Wisconsin	D	F*			F			
CANADA								
Federal CEO							X	
Manitoba								
Ontario	F							
Quebec	D							

* Per Registered Voter
** Primary - .35 per voter in last Presidential Election. General - .70 per voter in last Presidential Election.
D – Desk Audits
F – Field Audits

F* F25,000

CONFLICT OF INTEREST (ETHICS) AND PERSONAL FINANCIAL DISCLOSURE

	FILERS																	
	Statewide Elected Officials	Legislators	Legislative Employees	Candidates for Election to State Office	Nominees for Appointment to State Office	Officers of State Agencies or Departments	State Employees	Judges		County Officials and/or Employees	Municipal Officials and/or Employees	Part-time Members of Boards and Commissions (State)	Part-time Members of Boards and Commissions (Local)	U.S. Senators or Congressmen	Other			
Alabama	X	X	X	X	X	X	X	X		X	X	X	X					
Alaska	X	X		X		X		X			X	X						
Arizona	X	X						X										
Arkansas	X	X	X	X				X										
California	X	X	X	X	X	X	X	X		X	X	X	X					
Colorado	X	X		X				X							X			
Connecticut	X	X				X	X					X						
Delaware	X	X	X			X	X					X			X			
Dist of Columbia		X	X								X		X	X				
Federal														X	X			
Florida	X	X	X	X		X	X	X		X	X	X	X		X			
Georgia																		
Hawaii	X	X	X	X		X	X					X			X			
Idaho																		
Illinois	X	X	X	X	X	X	X	X		X	X	X	X					
Indiana	X			X		X												
Iowa	X	X	X			X	X	X		X	X	X						
Kansas	X	X	X	X	X	X	X			X	X	X						
Kentucky	X	X				X	X	X				X			X			
Louisiana	X	X	X	X	X	X	X			X	X	X	X					
Maine		X													X			
Maryland	X	X	X	X	X	X	X	X		X	X	X	X		X			
Massachusetts	X	X		X		X	X	X		X		X						
Michigan						X	X					X						
Minnesota	X	X	X	X	X	X	X					X			X			
Mississippi	X	X		X		X		X		X	X	X	X		X			
Missouri	X	X																
Montana	X	X		X				X										
Nebraska	X	X		X	X	X	X			X	X	X	X		X			
Nevada	X	X	X	X	X	X	X	X		X	X							
New Hampshire		X																
New Jersey	X					X												
New Mexico	X	X	X			X	X	X				X		X				
New York																		
North Carolina							X					X						
North Dakota	X	X		X	X	X		X		X	X	X	X	X	X			
Ohio	X	X	X	X		X	X	X		X	X	X		X				
Oklahoma							X											
Oregon	X	X		X		X		X		X	X	X	X	X				
Pennsylvania	X	X	X	X	X	X	X	X		X	X	X	X					
Rhode Island	X	X		X	X	X		X			X	X	X					
South Carolina	X	X	X	X	X	X	X	X		X	X	X	X		X			
South Dakota	X	X		X	X	X		X		X	X	X		X	X			
Tennessee	X	X		X	X	X		X		X	X				X			
Texas	X	X		X		X		X							X			
Utah	X	X	X			X	X	X		X	X							
Vermont							X											
Virginia	X	X		X		X		X		X	X	X						
Washington	X	X	X	X		X		X			X	X			X			
West Virginia		X					X			X								
Wisconsin	X	X	X	X	X	X		X				X						
Wyoming																		
CANADA																		
Alberta																		
Federal CEO																		
Manitoba																		
Ontario																		
Quebec																		
Saskatchewan																		

CONFLICT OF INTEREST (ETHICS) AND PERSONAL FINANCIAL DISCLOSURE

	RESTRICTIONS ON:														
	Use of Public Position to Obtain Personal Benefits	Giving Benefits to Influence Public Officials and/or Public Employees	Use of Confidential Information	Public Officials Entering Into Public Leases or Contracts	Post-Governmental Employment	Receipt of Gifts by Public Officials		Public Officials Representing Clients Before Public Bodies	Receipt of Fees and Honorariums by Public Officials	Nepotism	Competitive Bidding	Public Officials' Outside Employment or Business Activities	Other		
Alabama	X	X	X			X		X			X	X			
Alaska	X	X						X							
Arizona	X		X	X	X			X							
Arkansas															
California	X			X	X	X		X				X			
Colorado			X	X		X				X		X	X		
Connecticut	X	X	X	X		X		X		X		X			
Delaware	X	X	X	X		X			X			X	X		
Dist of Columbia	X	X	X	X	X	X		X	X	X	X	X			
Federal									X						
Florida	X	X	X	X	X	X		X	X	X	X	X	X		
Georgia	X		X	X		X						X			
Hawaii	X	X	X	X	X	X		X	X		X	X	X		
Idaho															
Illinois	X		X			X		X	X			X	X		
Indiana	X	X	X						X			X			
Iowa	X	X	X	X	X	X		X	X	X	X	X			
Kansas	X	X	X	X	X	X		X	X						
Kentucky	X	X		X	X	X			X	X		X			
Louisiana	X	X	X	X	X	X		X	X	X	X	X			
Maine	X		X		X										
Maryland	X	X	X	X	X	X		X	X		X	X			
Massachusetts	X	X	X	X	X	X		X	X	X		X	X		
Michigan	X	X	X	X		X		X	X			X			
Minnesota															
Mississippi	X	X	X	X				X		X		X			
Missouri	X	X	X	X	X	X				X		X	X		
Montana	X	X	X	X	X	X		X		X					
Nebraska	X	X	X	X		X		X							
Nevada	X	X	X			X		X			X	X			
New Hampshire				X											
New Jersey	X	X	X	X	X	X		X	X		X	X			
New Mexico	X	X	X			X									
New York	X	X	X	X											
North Carolina	X														
North Dakota	X	X	X	X	X	X		X	X	X	X	X			
Ohio	X	X	X	X	X	X		X	X			X			
Oklahoma	X		X	X		X			X			X			
Oregon	X	X	X		X	X			X	X	X	X			
Pennsylvania	X	X	X	X	X	X		X	X		X	X			
Rhode Island	X	X	X	X	X	X		X			X	X			
South Carolina	X	X	X	X	X	X		X	X			X	X		
South Dakota			X	X											
Tennessee				X											
Texas	X	X	X	X		X		X	X	X		X			
Utah	X	X	X	X									X		
Vermont															
Virginia	X	X	X	X				X				X			
Washington															
West Virginia															
Wisconsin	X	X	X		X	X		X	X	X					
Wyoming															
CANADA															
Alberta															
Federal CEO															
Manitoba															
Ontario															
Quebec															
Saskarchewan															

CONFLICT OF INTEREST (ETHICS) AND PERSONAL FINANCIAL DISCLOSURE

	FINANCIAL DISCLOSURES REQUIRED																	
	Income Tax Returns (State or Federal)	Sources of Income	Sources of Income of Business if Partner or Shareholder	Investments	Real Estate Interests	Offices and/or Directorships	Creditor Indebtedness	Leases or Other Contracts with Public Agencies	Gifts	Compensated Representation Before Public Agencies	Fees or Honorariums	Reimbursement of Travel Expenses by Private Source	Professional or Occupational License Held	Deposits in Financial Institutions	Retainers		
Alabama		X	X		X	X	X		X						X	X		
Alaska		X	X		X	X	X		X			X	X					
Arizona		X		X	X		X			X		X						
Arkansas		X	X			X												
California		X	X	X	X	X	X			X		X	X					
Colorado		X	X	X	X	X	X				X			X	X			
Connecticut		X		X	X	X	X		X			X						
Delaware		X					X					X						
Dist of Columbia			X	X	X					X				X	X			
Federal		X		X	X	X	X			X		X			X	X		
Florida		X	X	X	X	X	X		X	X	X				X			
Georgia																		
Hawaii		X	X	X	X	X	X				X							
Idaho																		
Illinois		X	X	X	X	X	X		X	X		X		X				
Indiana			X			X				X								
Iowa			X	X		X				X	X	X	X					
Kansas		X	X	X	X	X				X	X	X						
Kentucky	X	X	X	X	X	X	X		X	X		X	X	X	X			
Louisiana											X							
Maine		X									X							
Maryland		X	X		X	X	X		X	X		X	X					
Massachusetts		X		X	X	X	X			X		X	X					
Michigan		X	X	X	X													
Minnesota		X	X	X	X	X						X				X		
Mississippi		X		X		X					X			X		X		
Missouri																		
Montana				X	X													
Nebraska		X		X	X	X	X			X		X			X			
Nevada		X			X		X											
New Hampshire		X																
New Jersey		X	X	X	X	X	X		X		X	X		X	X	X		
New Mexico		X																
New York																		
North Carolina		X	X	X	X	X	X		X	X	X	X	X		X			
North Dakota		X	X	X	X	X	X		X		X	X		X				
Ohio		X			X	X	X			X	X	X						
Oklahoma																		
Oregon		X	X		X	X	X		X	X		X	X	X				
Pennsylvania		X	X	X	X	X	X		X	X	X	X			X	X		
Rhode Island		X		X	X	X			X	X	X							
South Carolina					X	X			X	X								
South Dakota		X																
Tennessee		X	X	X	X	X	X				X					X		
Texas		X	X	X	X	X	X			X						X		
Utah											X							
Vermont																		
Virginia					X	X					X							
Washington		X	X	X	X	X	X					X	X		X	X		
West Virginia																		
Wisconsin		X	X	X	X	X	X		X	X		X	X					
Wyoming																		
CANADA																		
Alberta																		
Federal CEO																		
Manitoba																		
Ontario																		
Quebec																		
Saskatchewan																		

CONFLICT OF INTEREST (ETHICS) AND PERSONAL FINANCIAL DISCLOSURE

	FINANCIAL DISCLOSURES REQUIRED (contd.)														
	Cash Surrender Value of Insurance	Private Employer or Nature of Outside Employment	Professional Services Rendered	Indemnification of Trusts Rendered	Identification of Trusts by Trustee	Identification of Trust Interests Beneficiary	Identification of Trusts by Beneficiary	Name of Trust Interests Members Immediate Family	Financial Interests of Official/ Employee's Spouse and Dependents	Other	Value of Interest	- Actual Amounts	- Categories of Amounts	- Other	
Alabama		X	X				X	X	X		X		X		
Alaska		X				X	X	X	X		X			X	
Arizona						X	X	X	X		X		X		
Arkansas									X						
California		X				X	X		X		X		X		
Colorado	X	X				X	X		X					X	
Connecticut		X	X	X	X	X	X	X	X	X				X	
Delaware														X	
Dist of Columbia		X			X				X		X		X		
Federal	X	X	X	X							X		X		
Florida		X				X	X			X	X	X		X	
Georgia															
Hawaii		X	X	X		X		X	X		X		X		
Idaho															
Illinois		X	X				X		X	X	X		X		
Indiana		X							X		X		X		
Iowa									X						
Kansas		X		X		X			X		X			X	
Kentucky	X	X	X	X	X			X	X		X	X			
Louisiana															
Maine									X		X			X	
Maryland		X	X			X	X		X	X	X	X		X	
Massachusetts		X	X	X	X	X	X	X		X	X		X		
Michigan								X	X	X	X	X			
Minnesota						X	X			X	X			X	
Mississippi		X							X	X					
Missouri														X	
Montana						X	X		X		X				
Nebraska		X		X										X	
Nevada			X											X	
New Hampshire															
New Jersey	X	X	X	X	X	X	X	X	X		X		X		
New Mexico															
New York															
North Carolina		X		X	X				X		X		X		
North Dakota		X	X	X	X	X	X	X	X						
Ohio								X							
Oklahoma															
Oregon		X	X						X	X	X			X	
Pennsylvania	X	X	X	X	X			X	X					X	
Rhode Island		X		X	X	X	X	X	X		X			X	
South Carolina						X	X		X	X	X	X			
South Dakota									X						
Tennessee		X	X						X						
Texas		X				X	X		X		X		X		
Utah														X	
Vermont															
Virginia									X						
Washington	X	X		X	X			X	X		X		X		
West Virginia															
Wisconsin							X		X	X	X		X		
Wyoming															
CANADA															
Alberta															
Federal CEO															
Manitoba															
Ontario															
Quebec															
Saskatchewan															

CONFLICT OF INTEREST (ETHICS) AND PERSONAL FINANCIAL DISCLOSURE

	REVIEW OF FILINGS											
	All Reports	Randomly Selected Reports	Reports About Which Complaints are Filed	Other	Approximate Number of Filers Annually		Available to the Public		Agency Publishes Summary Of Data Disclosed			
Alabama		D	F		41,500		X					
Alaska	D		DF		2,500		X					
Arizona					400		X					
Arkansas							X					
California	D				7,000		X		X			
Colorado			D		450		X					
Connecticut	D		F		430		X					
Delaware												
Dist of Columbia	D		F		2,000		X					
Federal												
Florida			F	D	40,000		X					
Georgia												
Hawaii	D		DF		1,650		X					
Idaho					5,000							
Illinois	D				5,300		X					
Indiana	D				125		X					
Iowa							X		X			
Kansas	D				6,500		X					
Kentucky	D			F	700				X			
Louisiana												
Maine	D				300		X					
Maryland	D	F	D		4,500		X					
Massachusetts	D				4,000		X					
Michigan												
Minnesota	D		F	F	1,500		X					
Mississippi		D	D		8,853		X					
Missouri					197		X					
Montana			F		250		X					
Nebraska	D		DF		3,500		X					
Nevada												
New Hampshire												
New Jersey	D				1,300		X		X			
New Mexico					250		X					
New York												
North Carolina					1,500		X					
North Dakota												
Ohio	D	D	D	D	7,000		X					
Oklahoma												
Oregon	D			X	4,500		X					
Pennsylvania		DF	F		60,000		X					
Rhode Island				D	5,000		X					
South Carolina	D	D	DF		9,000		X					
South Dakota												
Tennessee			D		5,000		X					
Texas	D				2,000		X					
Utah												
Vermont												
Virginia												
Washington		D	DF		5,539		X					
West Virginia					4,500		X					
Wisconsin	D				1,600		X					
Wyoming												
CANADA												
Alberta												
Federal CEO												
Manitoba												
Ontario												
Quebec												
Saskatchewan												

D – Desk Audits
F – Field Audits

LOBBYING

	FILERS			DEFINITION INCLUDES:								REGISTRATION					
	Lobbyists	Employers of Lobbyists	Other	Legislative Lobbying	Administrative Agency Lobbying	Public Officials as Lobbyists	Public Employees as Lobbyists	Compensation Standard	Time Standard	Expenditure Standard	Number of Registered Lobbyists	Registration Fee Required	Permanent Registration	Annual Registration	Employers Must Register	Other
Alabama	X	X		X							387		X		X		
Alaska	X	X		X	X				X		289			X	X		
Arizona		X		X	X									X	X		
Arkansas	X			X							435			X		X	
California	X	X	X	X	X			X	X		650	X		X	X		
Colorado	X	X		X	X	X	X				370			X			
Connecticut	X	X		X	X			X	X	X	1,000	X		X	X		
Delaware	X	X		X									X		X		
Dist of Columbia	X	X		X	X			X	X	X	100			X	X		
Federal																	
Florida	X			X		X	X		X	X	3,898					X	
Georgia	X			X								X			X		
Hawaii	X	X	X	X	X			X	X	X	200					X	
Idaho	X			X		X	X	X			255	X		X			
Illinois	X	X		X							602			X	X		
Indiana	X	X		X							665	X		X	X		
Iowa	X		X	X		X		X	X	X	300			X			
Kansas	X			X	X			X	X	X	538	X		X			
Kentucky	X	X		X				X		X	373				X	X	
Louisiana	X			X							100	X		X			
Maine	X	X		X			X	X	X		150	X				X	
Maryland	X	X	X	X	X			X	X	X				X	X		
Massachusetts	X	X	X	X	X			X	X	X	498	X		X	X		
Michigan	X	X			X		X			X			X		X		
Minnesota	X			X	X			X	X	X	1,600		X				
Mississippi	X	X		X	X							X		X			
Missouri	X			X			X	X	X	X	1,750		X				
Montana		X		X			X				750	X		X	X		
Nebraska	X	X		X							350	X				X	
Nevada	X			X							400					X	
New Hampshire	X			X							130	X				X	
New Jersey	X	X		X					X	X	375	X		X			
New Mexico	X	X		X	X	X	X							X			
New York	X	X	X	X	X			X		X	1,320	X		X			
North Carolina	X	X		X	X			X		X	453	X			X		
North Dakota	X	X		X					X	X	450	X		X			
Ohio	X	X		X	X	X	X		X	X	1,600			X	X	X	
Oklahoma	X		X	X	X			X			211			X			
Oregon	X	X		X		X	X		X	X	700		X			X	
Pennsylvania	X			X	X	X	X	X		X	621			X			
Rhode Island	X	X		X				X		X	321			X	X		
South Carolina	X			X						X	240	X	X	X			
South Dakota	X	X		X	X	X	X				400	X		X		X	
Tennessee	X	X		X	X	X	X	X		X	255	X		X	X		
Texas	X			X	X	X	X	X	X	X	742		X				
Utah	X			X	X						1,150	X				X	
Vermont	X	X		X			X				400	X		X	X		
Virginia	X	X		X							683	X		X			
Washington	X	X	X	X	X	X	X	X		X	600					X	
West Virginia	X			X							260			X		X	
Wisconsin		X		X	X	X	X	X	X	X	282	X			X	X	
Wyoming	X			X							569					X	
CANADA																	
Alberta																	
Federal CEO																	
Manitoba																	
Ontario																	
Quebec																	
Saskatchewan																	

LOBBYING

	PROHIBITIONS					REPORTING REQUIREMENTS: Lobbyists							REPORTING REQUIREMENTS: Lobbyists Employers				
	Lobbyists Making Campaign Contributions	Solicitation by Offic. Asst. of Gifts or Cont.	Lobbyists Making Gifts to Officials (over $)	Other	No Reporting Required	Monthly -- Only During Legislative Session	Monthly	Quarterly	Bi-Annually	Annually	Other	No Reporting Required	Monthly -- Only During Legislative Session	Monthly	Quarterly	Bi-Annually	Annually	Other
Alabama		X	X			X						X					
Alaska						X		X						X			
Arizona					X								X	X			
Arkansas					X						X						
California			10/mo.					X						X			
Colorado				X			X						X				
Connecticut			50/yr.	X		X		X			X		X		X			X
Delaware		X						X				X						
Dist of Columbia		X	100						X							X		
Federal																		
Florida									X			X						
Georgia					X							X						
Hawaii				X					X							X		
Idaho		X				X				X								X
Illinois				X							X							X
Indiana																		
Iowa		X	50				X					X						
Kansas		X	100				X					X						
Kentucky	X	X	100	X							X							X
Louisiana		X	X															
Maine				X		X				X								X
Maryland				X					X							X		
Massachusetts			100						X							X		
Michigan			25						X							X		
Minnesota				X				X			X	X						
Mississippi										X							X	
Missouri				X							X	X						
Montana					X								X					X
Nebraska		X	25/mo.			X					X		X					X
Nevada			100			X						X						
New Hampshire											Y	X						
New Jersey								X		X							X	
New Mexico											X	X						X
New York				Y						Y	Y						X	
North Carolina										X							X	
North Dakota		X								X		X						
Ohio									X		X					X		X
Oklahoma		X							X									
Oregon	X	X	100	X				X									X	
Pennsylvania				X					X		X							
Rhode Island											X							X
South Carolina										X	X	X						
South Dakota										X							X	
Tennessee										X		X					X	
Texas		X		X		X		X				X						
Utah				X														
Vermont									X							X		
Virginia											Y							X
Washington				X			X										X	
West Virginia											X	X						
Wisconsin	X	X		X							X					X		X
Wyoming					Y							Y						
CANADA																		
Alberta																		
Federal CEO																		
Manitoba																		
Ontario																		
Quebec																		
Saskatchewan																		

LOBBYING

	DISCLOSURES REQUIRED/								REVIEW OF FILINGS							
	Categories of Monies Spent	Total Monies Spent	Salaries	Benefits / Gifts to Officials	Bills or Administrative Actions Being Lobbied	Other		All Reports	All Reports Showing Expenditure Over $	Randomly Selected Reports	Reports About Which Complaints Are Filed	Other	Approximate Number of Filings Annually	Available to the Public	Agency Publishes Summary of Disclosed Data	
Alabama	X			X					D3,000	D	F		3,000	X		
Alaska	X	X	X	X	X	X		D			DF		2,000	X	X	
Arizona		X		X										X		
Arkansas													800	X		
California	X	X	X	X	X	X		D		F			12,000	X	X	
Colorado	X	X	X	X	X			D			F		5,000	X	X	
Connecticut	X			X		X		D			F		10,000	X	X	
Delaware		X		X	X									X		
Dist of Columbia		X		X	X			D			F		300	X		
Federal																
Florida	X	X		X										X	X	
Georgia																
Hawaii	X	X		X				D			DF		600	X		
Idaho	X	X		X	X			D			F		1,020	X	X	
Illinois						X							1,806	X		
Indiana	X	X		X	X						X					
Iowa	X	X		X	X			D					1,000	X		
Kansas	X			X				D					350	X	X	
Kentucky	X	X	X		X										X	
Louisiana																
Maine		X		X	X			D					1,500	X	X	
Maryland	X	X	X	X	X			D			F		1,000	X	X	
Massachusetts		X	X	X				D					1,800	X		
Michigan	X	X				X		D			D		10,000	X	X	
Minnesota	X	X		X		X		D			F		6,400	X	X	
Mississippi	X	X		X										X		
Missouri	X	X		X	X								5,000	X		
Montana	X	X	X	X	X					DF	DF		600	X		
Nebraska	X	X			X	X		D		F	F		4,000	X	X	
Nevada		X						D					400	X		
New Hampshire	X		X											X		
New Jersey	X	X	X	X	X			D		F		X	250	X	X	
New Mexico	X	X		X		X					D			X		
New York	X	X	X	X		X		D		D	D			X	X	
North Carolina													425	X		
North Dakota	X	X											500			
Ohio		X		X	X	X		D					3,300	X		
Oklahoma	X			X										X		
Oregon	X	X	X	X		X					D	D	4,400	X	X	
Pennsylvania	X												615	X		
Rhode Island	X	X	X	X	X								600	X		
South Carolina						X							242	X		
South Dakota		X				X							400	X		
Tennessee	X	X		X		X					D		255	X		
Texas	X	X			X			D					10,000	X		
Utah																
Vermont	X		X										1,200	X		
Virginia	X	X	X	X	X			D					750	X		
Washington	X		X	X	X					DF	DF		8,116	X	X	
West Virginia		X	X		X								260	X		
Wisconsin	X	X	X	X	X	X		D		F	F	DF	500	X	X	
Wyoming																
CANADA																
Alberta																
Federal CEO																
Manitoba																
Ontario																
Quebec																
Saskatchewan																

D – Desk Audits
F – Field Audits

EXPLANATORY NOTES

ALABAMA: - State Ethics Commission

Ethics laws amended to prohibit lawyer-legislators from representing prison inmates before the State Pardon and Parole Board.

CONNECTICUT: - State Elections Commission

Significant increase in number of P.A.C.'s registered. Legislation to curb influence of P.A.C. contributions was only partially successful. Ideological P.A.C.'s still have no limits on amount of contributions to any campaign.

Commission is presently appealing a lower court ruling which limits jurisdiction over ballot questions.

- State Ethics Commission

Financial Disclosure:

- debts over $10,000.00 reported;
- leases and contracts with State reported.

Conflicts of Interest:

- illegal gains can be recouped.

Lobbying:

- gifts within six months of termination reported;
- violators of lobbying law may be denied re-registration for up to two years.

FLORIDA: - State Commission on Ethics

Agency authorized by legislature to prepare mailing lists of all public officials required to file financial disclosure statements.

ILLINOIS: - State Board of Elections

The Illinois General Assembly passed several measures affecting compaign disclosure, including public funding of gubernatorial campaigns, and altering dollar limits for disclosure of individual contributions. This legislation was subjected to a Governor's veto; the status quo stands.

INDIANA: - State Election Board

There has been a statutory increase in the amount that corporation and labour unions may contribute to candidates, from $3,000.00 and $1,000.00 to $5,000.00 and $2,000.00 respectively. The Attorney General also issued an opinion which contends that because state law is silent on the subject, P.A.C.'s may make unlimited contributions to any candidate.

IOWA: - Campaign Finance Disclosure Commission

Effective January 1, 1984, chapter 56 of the Iowa Code will be amended, changing Iowa forms and manuals. New forms and manuals are available to interested parties.

MARYLAND: - State Ethics Commission

Amendments were authorized to allow local Boards of Education to enact their own financial disclosure, lobbying, and conflict of interest regulations, if such Boards did not want to be subject to county ethics laws.

MICHIGAN: - Campaign and Lobby Records Division

The Michigan State Supreme Court has refused to hear an appeal on the Lobby Registration Act. The Court of Appeals decision that the law is constitutional was therefore upheld. The Act went into effect September 21, 1983.

NEW YORK: - Temporary State Commission on Lobbying

The Lobbying Act of 1981 was amended in 1983 to, require a one-time $50.00 registration fee for lobbyists, bring public corporations under the law, and extend the life of the Commission for four years. The Commission established the Northeastern Regional Conference on Lobbying in 1982. The Commission increased the tempo of its unregistered lobbyist programme by pursuing those unregistered parties which lobbied the legislature, governor and state agencies.

OREGON: - Government Ethics Commission

An Omnibus Bill was considered during the 1983 regular session, and defeated. The bill would have criminalized the code of ethics, added administrative agency lobbying to lobby regulation laws and referred all complaints to an independent fact finder. The O.G.E.C. opposed many parts of the bill. The bill's sponsors have filed an initiative petition to implement some of the bill's provisions; if the initiative is successful, the measure will appear on the 1984 general election ballot.

CANADA

MANITOBA: - Chief Electoral Office

A new Election Financing Act has been passed. This Act provides for partial financing of political parties and candidates. It will also abolish the Elections Commission, placing enforcement power in the hands of the Chief Electoral Officer. The Act has not yet been proclaimed.

QUEBEC: - Le Directeur general des elections du Quebec

Pursuant to the adoption of the Act respecting the Integration of the Administration of the Electoral System (1982, ch.54) the responsibility of the laws pertaining to the financing of political parties has been entrusted to the Chief Electoral Officer of Quebec. By this Bill, the whole administration of the electoral system came under the authorization of the Directeur general of Elections.

CITATIONS TO STATE LAWS
COVERING ETHICS/CONFLICT OF INTERESTS

ALABAMA	Ala. Code Tit. 36, §§ 36-25-1 to 25-30 (1975) (and applicable Supplement Sections)
ALASKA	Alaska Stat. §§ 39.50.010 to .200 (1975) (and applicable Supplement Sections)
ARIZONA	Ariz. Rev. Stat. §§ 38-101, 441-447, 481, 501-581 (1974) (and applicable Supplement Sections)
ARKANSAS	Act 570 of 1979
CALIFORNIA	Political Reform Act of 1974, Cal. Gov't Code §§ 81000, 82000-82055, 83100-83122, 87100-87312, 91000-91014 (1974) (and applicable Supplement Sections)
COLORADO	Colo. Rev. Stat. §§ 24-6-101 to 24-6-402 (1973)
CONNECTICUT	Conn. Gen. Stat. Ann. §§ 1-79 to 1-90 (Supp. 1980)
DELAWARE	Del. Code Tit. 29, §§ 5851-58 (1974) (and applicable Supplement Sections)
DISTRICT OF COLUMBIA	D.C. Code §§ 1-1101 to 1193 (Supp. 1979) D.C. Campaign Finance Reform and Conflict of Interest Act (1974), D.C. Code §§ 1-1401 et seq.
FEDERAL	Fed. Election Campaign Act of 1971, as amended(2 U.S.C. 431 et seq.); Presidential Election Campaign Fund Act(26 U.S.C. 9001 et seq.); Presidential Primary Matching Payment Account Act(26 U.S.C. 9031 et seq.)
FLORIDA	Fla. Stat. Ann. §§ 112.311-.326; Fla. Const. Art. 2, Sect. 8 and Art. 3, Sect. 18
GEORGIA	Ga. Code Ann. §§ 89-901 to 987 (1935) (and Applicable Supplement Sections)
HAWAII	Haw. Rev. Stat. §§ 84-1 to 38 (Supp. 1980)

ILLINOIS	Ill. Rev. Stat. (1981), Ch. 127 Sect 601-101 et seq.
INDIANA	Ind. Code Ann. §§ 2-2.1-3-1. -12., 4-2-6-1-10 (Supp. 1979)
IOWA	Iowa Code Ann. §§ 68B.1 to .10 (1975) (and applicable Supplement Sections) House File 687
KANSAS	Kan. Stat. §§ 46-201 to 280 (Supp. 1979)
KENTUCKY	Ky. Rev. Stat. Ann.; Tit. VIII, Chapter 61 and Chapter 45A; and Tit. 11, Chapter 6
LOUISIANA	La. Rev. Stat. Ann. §§ 42.1101 to 1169 (Supp. 1980)
MAINE	Me. Rev. Stat. Tit. 5 §§ 1001 to 1021 (1964) (and applicable Supplement Sections) 1980 Me. Act, Chapter 734
MARYLAND	Md. Ann. Code, Art. 40A, §§ 1-7(1979 Supp.)
MASSACHUSETTS	Mass. Gen. Laws, Ann. Ch. 268A, §§ 1 to 24, Ch. 268B §§ 1 to 7 (Supp. 1980) c236 of 1983
MICHIGAN	Mich. Comp. Laws Anns. §§ 15.341 to 347 (Supp. 1980)
MINNESOTA	Minn. Stat. Ann. §§ 10A.01 to 10A.34(1982) and applicable Supplementary Sections generally; specifically sect. 10A.01, sub. 18
MISSISSIPPI	M.C.A. §§ 25-4-1 to 31 (Supp. 1979), Sect. 25-4-17 of the Miss. Code Ann.
MISSOURI	Mo. Ann. Stat. §§ 105.450 to 495 (1965) (and applicable Supplement Sections)
MONTANA	Mont. Rev. Codes Ann. §§ 2-2-101 to 304 (1979)
NEBRASKA	Neb. Rev. Stat. §§ 49-1401 to 1444, §§ 49-1493 to 14,104, Reissue 1978, 1982 Cum. Supp. and 1983 Supp.
NEVADA	Nev. Rev. Stat. §§ 281.005 to .581 (1979)
NEW JERSEY	N.J. Stat. Ann. §§ 52:13D-12 et seq.; Exec. Order No. 15, 1975
NEW MEXICO	N.M. Stat. Ann. §§ 10-16-2 to 16 (1978) (and applicable Supplement Sections)

NEW YORK	N.Y. Gen. Mun. Law §§ 800 to 809 (1965) (and applicable Supplement Sections), N.Y. Pub. Off. Law §§ 73 to 79 (Supp. 1979) Lobbying Laws of 1981, Ch. 1040 (as amended by Laws of 1983, Ch. 946
NORTH CAROLINA	N.C. Gen. Stat. §§ 120-85 to 106 (Supp.1979) Executive Order Number I, 1977
OHIO	Ohio Rev. Code Ann., Chap. 102 §§ 102.01 et seq.
OKLAHOMA	Okla. Stat. Ann., Chap. 39, §§ 1401 et seq.
OREGON	Or. Rev. Stat. Chap. 244, §§ 244.010 et seq.
PENNSYLVANIA	Pa. Stat. Ann., Chap. 15, §§ 401 et seq.
RHODE ISLAND	R.I. Gen. Laws, Tit. 36, Chap. 14, §§ 36-14-1 et seq.
SOUTH CAROLINA	S.C. Code §§ 8-13-10, et seq.
TENNESSEE	Tenn. Code Ann. §§ 8-50-501, et seq.
TEXAS	Texas Civil Code Ann., Art. 6252-9 (b), Tit. 110A
UTAH	Utah Code Ann. §§ 67-16-1 to 14 (1953)
VIRGINIA	Va. Conflicts of Interest Act (1970, Chapter 463), §§ 2.1-347 et seq. §§ 2.1-599 through 2.1-634
WASHINGTON	Executive Conflicts of Interest Act, Chap. 42.18; Chap. 42.20; Chap. 42.21; Chap. 42.22; Chap. 42.23 (Wash. Rev. Code Ann.)
WISCONSIN	Wis. Stat. Ann. §§ 19.41 to 47 (Supp. 1979)

CITATIONS TO
CAMPAIGN FINANCE LAWS

ALASKA	Alaska 15.13
CALIFORNIA	Government Code Sections 84100 et seq.
CONNECTICUT	Conn. Gen. Stats., Sections 9-335(14), 9-336b, 9-336c, 9-348d,h,k,p,r Chap. 150 Conn. Gen. Stats.
DISTRICT OF COLUMBIA	D.C. Campaign Finance Reform and Conflict of Interest Act of 1974. D.C. Code §§ 1-1401 et seq.
FLORIDA	Chap. 106, Florida Statutes, Chap. 83-282 Laws of Florida
GEORGIA	Official Code of Georgia Ann. Chap. 21-5
IDAHO	Title 67, Chap. 66, Idaho Code. Municipal candidates in cities with 16,000 or more population - Sect. 50-477 I.C., effective July 1, 1982
ILLINOIS	Article 9 of Chap. 46 (The Election Code) of the Illinois Rev. Stats. Sect. 9-1.3, 9.9, 9.10, 9-16, 9-21, 9-23
INDIANA	Indiana Code 3-4-1-19, 3-4-3-3, 3-4-3-8
KANSAS	KSA 25-4101 et seq.
LOUISIANA	La. Rev. Stat. 18:1483 et seq.
MASSACHUSETTS	Mass. General Laws, Chap. 55, Chap 268A
MICHIGAN	MCLA 169.201 - MCLA 169.282
MINNESOTA	Minn. Stat. §§ 10A.01-10A.34(1982) and applicable Supplement Sections generally, specifically Sect. 10A.01, 10A.02, 10A.09
MISSOURI	Chap. 130, Missouri Revised Statutes
MONTANA	§§ 13-37-101 et seq., MCA
NEBRASKA	Rev. Stat. of Neb. §§ 49-1445 to 49 1479 Reissue 1978, 1982 Cum. Supp. and 1983 Supp.

NEVADA	Chap. 294A of the Nevada Revised Statutes
NEW JERSEY	N.J.S.A. 19:44A-1 et seq.
NEW MEXICO	1-19-1 through 1-19-37 NMSA 1978, 1981 Supp.
NORTH CAROLINA	N.C. G.S. 163-278.6 through 163-278.38
NORTH DAKOTA	NDCC Chapter 16.1-08
OHIO	Ohio Revised Code, Chap. 3517
OKLAHOMA	1981 Okla. Statutes, Title 26, Sect. 15-103 through 15-110 and Sections 18-101 through 18-113
PENNSYLVANIA	Pa. Stat. Ann. - Title 25, 25 P.S. §§ 3241. - 3260b
RHODE ISLAND	Title 17, Chap. 25, General Laws of Rhode Island as amended
SOUTH DAKOTA	Chap. 12-25 of the South Dakota Codified Laws
VERMONT	17 VSA §§ 2801-2832, July 1, 1982
VIRGINIA	24.1-253, 24.1-254, 24.1-254.1, 24.1-255 24.1-257, 24.1-258, 24.1-261. Effective Jan 1, 1984
WASHINGTON	Chap. 42.17 RCW
WYOMING	W.S. 22-25-101 through 22-25-115

CANADA

FEDERAL	Canada Elections Act RSC 1970(1st Supp.) Chap. 14 Election Expenses Act, SC 1973/74 Chap. 51
MANITOBA	The Elections Finances Act(S.M. 1980, c.68
ONTARIO	Election Finances Reform Act, R.S.O. 1980, c.134
QUEBEC	An Act respecting the integration of the administration of the electoral system (1982, c.54)
SASKATCHEWAN	The Election Act, Chap. E-6, Revised Statutes of Sask. 1978 and amendments

MAILING LIST

COUNCIL ON GOVERNMENTAL ETHICS LAWS

ALABAMA

*State Ethics Commission
100 Commerce St., Suite 500
Montgomery, AL 36104
(205) 832-5871
Executive Director: Melvin G. Cooper

ALASKA

*Public Offices Commission
610 "C" Street, Suite 211
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Executive Director: Theda S. Pittman

ARKANSAS

Secretary of State
256 State Capitol
Little Rock, AR 72201
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Secretary of State: Paul Riviere

CALIFORNIA

*Fair Political Practices Commission
1100 "K" Street, P.O. Box 807
Sacramento, CA 95804
(916) 322-5901
Director: John Keplinger

*Citizens Research Foundation
University of Southern California
3716 South Hope Street
Los Angeles, CA 90007
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Director: Herbert E. Alexander

COLORADO

Department of State
1575 Sherman, Room 211
Denver, CO 80203
(303) 866-2041
Director: Betty Chronic

CONNECTICUT

*Election Commission
410 Asylum Street
Hartford, CT 06103
(203) 566-7106
Executive Director: Jeffrey B. Garfield

*State Ethics Commission
30 Trinity Street, Room 103
Hartford, CT 06106
(203) 566-4472
Executive Director: J.David Eaton

DISTRICT OF COLUMBIA

Office of Campaign Finance
420 7th Street, North West
Washington, D.C. 20004
(202) 727-2411
Director: Keith A. Vance

FEDERAL AGENCIES

*Federal Election Commission
1325 "K" Street, North West
Washington, D.C. 20463
(800) 424-9530 or (202) 523-4089
Director: John Surina

Members of the Council on Governmental Ethics Laws are identified with an asterisk (*)

Canadian Agencies are listed last.

*Office of Government Ethics
Library, Room 436H
1900 East Street, North West
Washington, D.C. 20415

FLORIDA

Elections Commission
The Capitol, Room 1801
Tallahassee, FL 32301
(904) 488-7690
Director: Dorothy Glisson

*Commission on Ethics
The Capitol, P.O.Box 6, Room 2105
Tallahassee, FL 32302
(904) 488-7864
Executive Director: Lawrence A. Gonzalez

GEORGIA

Campaign and Financial Disclosure Commission
2082 East Exchange Place, Suite 235
Tucker, Georgia 30084
(404) 656-2764
Executive Director: Robert Lane

HAWAII

*Campaign Spending Commission
P.O. Box 501
Honolulu, HI 96809
(808) 548-5411
Director: Jack Gonzalez

*State Ethics Commission
250 South King Street, Room 405
P.O. Box 616
Honolulu, HI 96809
(808) 548-8504
Executive Director: Catherine Chang

IDAHO

Secretary of State
State House, Room 203
Boise, ID 83720
(208) 334-2300
Chief Deputy: Ben Ysursa

ILLINOIS

*Board of Elections
201 North Wells, Suite 500
Chicago, IL 60606
(312) 793-6440
Director: Richard H. Anderson

*Board of Ethics
522 William G. Stratton Building
Springfield, IL 62706
(217) 782-3900
Executive Director: John Larsen

*Chicago Board of Election Commission
121 North LaSalle, Room 308
City Hall
Chicago, IL 60602
(312) 269-7900

INDIANA

*State Election Board
1440 North Meridan Street, West Annex
Indianapolis, IN 46202
(317) 232-3939
Director: Laurie Christie

Ethics and Conflict of Interest Commission
108-A State Office Building
Indianapolis, IN 46204
(317) 232-3850
Director: Mary A. Donovan

IOWA

*Campaign Finance Disclosure Commission
507 - 10th Street
Des Moines, IA 50309
(515) 281-4411
Executive Director: Kay Williams

KANSAS

*Public Disclosure Commission
109 West 9th Street, Room 504
Topeka, KS 66612
(913) 296-4219
Assistant: Carol E. Williams

KENTUCKY

*Financial Disclosure Review Commission
P.O. Box K
Corbin, KY 40701
(606) 523-0443
Director: Ralph Roaden

LOUISIANA

*Ethics Administration
7434 Perkins Road, Suite B
Baton Rouge, LA 70808
(504) 925-7290
Director: Gray Sexton

MARYLAND

*State Ethics Commission
301 West Preston St., Room 1515
Baltimore, MD 21201
(301) 383-7813
Executive Director: John E. O'Donnell

MASSACHUSETTS

Office of Campaign and Political Finance
1 Ashburton Place, Room 1004
Boston, MA 02108
(617) 727-8352
Director: Dennis Duffin

State Ethics Commission
1 Ashburton Place, Room 1413
Boston, MA 02108
(617) 727-0060
Executive Director: Robert Greco

MICHIGAN

*Campaign & Lobby Records Division
P.O. Box 20126
Lansing, MI 48901
(517) 373-8558
Deputy Director: John T. Turnquist

Department of State (Elections Division)
Lansing, MI. 48918
Secretary of State: Richard Austin

MINNESOTA

*Ethical Practices Board
41 State Office Building
St. Paul, MN 55155
(612) 296-5148
Executive Director: Mary Ann McCoy

MISSISSIPPI

*Ethics Commission
P.O. Box 22746
Jackson, MS 39205
(601) 359-1285
Director: Ronald E. Crowe

MISSOURI

Secretary of State
P.O. Box 1370
Jefferson City, MO 65101
(314) 751-3077
Director: Jack D. Atterberry

MONTANA

Commissioner of Political Practices
Capitol Station, 1205 East 8th Avenue
Helena, MT 59620
(406) 444-2942
Commissioner: Peg Krivec

NEBRASKA

*Accountability and Disclosure Commission
State Capitol, 11th Floor
P.O. Box 95086
Lincoln, NE 68509
(402) 471-2522
Executive Director: Ms. Dannie Trautwein

NEVADA

Secretary of State
400 West King Street
Carson City, Nevada 89710
Secretary of State: William Swackhamer

NEW HAMPSHIRE

Department of State
State House, Room 204
Concord, NH 03301
(603) 271-3242
Director: Robert Ambrose

NEW JERSEY

*Election Law Enforcement Commission
28 West State Street, Room 1114
Trenton, NJ 08625
(609) 292-8700
Director: Scott Weiner

Executive Commission on Ethical Standards
28 West State Street, Room 1407
Trenton, NJ 08625
(609) 292-1892
Director: Richard Murphy

NEW MEXICO

Secretary of State
State Capitol
Santa Fe, NM 87503
(505) 827-2697
Director: Clara Jones

NEW YORK

Temporary State Commission on the
Regulation of Lobbying
99 Washington Ave.,
Twin Towers, Suite 1947
Albany, NY 12210
(518) 474-7126
Executive Director: Louis Cotrona

NORTH CAROLINA

*Board of Ethics
116 West Jones Street
Raleigh, NC 27611
(919) 733-5103
Executive Secretary: Millie Donavant

OHIO

Elections Commission
Secretary of State
State Office Tower
30 East Broad Street, Floor 14
Columbus, OH 43215
(614) 466-2585
Communications Director: Wayne Hill

*Ethics Commission
The Atlas Building
8 East Long Street, Suite 210
Columbus, OH 43215
(614) 466-7090
Executive Director: Stephan W. Stover

OKLAHOMA

State Board of Elections
535 State Capitol
Oklahoma City, OK 73152
(405) 521-2391
Administrative Assistant: Wayne Chandler

OREGON

*Government Ethics Commission
155 Cottage Street, North East
Salem, OR 97310
(503) 378-5105
Executive Director: Betty Reynolds

Secretary of State
136 State Capitol
Salem, OR 93710
Director of Elections: Ray Phelps

PENNSYLVANIA

Department of State
Bureau of Commissions, Elections
and Legislation
305 North Office Bldg.
Harrisburg, PA 17120
(717) 787-5280
Richard Anderson

*State Ethics Commission
P.O. Box 1179
Room 308, Finance Bldg.
Harrisburg, PA 17108
(717) 783-5280 or 783-1610
Executive Director: Edward Seladones

RHODE ISLAND

*Conflict of Interest Commission
10 Dorrance Street, Room 220
Providence, R I 02903
(401) 277-3790
Executive Director: Rae B. Condon

State Board of Elections
50 Branch Ave.
Providence, RI 02903
(401) 277-2345
Director: Francis Rao

SOUTH CAROLINA

*State Ethics Commission
SCN Center, Suite 930
1122 Lady Street
Columbia, SC 29201
(803) 758-7408
Executive Director: Gary R. Baker

Secretary of State
P.O. Box 11350
Columbia, SC 29211
Secretary of State: John T. Campbell

SOUTH DAKOTA

Secretary of State
500 East Capitol
Pierre, SD 57501
(605) 773-3537
Supervisor of Elections: Darleen Gage

TEXAS

*Secretary of State
Elections Division
P.O. Box 12887
Austin, Texas 78711
(512) 475-3091
Director: Karen Gladney

UTAH

State Auditor
211 State Capitol
Salt Lake City, Utah 84114
(801) 533-5361
Director: W. Val Oveson

VIRGINIA

State Board of Elections
North Street Office Bldg. Room 101
Richmond, VA 23219
(804) 786-6551
Chairman: Earl Davis

Secretary of State
Ninth Street Office Bldg.
Richmond, VA 23219
(804) 786-2441
Secretary of State: Laurie Naismith

WASHINGTON

*Public Disclosure Commission
403 Evergreen Plaza Building FJ-42
Olympia, WA 98504
(206) 753-1111
Director: Graham E. Johnson

WISCONSIN

State Election Board
125 South Webster Street
Madison, WI 53702
(608) 266-8005
Executive Secretary: Kevin Kennedy

Secretary of State
201 East Washington
Madison, WI 53703
Director: Gretchen McDonald

WYOMING

Secretary of State
Capitol Building
Cheyenne, WY 82001
(307) 777-7378
Secretary of State: Thyra Thomson

CANADA

ALBERTA

*Chief Electoral Office
West Chambers Building
12220 Stony Plain Road
Edmonton, Alberta, T5N 3Y4
(403) 427-7191
Chief Electoral Officer: Kenneth A. Wark

FEDERAL

*Chief Electoral Office of Canada
440 Coventry Road
Ottawa, Ont. K1A 0M6
(613) 993-2975
Chief Electoral Officer: Jean-Marc Hamel
Director of Election Finance: Bud Slattery

MANITOBA

* Chief Electoral Officer
Legislative Building, Room 249
Winnipeg, Manitoba, R3C-0V8
(204) 994-3225
Chief Electoral Officer: Richard Willis

ONTARIO

*Office of the Chief Election Officer
70 Lombard Street,
Toronto, Ont. M5C 1M3
(416) 965-6831
Chief Election Officer: Warren R. Bailie

*Commission on Election Contributions and Expenses
151 Bloor Street West
8th floor
Toronto, Ont. M5S 1S4
(416) 965-0455
Chairman: Gordon Aiken, Q.C.

QUEBEC

*Directeur General des Elections
3460 La Perade
Ste. Foy, Quebec, G1S 3Y5
(418) 643-5380
Directeur General: Pierre F. Cote, C.A.

SASKATCHEWAN

*Chief Electoral Office
2349 Broad Street
Regina, Saskatchewan, S4P 1Y9
(306) 565-4000
Chief Electoral Officer: Keith Lampard

Alaska State Legislature

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

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

April 9, 1986

LETTER OF INTENT - SCS CSHB 454 (SA)
BY THE SENATE STATE AFFAIRS COMMITTEE

It is the intent of the Senate State Affairs Committee in adopting the SCS for CSHB 454 (SA) that Sections 1, 2, and 3 of the bill comply with the initiative relating to the compensation for state legislators. These sections are included in HB 454 to bring into one measure related matters pertaining to compensation of state officers.

Some drafting changes were made to conform language of the proposed legislation to existing statutes and to correct errors; e.g., Section 1 of the bill v. Section 2 of the initiative.

A minor change is made in compensation of legislators performing official duties while the legislature is not in session. The initiative provides that actual expenses be reimbursed in lieu of per diem. The bill provides that per diem be paid, as was the practice at the time when the salary of legislators was the same as that set forth in Section 2 of the initiative. Provision of per diem, regardless disincentives to carrying out legislative work, to economizing on expenses, and to using low costs modes of travel and accommodations. The purpose of these revisions in the per diem language is to assure that legislators will be properly compensated for the performance of their constitutional duties and to avoid excessive individual expenses.

Both Sections 3 of the initiative and HB 454 provide for a report covering legislator's compensation to be made by the legislative fiscal officer. Under the initiative, the report is to be filed with the Office of Management and Budget in the Governor's Office. The Committee believes that such filing would be transgressing on the separation of power between the legislative and executive branches.

Therefore, SCS CSHB 454 (SA) provides that the report be filed with the Legislature's Fiscal Office. The basic purpose of the initiative -- providing a report available to the public -- is maintained under this minor change.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 4-3-86

REQUEST
Bill/Resolution No.: SSSB 391
Title: Act relating to the ethical conduct of government.

Sponsor: Rules by request of Governor
Requestor: Governor's Office
Date of Request: 4-1-86

FISCAL DETAIL
Agency Affected: Department of Administration
BRU: Division of Personnel

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	7.9	13.2	10.6	7.9	5.3
CONTRACTUAL	0	32.0	50.1	39.5	28.8	18.2
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	39.9	63.3	50.1	36.7	23.5
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	39.9	63.3	50.1	36.7	23.5
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	39.9	63.3	50.1	36.7	23.5

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary See attached.

Prepared By: Frank Raye, Director Phone: 465-4430
Division: Personnel Date: 4/3/86

Approved by Commissioner: Eleanor Andrews Date: 4/4/86
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Rev. 11/8/85

20/4K1/0403-05/2

CONTINUATION of FISCAL NOTE ANALYSIS

For SSSB 391

This bill provides a code of ethics for the guidance of public officers and employees in the executive branch. It establishes procedures to determine if violations exist and requires the attorney general to investigate suspected violations and bring allegations before the State Personnel Board where appropriate. The Personnel Board's duties are to appoint a hearing officer in instances where the alleged violation is contested, adopt or amend hearing officers' recommendations, and impose penalties for confirmed violations.

The members of the State Personnel Board serve without compensation but are entitled to receive travel expenses and per diem when convened. The Board would have to retain independent counsel when they required legal advice to ensure the integrity of the proposed legislation.

It is anticipated that questions and determinations of activities which pose a possible violation of the code of ethics will be more numerous during the first twelve to eighteen months after the bill becomes effective. This assumption is reflected in the number of hearings and Personnel Board meetings budgeted for successive fiscal years.

	FY 87 Effective (1-1-87)	FY 88	FY 89	FY 90	FY 91
Hearings	3	4	3	2	1
Board Meetings	3	5	4	3	2

No inflation factor is used.

Hearings: $3,150

Hearing Officer - $75 per hour x 30 hours = $2,250
Transcription and report preparation - $30 per hour x 30 hours = $900
Contractual = $3,150

Personnel Board Meetings (two days each): $10,140

Travel - 3 members (and legal council) x $540 = $2,160
Per diem - 3 members x $80 x 2 days = $480
Travel = $2,640

Legal Services - $150 per hour x 50 hours = $7,500
Contractual = $7,500

	CONTRACTUAL	TRAVEL
FY 87		
Hearings:	$ 9,450	
Meetings:	22,500	$ 7,920
	$31,950	

	CONTRACTUAL	TRAVEL
FY 88		
Hearings:	$12,600	
Meetings:	37,500	$13,200
	$50,100	
FY 89		
Hearings:	$ 9,450	
Meetings:	30,000	$10,560
	39,450	
FY 90		
Hearings:	$ 6,300	
Meetings:	22,500	$ 7,920
	28,800	
FY 91		
Hearings:	$ 3,150	
Meetings:	15,000	$ 5,280
	18,150	

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

April 2, 1986

The Honorable Mitch Abood
Chair
Senate State Affairs Committee
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Senator Abood:

This letter is written to provide the Senate State Affairs Committee with a sectional analysis of the Sponsor Substitute for Senate Bill 391, the proposed ethics law. The primary achievement of this bill is the establishment, in statute, of a code of ethics for all public officers in the executive branch. The bill replaces the relatively unknown and unworkable aspects of the common law on conflict of interests with more concrete standards. The standards have been developed with two somewhat competing goals in mind: the need to clearly establish high standards of conduct for executive branch officers and the desire to allow those officers to engage in personal and financial activities outside the public sector.

As you are aware, several attempts have been made in past years to enact legislation providing ethical standards for the executive branch. Most recently, Senate Bill 501 was introduced in 1984 at the request of Governor Sheffield, but it did not pass during the 13th Alaska Legislature.

The bill before you reflects the combined work of the Senate Special Committee on Procurement and Ethics and the Department of Law. It also represents a significant revision from the original bill, which created a separate commission to administer the law and was, in view of our current financial crisis, simply too expensive to be practical. We believe this revised bill creatively solves the funding problems while maintaining the critical substance of the code of ethics itself.

Hopefully the enclosed sectional analysis will answer many of your committee's concerns regarding the ethics bill;

however, the staff of the Department of Law stands ready to assist the committee in its review and discussion of SSSB 391.

We appreciate the time and energy you and the other committee members and staff have devoted -- and will no doubt be devoting -- to this bill.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Randall Burns
Randall P. Burns
Special Assistant
to the Attorney General

RPB/glg

Enclosure

SECTIONAL ANALYSIS

Section 1: This section of the bill amends AS 39 ("Public Officers and Employees") by adding a new chapter called the "Alaska Executive Branch Ethics Act." The proposed new Act contains six articles:

Article 1: Declarations
Article 2: Code of Ethics
Article 3: Disclosure and Action to Prevent Violation of Code
Article 4: Complaints; Hearing Procedures
Article 5: Enforcement; Remedies
Article 6: General Provisions

Because sec. 1 comprises almost the entire bill, we have organized our analysis of sec. 1 by the articles listed above.

ARTICLE 1. DECLARATIONS.

Article 1 of the new chapter sets out legislative declarations. The important public purpose behind the need for and adoption of an executive-branch ethics statute requires a strong legislative statement in the statute itself.

Sec. 39.52.010. DECLARATION OF POLICY. AS 39.52.010 specifically states the legislature's belief in the value of a code of ethics for executive-branch officers as a safeguard of the public trust. ("Officers" is defined as all employees of executive-branch agencies and all members of boards or commissions.)

ARTICLE 2. CODE OF ETHICS.

Article 2 contains the code of ethics.

Sec. 39.52.110. SCOPE OF CODE. To clarify the intent behind the code of ethics, this section describes its scope. One of the major criticisms heard is that it is difficult to get qualified people to serve in public office. This section of the bill makes it clear that the legislature, in enacting the code of ethics, recognizes in a representative democracy, which draws its public officers from society, that those officers cannot and should not be without a personal or financial stake in Alaska, so long as those private interests do not interfere with the full and faithful discharge of the officer's public responsibilities. Additionally, this section clarifies the intent to distinguish between those minor and insignificant conflicts that are unavoidable in our free society and those conflicts that are substantial and material and must be prohibited.

While the code's subsequent provisions set out stern prohibitions on conduct, public officers are encouraged to have and maintain

private interests so long as those interests do not improperly benefit the officers through abuse of the responsibilities given to them by their public office.

The code of ethics establishes eight types of ethical violations: (1) misuse of official position; (2) improper acceptance or solicitation of gifts or benefits; (3) improper use or disclosure of information; (4) improper influence in state grants, contracts, leases, or loans; (5) improper representation; (6) acceptance of certain prohibited employment outside of government positions; (7) prohibited representation in matters after leaving state service; and (8) aiding in a violation of the code. AS 39.52.120 -- 39.52.190.

Sec. 39.52.120. MISUSE OF OFFICIAL POSITION. One of the clearest areas of public concern revolves around the conduct addressed in AS 39.52.120. This section prohibits a public officer from using, or attempting to use, an official position for personal gain or to intentionally secure unwarranted benefits for any person. AS 39.52.120(a).

Several types of actions are specifically mentioned as examples of misuse of official position: e.g., the use of one's position to extract other employment or contracts; the use of state time, property, or equipment to benefit the officer's personal or financial interests; the taking or withholding of official action by an officer in order to benefit the officer's personal or financial interests. This section also addresses the supervisor/subordinate relationship and prohibits activities that have in the past caused problems, including a prohibition against close economic associations between supervisors and subordinates, and activities that could suggest possible coercion of a subordinate by a supervisor. AS 39.52.120(b).

Sec. 39.52.130. IMPROPER GIFTS OR BENEFITS. This section addresses another potential abuse: the receipt of a gift or benefit under circumstances in which it could be inferred that the gift or benefit was intended to improperly influence the officer in the performance of his or her official duties. This section creates an objective -- rather than a subjective -- test by which the propriety of soliciting or receiving a gift or benefit can be judged from the viewpoint of a "reasonable person." Travel or hospitality given to aid a public officer in the performance of official duties may be accepted if the officer's designated supervisor (defined in AS 39.52.960) determines that acceptance does not interfere with the full and faithful discharge of the officer's public duties and responsibilities. AS 39.52.130(a).

The bill also sets up a reporting requirement for the receipt of a gift or benefit worth over $25 if the public officer can take or withhold official action that benefits the giver. AS 39.52.130(b).

A designated supervisor may seek advice from the attorney general regarding the acceptance of gifts or benefits. AS 39.52.130(c).

The restrictions relating to gifts or benefits do not apply to campaign contributions to candidates for elected office so long as the contributions comply with the laws and regulations governing elections and campaign disclosure. AS 39.52.130(d).

Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. One commonly expressed complaint is that public officers are able to improperly benefit themselves or family members through the improper use of information gained in the course of their employment. The so-called "insider information" problem is the issue addressed in AS 39.52.140. This section specifically prohibits the use or disclosure of information that either has not been "communicated" to the public (AS 39.52.140(a)) or is confidential by law (AS 39.52.140(b)).

This section sets a fairly high standard. It requires, before officers (or members of their immediate families) can benefit personally or financially from the use or disclosure of information available, that the information first have "been communicated to the public." This means that the information was not simply "available" to the public, but that in some affirmative way the information was first communicated to others outside the agency, whether by newsletter, legislative testimony, a published report, a press release, a legal notice, a speech, etc. It is believed that more than just simple "availability" is necessary to avoid claims that public sector officers are acting improperly because of their access to potentially very beneficial information.

Sec. 39.52.150. IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS, LEASES, OR LOANS. Much public scrutiny has recently been focused on the conduct addressed by this provision of the code of ethics. This section prohibits an officer from improperly influencing state grant, contract, lease, or loan procedures. Specifically, a public officer or member of the officer's immediate family may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects its award, execution, or administration. AS 39.52.150(a). There are exceptions listed to this broad prohibition, which focus on the specific conditions under which the grant, contract, lease, or loan is solicited or awarded. AS 39.52.150(b) -- 39.52.150(c).

In addition, a public officer must report to the commission any personal or financial interests held by the officer or an immediate family member in any state grant, contract, lease, or loan that is awarded by the agency the officer serves. AS 39.52.150(d).

Sec. 39.52.160. IMPROPER REPRESENTATION. Another public concern addressed by the code is the issue of public officers using the advantage of their position in representation before public agencies to benefit their personal or financial interests. This section generally prohibits an officer from representing, advising, or assisting any person concerning a matter pending before the administrative unit that the officer serves. AS 39.52.160(a).

This prohibition does not apply, however, to activities related to collective bargaining, such as the processing of a grievance by an employee representative. AS 39.52.160(b).

In addition, this section clarifies, in the case of a non-salaried member of a board or commission, that the prohibition on representation does not preclude a member of a board or commission from taking responsibility for a matter affecting the member's personal business which is regulated by the very board or commission on which the member serves, so long as the member does not participate, deliberate, or vote on the particular matter when the issue comes before the board or commission for its review or determination. AS 39.52.160(c).

Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. Although AS 39.52.110 makes it clear that holding employment outside of state service is acceptable, the public interest requires that certain restrictions be placed on this privilege. This section prohibits public employees from rendering services or accepting employment outside of their agencies if the outside service or employment is incompatible or in conflict with the proper discharge of their official duties. AS 39.52.170(a). As is currently required by personnel rules, public employees must quarterly report outside employment to their designated supervisor. AS 39.52.170(b).

Sec. 39.52.180. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING STATE SERVICE. The most difficult area to address in this legislation is the post-employment situation. The public interest requires that some restrictions be placed on the range of activities that former public officers may perform in the private sector. Of course, regardless of whether employment is in the public or private sector, the expertise and knowledge one gains in a job are transferable skills that employees rightfully take with them and that enable the employees to seek more responsible positions. We must also consider that while Alaska has a relatively small workforce, government is the state's largest employer.

The development of a post-employment provision that places legitimate restrictions on the use of one's employment experience is, for these reasons, a difficult task. We believe that the post-employment section of this bill reflects a compromise between competing interests. That compromise protects the state's significant interests but does not unfairly restrict an officer's

ability to work in the private sector after leaving state service.

Specifically, AS 39.52.180 prohibits certain types of representation by former public officers for two years after leaving their public positions. The two-year ban is narrowly drawn: an officer is only prohibited from representing, advising, or assisting a person for compensation regarding a matter (1) that was under consideration by the administrative unit directly served

and (2) in which the officer participated personally and substantially through the exercise of official action. A "matter" is precisely defined to include a case, proceeding, application, contract, or determination, and does not include activities related to legislation or regulations. AS 39.52.180(a).

This section does not prevent an agency from contracting with a former public officer to act on the state's behalf. AS 39.52.180(b). Additionally, the head of an agency may waive, in writing, application of this section after determining that representation by a former public officer is not adverse to the public interest. A waiver is subject to the approval of the attorney general. AS 39.52.180(c).

Sec. 39.52.190. AIDING A VIOLATION. Finally, the bill simply states that it is an ethical violation for a public officer to knowingly aid another officer in a violation of AS 39.52.

ARTICLE 3. DISCLOSURE AND ACTION TO PREVENT VIOLATION OF CODE.

Article 3 sets out the various procedures that public officers have available to them for the prevention of a violation of the code of ethics. A major aspect of this legislation is its "preventative" posture. Public officers must be able to seek and receive prompt advice in order to avoid actions that might violate the code. It is these preventative procedures that give the bill its true strength, because it provides a positive approach to solving potential abuses and appropriately assists officers before the fact, rather than waiting for violations to occur which the attorney general must then prosecute.

Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC EMPLOYEES. This section establishes a procedure for handling a potential violation of the code of ethics. A public employee who believes that he or she may be involved in a matter that could result in a violation of the code of ethics is required to immediately disclose the potential conflict to the designated supervisor and to refrain from taking any official action until a determination is made as to a possible conflict or ethical problem. AS 39.52.210(a).

The employee's designated supervisor shall then make a written determination of whether the employee's involvement could or does violate the code of ethics. AS 39.52.210(b). The supervisor shall reassign duties to cure the employee's violation, or direct the divestiture or removal by the employee of the conflicting personal or financial interests. Id. The supervisor may seek an advisory opinion from the attorney general. AS 39.52.210(c).

Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS. This section establishes procedures for handling a potential violation of the code of ethics by a member of a board or commission. A member of a board or commission who believes he or she may be involved in a matter that could result in a violation of a code of ethics must disclose the potential conflict on the record. AS 39.52.220(a). The board chair, as the designated supervisor, rules on whether or not the member's involvement could violate the code of ethics. Id. If a determination is made that a violation would exist if the member continued to participate, then the member must not only refrain from voting on the matter, but must also refrain from deliberating or participating in discussions regarding that particular matter. Id.

The designated supervisor or the board or commission may request advice from the attorney general. AS 39.52.220(b).

Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. This section states that any person may report a potential violation of the code of ethics to a designated supervisor for review and appropriate action.

Sec. 39.52.240. ADVISORY OPINIONS. This section covers requests by designated supervisors, or boards or commissions, for advice from the attorney general regarding appropriate conduct under AS 39.52. It is important to note that requests for advisory opinions are confidential. AS 39.52.240(g).

Advisory opinions must be issued within 60 days after the attorney general receives a completed request. AS 39.52.240(a). Because, however, there may be instances where delay in the receipt of an opinion would cause substantial inconvenience or detriment to the requesting party, this section allows the attorney general to give oral advice. AS 39.52.240(b). The designated supervisor or board or commission then makes a determination regarding an ethical problem. AS 39.52.240(c). If the attorney general has suggested more than one alternative, the supervisor or board or commission will select the most appropriate way to avoid or correct the problem. Id.

A public officer is not liable under AS 39.52 for any action carried out in accordance with a supervisor's determination. AS 39.52.240(d). The attorney general can revise or revoke an advisory opinion at any time (AS 39.52.240(e)), but anyone may

rely on advisory opinions currently in effect (AS 39.52.240(f)). Attorney general opinions will be published in the Alaska Administrative Journal with sufficient deletions to prevent disclosure of the identities of persons involved. AS 39.52.240(h).

Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. Former public officers who need advice regarding their standing in relationship to the code of ethics may request an advisory opinion from the attorney general. AS 39.52.250(a). A former public officer who follows the advice of the attorney general is not liable under this new chapter for any action carried out in accordance with that advice, so long as the circumstances were fully disclosed. AS 39.52.250(b).

Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND ATTORNEY GENERAL REVIEW. This section requires all designated supervisors to report to the attorney general any potential violations reported to them and the disposition of each matter. AS 39.52.260(a). The attorney general is required to review each of the reports filed, and may request additional information. AS 39.52.260(b). The report prepared by the supervisor is confidential and not available for public inspection unless formal proceedings are initiated as a result of a report filed. However, extracts of the report will be made available with sufficient deletions to prevent disclosure of any person's identity. AS 39.52.260(c).

ARTICLE 4. COMPLAINTS; HEARING PROCEDURES.

Article 4 of the new chapter establishes a complete process for handling complaints regarding violations of the provisions of AS 39.52.

Sec. 39.52.310. COMPLAINTS. This section sets out the procedures for handling a complaint, whether filed with the attorney general or initiated by the attorney general, and establishes the conditions under which a complaint will be accepted and investigated. The attorney general can initiate a complaint or elect to treat as a complaint a matter referred by a supervisor. AS 39.52.310(a). In addition, any person can file a complaint with the attorney general in writing. AS 39.52.310(b).

If a complaint alleges a violation by the governor, lieutenant governor, or the attorney general, the personnel board shall appoint independent counsel who shall act in place of the attorney general in reviewing the validity of the complaint filed and, if sufficient, taking the matter to hearing. AS 39.52.-310(c).

The attorney general shall review each complaint filed to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation

of AS 39.52. A complaint may be dismissed (AS 39.52.310(d)) or referred to the appropriate supervisor or board chair for resolution (AS 39.52.310(e)).

If the attorney general accepts a complaint for investigation, the attorney general must provide a copy of the complaint to the subject of the complaint for a response. The subject of the complaint must respond within 20 days with full and fair disclosure in writing of all the facts and circumstances pertaining to the alleged violation. AS 39.52.310(f). The attorney general shall investigate to determine whether a violation of the chapter has occurred. AS 39.52.310(g). A violation of AS 39.52 can be investigated only within two years after discovery of the alleged violation. AS 39.52.310(h).

Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If it appears that there is no probable cause to believe that a violation of the chapter has occurred, the attorney general will dismiss the complaint and prepare and file with the personnel board a confidential summary of the matter. The attorney general is required to communicate disposition of this matter promptly to both the complainant and the subject of the complaint.

Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. This section provides the attorney general with the latitude to recommend action to correct or prevent a violation of the law, if the conduct complained about does not warrant the initiation of formal proceedings. The subject of the complaint is required to comply with the attorney general's recommendation.

Sec. 39.52.340. CONFIDENTIALITY. Information obtained by the attorney general during an investigation is confidential, unless and until formal proceedings are initiated. AS 39.52.340(a). The attorney general and persons contacted during the course of an investigation are required to maintain confidentiality regarding the existence of the investigation. Id. A person who violates the confidentiality provisions of this section is guilty of a class A misdemeanor. Id.

It is not a violation of this section, however, for a person to contact an attorney or participate in a criminal investigation. AS 39.52.340(b). This section also provides that the subject of the complaint may, if he or she so chooses, waive the confidentiality protections of this section. AS 39.52.340(c).

Sec. 39.52.350. PROBABLE CAUSE. If the attorney general finds that there is probable cause to believe that an officer has violated the code of ethics, the attorney general initiates formal proceedings by serving an accusation upon the subject of the complaint. The accusation must specifically set out the alleged violation and, after service, is a public document. Except for deliberations of the personnel board, all subsequent proceedings are open to the public. AS 39.52.350(a).

The subject of the accusation must file an answer to the accusation. AS 39.52.350(b). If the subject denies that a violation has occurred, the attorney general shall refer the matter to the personnel board for appointment of a hearing officer to conduct a hearing. AS 39.52.350(c). If, however, the subject admits an ethical violation, the attorney general shall refer the matter to the personnel board to impose appropriate penalties. AS 39.52.350(d).

Sec. 39.52.360. HEARINGS. AS 39.52.360 establishes the formal hearing process to be followed if a matter is referred to the personnel board for hearing. The hearing officer appointed by the personnel board may conduct pre-hearing conferences, administer oaths, hold hearings, take testimony, and issue subpoenas upon application by a party. AS 39.52.360(a) and (b).

The attorney general presents the charges and has the burden of demonstrating by a preponderance of evidence that the subject of the accusation has violated the new chapter. AS 39.52.360(c). The subject of an accusation may be represented by counsel; each party has the opportunity to be heard and cross-examine witnesses. AS 39.52.360(d).

Hearings held under this section are not subject to the Administrative Procedure Act. AS 39.52.360(e). During the hearing itself, technical rules of evidence do not apply but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. AS 39.52.360(f). At the conclusion of the hearing, the hearing officer may direct the submission of proposed orders (AS 39.52.360(g)), and within 30 days after the conclusion of the formal hearing, the hearing officer must file a written report with the personnel board containing the officer's findings of fact, conclusions of law, and recommendation (AS 39.52.360(h)).

Sec. 39.52.370. PERSONNEL BOARD ACTION. Either party to the hearing may protest the hearing officer's decision before the personnel board. Oral argument before the personnel board will be provided if requested. AS 39.52.370(a). The board may, for good cause shown, convene a hearing de novo or further augment the record with additional evidence. AS 39.52.370(b).

The personnel board shall review each report submitted by the hearing officer and any briefs filed and must either adopt or amend the findings of fact, conclusions of law, and recommendation of the hearing officer. AS 39.52.370(c). The deliberations of the personnel board are not open to the public. Id. If the personnel board determines that a violation has occurred, it may impose certain civil penalties. AS 39.52.370(d). If the board determines that a violation has not occurred, it shall issue a written order of dismissal. Id. The personnel board secretary must promptly inform both parties

of the board's action. AS 39.52.370(e). The subject of the accusation may appeal the board's decision by filing an appeal in the superior court. AS 39.52.370(f).

Sec. 39.52.380. SUBPOENAS. This section gives the attorney general, independent counsel retained by the personnel board, the personnel board, and appointed hearing officers certain subpoena powers.

Sec. 39.52.390. SERVICE. This section dictates how service of an accusation and other documents must be accomplished.

ARTICLE 5. ENFORCEMENT; REMEDIES.

Article 5 describes the enforcement powers available to both the personnel board and the state when a violation of the ethics Act has occurred. Because we wish the attorney general and the personnel board to be able to take relatively swift action, we have provided for a wide range of civil remedies and penalties, as opposed to providing for criminal penalties for violation of the Act.

Sec. 39.52.410. VIOLATIONS; PENALTIES FOR MISCONDUCT. Under this section, if a public employee is found to have violated AS 39.52, the personnel board has the authority to order the employee to stop engaging in the illegal action; may order divestiture, establishment of a blind trust, restitution, or forfeiture; and recommend that the employee's agency take disciplinary action against that employee. AS 39.52.410(a).

If the personnel board determines that a non-salaried member of a board or commission has violated AS 39.52, it may order the member to refrain from voting, deliberating, or participating in the matter; order restitution; or, in appropriate cases, recommend that the governor remove the offending member from the board or commission. AS 39.52.410(b).

If the board determines that a former public officer has violated AS 39.52, it shall issue a public statement of its findings and seek the attorney general's assistance in pursuing all legal remedies against that individual. AS 39.52.410(c).

Finally, if the board finds the governor or lieutenant governor in violation of AS 39.52, the board shall report the matter to the Alaska State Senate with its findings. AS 39.52.410(d).

Sec. 39.52.420. DISCIPLINARY ACTION FOR VIOLATION. This section states that a violation of the code of ethics contained in AS 39.52 is a valid reason for an executive-branch agency to discipline an employee. AS 39.52.420(a). An agency may initiate appropriate disciplinary action without waiting for the attorney general to file an accusation or the board to complete formal proceedings. AS 39.52.420(b).

Sec. 39.52.430. ACTIONS VOIDABLE. This section describes the actions that may be taken by the state if state grants, contracts, leases, or loans have been entered into or received in violation of AS 39.52.

Sec. 39.52.440. CIVIL PENALTIES. This section provides that the personnel board may impose civil penalties not to exceed $5,000 on a current or former public officer for a violation of the ethics Act.

Sec. 39.52.450. PAYMENT OF TWICE THE FINANCIAL BENEFIT. This section gives the personnel board the authority to seek from a current or formal public officer payment of up to twice the financial benefit realized by a person in violation of AS 39.52.

Sec. 39.52.460. CRIMINAL SANCTIONS ADDITIONAL. This section clarifies that the civil penalties provided for in art. 5 of the ethics Act are in addition to any criminal actions that may be pursued.

ARTICLE 6. GENERAL PROVISIONS.

Sec. 39.52.910. APPLICABILITY. This section gives notice that the bill applies generally to all public officers in executive-branch agencies, and that AS 39.52 supersedes the common law on conflicts of interests, including replacement of the common law standard of "the appearance of impropriety" with the specific standards set out in the code of ethics in art. 2 of AS 39.52. AS 39.52.910(a) and (b). This chapter is not subject to collective bargaining. AS 39.52.910(c).

Sec. 39.52.920. AGENCY POLICIES. This section establishes that agencies have the authority to adopt written policies for their employees which are more restrictive than the code of ethics. These agency policies are subject to the attorney general's review and approval.

Sec. 39.52.930. COOPERATION. This section requires agencies in all branches of state government to cooperate fully with the attorney general and the personnel board in the performance of their duties.

Sec. 39.52.940. CONSTRUCTION. This section calls for a liberal construction of the bill's provisions in order to promote high ethical standards in state government.

Sec. 39.52.950. REGULATIONS. Under this section, the attorney general is empowered to adopt necessary regulations to implement AS 39.52.

Sec. 39.52.960. DEFINITIONS. This section of the new chapter sets out definitions for the new code of ethics.

Section 2: This section of the bill amends AS 39.25.060(c) to make the members of the personnel board removable only for cause. The additional responsibilities granted the board under the new ethics law require that the members of the personnel board be free from possible interference in the performance of their duties. Therefore, unless cause can be shown, the governor should be prohibited from freely removing personnel board members from office.

Section 3: This section amends AS 39.25.070, relating to the powers of the personnel board, to add authority to perform the functions granted to the board by the new ethics Act, including authority to appoint hearing officers, review the recommendations of hearing officers, determine whether a violation of the code of ethics had occurred, and impose penalties for a violation of the code.

Section 4: This section of the bill provides for consistency between AS 42.40, regarding employees of the Alaska Railroad, and the new AS 39.52, which covers employees of the railroad as well as directors of the Alaska Railroad Corporation.

Section 5: This section of the bill merely adds attorney general ethics advisory opinions to the list of items to be published in the Alaska Administrative Journal, consistent with the proposed requirement in AS 39.52.240(h) (sec. 1 of the bill).

Section 6: Because the enforcement and remedy provisions in the new ethics law do not take effect until January 1987, this section of the bill clarifies that the attorney general and the personnel board do not have jurisdiction over any alleged violation of the code of ethics occurring before January 1, 1987, unless the violation continues after that date.

Section 7: Under this section of the bill, an agency with an existing policy related to conflicts of interests or the ethical performance of official duties is required to submit that policy to the attorney general for necessary review and approval by January 1, 1987.

Section 8: The sections of the ethics law regarding policy, the issuance of advisory opinions, declarations of potential violations, and the definition section, take effect July 1, 1986.

Section 9: The code of ethics itself, the complaint and hearing procedures, and the law's enforcement and remedy provisions (AS 39.52.110 -- 39.52.190 and AS 39.52.310 -- 39.52.460) will take effect January 1, 1987.

Different effective dates have been provided so that public officers, immediately upon passage of the bill, may seek guidance from the attorney general concerning their standing under the new code of ethics, in order that any reassignments, transfers, or

divestitures that need to occur can be accomplished before the code of ethics, as well as the complaint process, is in force.

BILL SHEFFIELD
GOVERNOR

SSSB 391

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 2, 1986

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a sponsor substitute for Senate Bill 391, a bill relating to the ethical conduct of executive-branch officers. This sponsor substitute was necessitated by the substantial costs associated with the original version of SB 391, costs that primarily resulted from the creation of a separate commission to administer the new ethics Act.

While we adjudge the original version of SB 391 to be "perfect world" legislation, the version before you is one of those rarities: a compromise that substantially reduces the level of funding necessary while maintaining the bill's primary goal: the establishment -- in statute -- of a code of ethics for all public officers in the executive branch, and replacement of the relatively unknown and unworkable aspects of the common law on conflicts of interests with concrete standards of conduct.

The sponsor substitute continues to establish in AS 39 a new chapter entitled the "Alaska Executive Branch Ethics Act," but this sponsor substitute removes from the bill the creation of a separate commission to administer the new law. Instead, the bill relies upon two existing entities to shoulder responsibility for enforcement of the code of ethics: the Department of Law and the state's personnel board.

New staff positions in the Department of Law will 1) provide the executive branch with opinions and advice concerning the

substance and intent of the code of ethics, 2) accept and investigate legitimate complaints, and 3) take to formal hearing probable cause violations of the code. The state's personnel board, which has already had some limited experience in evaluating allegations of employee misconduct, will appoint hearing officers or independent counsel and act as the final determiner in matters that have gone to hearing, and will, through the provision of new enforcement powers to the board, order appropriate penalties and remedies.

As a result of conversations with representatives of various departments, language has been added to AS 39.52.130(a), providing for acceptance of travel or hospitality by department personnel if acceptance does not compromise an officer in the proper performance of his or her duties.

In this sponsor substitute, under certain conditions, a non-salaried member of a board or commission is not precluded from participating in personal or financial matters that are regulated by the board or commission on which the member serves. AS 39.52.160(c).

Sections 2 and 3 of the sponsor substitute amend existing statutes relating to the personnel board, to reflect the board's duties and responsibilities under this bill.

In addition, this substitute legislation does not transfer any of the financial disclosure reporting requirements from the current conflict of interests law (AS 39.50) to the new executive ethics chapter. Executive branch officials who currently file conflict of interest statements will continue to file their statements with the Alaska Public Offices Commission.

Because no transfer of financial disclosure reporting requirements is contained in this sponsor substitute, the bill's previous extensive amendments to AS 39.50 have been eliminated. While many of the proposed changes to AS 39.50 deserve the attention of the legislature, many of the changes exist in other bills currently before the legislature, and we have, for that reason, and for the sake of simplicity, dropped them from this substitute bill.

Finally, inasmuch as passage of the "whistleblower" legislation currently pending before the legislature appears likely, I have also removed similar whistleblower provisions from SB 391.

Hence, SSSB 391 is considerably shortened and much leaner than the original. A sectional analysis of the revised legislation follows, for the legislature's use in reviewing the proposed bill and for the use of future researchers.

I believe that this sponsor substitute deserves prompt attention by the legislature. Passage of a code of ethics for the executive branch is a priority of my administration and, I hope, a priority of the legislature as well.

SECTIONAL ANALYSIS
OF SSSB 391

Section 1: This section of the bill amends AS 39 ("Public Officers and Employees") by adding a new chapter called the "Alaska Executive Branch Ethics Act." The proposed new Act contains six articles:

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Article 4: Complaints; Hearing Procedures
Article 5: Enforcement; Remedies
Article 6: General Provisions

Because sec. 1 of SB 391 comprises almost the entire bill, we have decided to organize our analysis of sec. 1 by the articles listed above.

ARTICLE 1. DECLARATIONS.

Article 1 of the new chapter sets out legislative declarations. I believe that the important public purpose behind the need for and adoption of an executive-branch ethics statute requires a strong legislative statement in the statute itself.

Sec. 39.52.010. DECLARATION OF POLICY. AS 39.52.010 specifically states the legislature's belief in the value of a code of ethics for executive-branch officers as a safeguard of the public trust. ("Officers" is defined as all employees of executive-branch agencies and all members of boards or commissions.)

ARTICLE 2. CODE OF ETHICS.

Article 2 contains the code of ethics.

Sec. 39.52.110. SCOPE OF CODE. To clarify the intent behind the code of ethics, this section describes its scope. One of the major criticisms heard is that it is difficult to get qualified people to serve in public office. I wanted to make it clear in this section of the bill that the legislature, in enacting the code of ethics, recognizes in a representative democracy, which draws its public officers from society, that those officers cannot and should not be without a personal or financial stake in Alaska, so long as those private interests do not interfere with the full and

faithful discharge of the officer's public responsibilities. Additionally, this section clarifies the intent to distinguish between those minor and insignificant conflicts that are unavoidable in our free society and those conflicts that are substantial and material and must be prohibited.

While the code's subsequent provisions set out stern prohibitions on conduct, public officers are encouraged to have and maintain private interests so long as those interests do not improperly benefit the officers through abuse of the responsibilities given to them by their public office.

The code of ethics establishes eight types of ethical violations: (1) misuse of official position; (2) improper acceptance or solicitation of gifts or benefits; (3) improper use or disclosure of information; (4) improper influence in state grants, contracts, leases, or loans; (5) improper representation; (6) acceptance of certain prohibited employment outside of government positions; (7) prohibited representation in matters after leaving state service; and (8) aiding in a violation of the code. AS 39.52.120 -- 39.52.190.

Sec. 39.52.120. MISUSE OF OFFICIAL POSITION. One of the clearest areas of public concern revolves around the conduct addressed in AS 39.52.120. This section prohibits a public officer from using, or attempting to use, an official position for personal gain or to intentionally secure unwarranted benefits for any person. AS 39.52.120(a).

Several types of actions are specifically mentioned as examples of misuse of official position: e.g., the use of one's position to extract other employment or contracts; the use of state time, property, or equipment to benefit the officer's personal or financial interests; the taking or withholding of official action by an officer in order to benefit the officer's personal or financial interests. This section also addresses the supervisor/subordinate relationship and prohibits activities that have in the past caused problems, including a prohibition against close economic associations between supervisors and subordinates, and activities that could suggest possible coercion of a subordinate by a supervisor. AS 39.52.120(b).

Sec. 39.52.130. IMPROPER GIFTS OR BENEFITS. This section addresses another potential abuse: the receipt of a gift or benefit under circumstances in which it could be inferred that the gift or benefit was intended to improperly influence the officer in the performance of his or her official duties. This section creates an objective -- rather than a subjective -- test by which the propriety of soliciting or receiving a gift or benefit can be judged from the viewpoint of a "reasonable person." Travel or hospitality given to aid a public officer in the performance of official duties may be accepted if the officer's designated

supervisor (defined in AS 39.52.960) determines that acceptance does not interfere with the full and faithful discharge of the officer's public duties and responsibilities. AS 39.52.130(a).

The bill also sets up a reporting requirement for the receipt of a gift or benefit worth over $25 if the public officer can take or withhold official action that benefits the giver. AS 39.52.130(b).

A designated supervisor may seek advice from the attorney general regarding the acceptance of gifts or benefits. AS 39.52.130(c).

The restrictions relating to gifts or benefits do not apply to campaign contributions to candidates for elected office so long as the contributions comply with the laws and regulations governing elections and campaign disclosure. AS 39.52.130(d).

Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. One commonly expressed complaint is that public officers are able to improperly benefit themselves or family members through the improper use of information gained in the course of their employment. The so-called "insider information" problem is the issue addressed in AS 39.52.140. This section specifically prohibits the use or disclosure of information that either has not been "communicated" to the public (AS 39.52.140(a)) or is confidential by law (AS 39.52.-140(b)).

This section sets a fairly high standard. It requires, before officers (or members of their immediate families) can benefit personally or financially from the use or disclosure of information available, that the information first have "been communicated to the public." This means that the information was not simply "available" to the public, but that in some affirmative way the information was first communicated to others outside the agency, whether by newsletter, legislative testimony, a published report, a press release, a legal notice, a speech, etc. It is believed that more than just simple "availability" is necessary to avoid claims that public sector officers are acting improperly because of their access to potentially very beneficial information.

Sec. 39.52.150. IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS, LEASES, OR LOANS. Much public scrutiny has recently been focused on the conduct addressed by this provision of the code of ethics. This section prohibits an officer from improperly influencing state grant, contract, lease, or loan procedures. Specifically, a public officer or member of the officer's immediate family may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract,

lease, or loan if the public officer may take or withhold official action that affects its award, execution, or administration. AS 39.52.150(a). There are exceptions listed to this broad prohibition, which focus on the specific conditions under which the grant, contract, lease, or loan is solicited or awarded. AS 39.52.150(b) -- 39.52.-150(c).

In addition, a public officer must report to the commission any personal or financial interests held by the officer or an immediate family member in any state grant, contract, lease, or loan that is awarded by the agency the officer serves. AS 39.52.150(d).

Sec. 39.52.160. IMPROPER REPRESENTATION. Another public concern addressed by the code is the issue of public officers using the advantage of their position in representation before public agencies to benefit their personal or financial interests. This section generally prohibits an officer from representing, advising, or assisting any person concerning a matter pending before the administrative unit that the officer serves. AS 39.52.160(a).

This prohibition does not apply, however, to activities related to collective bargaining, such as the processing of a grievance by an employee representative. AS 39.52.160(b).

In addition, this section clarifies, in the case of a non-salaried member of a board or commission, that the prohibition on representation does not preclude a member of a board or commission from taking responsibility for a matter affecting the member's personal business which is regulated by the very board or commission on which the member serves, so long as the member does not participate, deliberate, or vote on the particular matter when the issue comes before the board or commission for its review or determination. AS 39.52.160(c).

Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. Although AS 39.52.110 makes it clear that holding employment outside of state service is acceptable, the public interest requires that certain restrictions be placed on this privilege. This section prohibits public employees from rendering services or accepting employment outside of their agencies if the outside service or employment is incompatible or in conflict with the proper discharge of their official duties. AS 39.52.170(a). As is currently required by personnel rules, public employees must quarterly report outside employment to their designated supervisor. AS 39.52.170(b).

Sec. 39.52.180. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING STATE SERVICE. The most difficult area to address in this legislation is the post-employment situation. The public interest requires that some restrictions be placed on the

range of activities that former public officers may perform in the private sector. Of course, regardless of whether employment is in the public or private sector, the expertise and knowledge one gains in a job are transferable skills that employees rightfully take with them and that enable the employees to seek more responsible positions. We must also consider that while Alaska has a relatively small workforce, government is the state's largest employer.

The development of a post-employment provision that places legitimate restrictions on the use of one's employment experience is, for these reasons, a difficult task. I believe that the post-employment section of this bill reflects a compromise between competing interests. That compromise protects the state's significant interests but does not unfairly restrict an officer's ability to work in the private sector after leaving state service.

Specifically, AS 39.52.180 prohibits certain types of representation by former public officers for two years after leaving their public positions. The two-year ban is narrowly drawn: an officer is only prohibited from representing, advising, or assisting a person for compensation regarding a matter (1) that was under consideration by the administrative unit directly served and (2) in which the officer participated personally and substantially through the exercise of official action. A "matter" is precisely defined to include a case, proceeding, application, contract, or determination, and does not include activities related to legislation or regulations. AS 39.52.180(a).

This section does not prevent an agency from contracting with a former public officer to act on the state's behalf. AS 39.52 180(b). Additionally, the head of an agency may waive, in writing, application of this section after determining that representation by a former public officer is not adverse to the public interest. A waiver is subject to the approval of the attorney general. AS 39.52.180(c).

Sec. 39.52.190. AIDING A VIOLATION. Finally, the bill simply states that it is an ethical violation for a public officer to knowingly aid another officer in a violation of AS 39.52.

ARTICLE 3. DISCLOSURE AND ACTION TO PREVENT VIOLATION OF CODE.

Article 3 sets out the various procedures that public officers have available to them for the prevention of a violation of the code of ethics. A major aspect of this legislation is its "preventative" posture. Public officers must be able to seek and receive prompt advice in order to avoid actions that might violate the code. It is these preventative procedures that give the bill its true

strength, because it provides a positive approach to solving potential abuses and appropriately assists officers before the fact, rather than waiting for violations to occur which the attorney general must then prosecute.

Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC EMPLOYEES. This section establishes a procedure for handling a potential violation of the code of ethics. A public employee who believes that he or she may be involved in a matter that could result in a violation of the code of ethics is required to immediately disclose the potential conflict to the designated supervisor and to refrain from taking any official action until a determination is made as to a possible conflict or ethical problem. AS 39.52.210(a).

The employee's designated supervisor shall then make a written determination of whether the employee's involvement could or does violate the code of ethics. AS 39.52.210(b). The supervisor shall reassign duties to cure the employee's violation, or direct the divestiture or removal by the employee of the conflicting personal or financial interests. Id. The supervisor may seek an advisory opinion from the attorney general. AS 39.52.210(c).

Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS. This section establishes procedures for handling a potential violation of the code of ethics by a member of a board or commission. A member of a board or commission who believes he or she may be involved in a matter that could result in a violation of a code of ethics must disclose the potential conflict on the record. AS 39.52.220(a). The board chair, as the designated supervisor, rules on whether or not the member's involvement could violate the code of ethics. Id. If a determination is made that a violation would exist if the member continued to participate, then the member must not only refrain from voting on the matter, but must also refrain from deliberating or participating in discussions regarding that particular matter. Id.

The designated supervisor or the board or commission may request advice from the attorney general. AS 39.52.220(b).

Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. This section states that any person may report a potential violation of the code of ethics to a designated supervisor for review and appropriate action.

Sec. 39.52.240. ADVISORY OPINIONS. This section covers requests by designated supervisors, or boards or commissions, for advice from the attorney general regarding appropriate conduct under AS 39.52. It is important to note that requests for advisory opinions are confidential. AS 39.52.240(g).

Advisory opinions must be issued within 60 days after the attorney general receives a completed request. AS 39.52.-240(a). Because, however, there may be instances where delay in the receipt of an opinion would cause substantial inconvenience or detriment to the requesting party, this section allows the attorney general to give oral advice. AS 39.52.240(b). The designated supervisor or board or commission then makes a determination regarding an ethical problem. AS 39.52.240(c). If the attorney general has suggested more than one alternative, the supervisor or board or commission will select the most appropriate way to avoid or correct the problem. Id.

A public officer is not liable under AS 39.52 for any action carried out in accordance with a supervisor's determination. AS 39.52.240(d). The attorney general can revise or revoke an advisory opinion at any time (AS 39.52.240(e)), but anyone may rely on advisory opinions currently in effect (AS 39.52.240(f)). Attorney general opinions will be published in the Alaska Administrative Journal with sufficient deletions to prevent disclosure of the identities of persons involved. AS 39.52.240(h).

Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. Former public officers who need advice regarding their standing in relationship to the code of ethics may request an advisory opinion from the attorney general. AS 39.52.250(a). A former public officer who follows the advice of the attorney general is not liable under this new chapter for any action carried out in accordance with that advice, so long as the circumstances were fully disclosed. AS 39.52.250(b).

Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND ATTORNEY GENERAL REVIEW. This section requires all designated supervisors to report to the attorney general any potential violations reported to them and the disposition of each matter. AS 39.52.260(a). The attorney general is required to review each of the reports filed, and may request additional information. AS 39.52.260(b). The report prepared by the supervisor is confidential and not available for public inspection unless formal proceedings are initiated as a result of a report filed. However, copies of the report will be made available with sufficient deletions to prevent disclosure of a person's identity. AS 39.52.260(c).

ARTICLE 4. COMPLAINTS; HEARING PROCEDURES.

Article 4 of the new chapter establishes a complete process for handling complaints regarding violations of the provisions of AS 39.52.

Sec. 39.52.310. COMPLAINTS. This section sets out the procedures for handling a complaint, whether filed with the

attorney general or initiated by the attorney general, and establishes the conditions under which a complaint will be accepted and investigated. The attorney general can initiate a complaint or elect to treat as a complaint a matter referred by a supervisor. AS 39.52.310(a). In addition, any person can file a complaint with the attorney general in writing. AS 39.52.310(b).

If a complaint alleges a violation by the governor, lieutenant governor, or the attorney general, the personnel board shall appoint independent counsel who shall act in place of the attorney general in reviewing the validity of the complaint filed and, if sufficient, taking the matter to hearing. AS 39.52.310(c). The attorney general shall review each complaint filed to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of AS 39.52. A complaint may be dismissed (AS 39.52.310(d)) or referred to the appropriate supervisor or board chair for resolution (AS 39.52.310(e)).

If the attorney general accepts a complaint for investigation, the attorney general must provide a copy of the complaint to the subject of the complaint for a response. The subject of the complaint must respond within 20 days with full and fair disclosure in writing of all the facts and circumstances pertaining to the alleged violation. AS 39.52.310(f). The attorney general shall investigate to determine whether a violation of the chapter has occurred. AS 39.52.310(g). A violation of AS 39.52 can be investigated only within two years after discovery of the alleged violation. AS 39.52.310(h).

Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If it appears that there is no probable cause to believe that a violation of the chapter has occurred, the attorney general will dismiss the complaint and prepare and file with the personnel board a confidential summary of the matter. The attorney general is required to communicate disposition of this matter promptly to both the complainant and the subject of the complaint.

Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. This section provides the attorney general with the latitude to recommend action to correct or prevent a violation of the law, if the conduct complained about does not warrant the initiation of formal proceedings. The subject of the complaint is required to comply with the attorney general's recommendation.

Sec. 39.52.340. CONFIDENTIALITY. Information obtained by the attorney general during an investigation is confidential, unless and until formal proceedings are initiated. AS 39.52.340(a). The attorney general and persons contacted

during the course of an investigation are required to maintain confidentiality regarding the existence of the investigation. Id. A person who violates the confidentiality provisions of this section is guilty of a class A misdemeanor. Id.

It is not a violation of this section, however, for a person to contact an attorney or participate in a criminal investigation. AS 39.52.340(b). This section also provides that the subject of the complaint may, if he or she so chooses, waive the confidentiality protections of this section. AS 39.52.340(c).

Sec. 39.52.350. PROBABLE CAUSE. If the attorney general finds that there is probable cause to believe that an officer has violated the code of ethics, the attorney general initiates formal proceedings by serving an accusation upon the subject of the complaint. The accusation must specifically set out the alleged violation and, after service, is a public document. Except for deliberations of the personnel board, all subsequent proceedings are open to the public. AS 39.52.350(a).

The subject of the accusation must file an answer to the accusation. AS 39.52.350(b). If the subject denies that a violation has occurred, the attorney general shall refer the matter to the personnel board for appointment of a hearing officer to conduct a hearing. AS 39.52.350(c). If, however, the subject admits an ethical violation, the attorney general shall refer the matter to the personnel board to impose appropriate penalties. AS 39.52.350(d).

Sec. 39.52.360. HEARINGS. AS 39.52.360 establishes the formal hearing process to be followed if a matter is referred to the personnel board for hearing. The hearing officer appointed by the personnel board may conduct pre-hearing conferences, administer oaths, hold hearings, take testimony, and issue subpoenas upon application by a party. AS 39.52.360(a) and (b).

The attorney general presents the charges and has the burden of demonstrating by a preponderance of evidence that the subject of the accusation has violated the new chapter. AS 39.52.360(c). The subject of an accusation may be represented by counsel; each party has the opportunity to be heard and cross-examine witnesses. AS 39.52.360(d).

Hearings held under this section are not subject to the Administrative Procedure Act. AS 39.52.360(e). During the hearing itself, technical rules of evidence do not apply but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. AS 39.52.360(f). At the conclusion of the hearing,

the hearing officer may direct the submission of proposed orders (AS 39.52.360(g)), and within 30 days after the conclusion of the formal hearing, the hearing officer must file a written report with the personnel board containing the officer's findings of fact, conclusions of law, and recommendation (AS 39.52.360(h)).

Sec. 39.52.370. PERSONNEL BOARD ACTION. Either party to the hearing may protest the hearing officer's decision before the personnel board. Oral argument before the personnel board will be provided if requested. AS 39.52.370(a). The board may, for good cause shown, convene a hearing de novo or further augment the record with additional evidence. AS 39.52.370(b).

The personnel board shall review each report submitted by the hearing officer and any briefs filed and must either adopt or amend the findings of fact, conclusions of law, and recommendation of the hearing officer. AS 39.52.370(c). The deliberations of the personnel board are not open to the public. Id. If the personnel board determines that a violation has occurred, it may impose certain civil penalties. AS 39.52.370(d). If the board determines that a violation has not occurred, it shall issue a written order of dismissal. Id. The personnel board secretary must promptly inform both parties of the board's action. AS 39.52.370(e). The subject of the accusation may appeal the board's decision by filing an appeal in the superior court. AS 39.52.370(f).

Sec. 39.52.380. SUBPOENAS. This section gives the attorney general, independent counsel retained by the personnel board, the personnel board, and appointed hearing officers certain subpoena powers.

Sec. 39.52.390. SERVICE. This section dictates how service of an accusation and other documents must be accomplished.

ARTICLE 5. ENFORCEMENT; REMEDIES.

Article 5 describes the enforcement powers available to both the personnel board and the state when a violation of the ethics Act has occurred. Because we wish the attorney general and the personnel board to be able to take relatively swift action, we have provided for a wide range of civil remedies and penalties, as opposed to providing for criminal penalties for violation of the Act.

Sec. 39.52.410. VIOLATIONS; PENALTIES FOR MISCONDUCT. Under this section, if a public employee is found to have violated AS 39.52, the personnel board has the authority to order the employee to stop engaging in the illegal action; may order divestiture, establishment of a blind trust, restitution, or forfeiture; and recommend that the employee's

agency take disciplinary action against that employee. AS 39.52.410(a).

If the personnel board determines that a non-salaried member of a board or commission has violated AS 39.52, it may order the member to refrain from voting, deliberating, or participating in the matter; order restitution; or, in appropriate cases, recommend that the governor remove the offending member from the board or commission. AS 39.52.410(b).

If the board determines that a former public officer has violated AS 39.52, it shall issue a public statement of its findings and seek the attorney general's assistance in pursuing all legal remedies against that individual. AS 39.52.410(c).

Finally, if the board finds the governor or lieutenant governor in violation of AS 39.52, the board shall report the matter to the Alaska State Senate with its findings. AS 39.52.410(d).

Sec. 39.52.420. DISCIPLINARY ACTION FOR VIOLATION. This section states that a violation of the code of ethics contained in AS 39.52 is a valid reason for an executive-branch agency to discipline an employee. AS 39.52.420(a). An agency may initiate appropriate disciplinary action without waiting for the attorney general to file an accusation or the board to complete formal proceedings. AS 39.52.420(b).

Sec. 39.52.430. ACTIONS VOIDABLE. This section describes the actions that may be taken by the state if state grants, contracts, leases, or loans have been entered into or received in violation of AS 39.52.

Sec. 39.52.440. CIVIL PENALTIES. This section provides that the personnel board may impose civil penalties not to exceed $5,000 on a current or former public officer for a violation of the ethics Act.

Sec. 39.52.450. PAYMENT OF TWICE THE FINANCIAL BENEFIT. This section gives the personnel board the authority to seek from a current or formal public officer payment of up to twice the financial benefit realized by a person in violation of AS 39.52.

Sec. 39.52.460. CRIMINAL SANCTIONS ADDITIONAL. This section clarifies that the civil penalties provided for in art. 5 of the ethics Act are in addition to any criminal actions that may be pursued.

ARTICLE 6. GENERAL PROVISIONS.

Sec. 39.52.910. APPLICABILITY. This section gives notice that the bill applies generally to all public officers in executive-branch agencies, and that AS 39.52 supersedes the common law on conflicts of interests, including replacement of the common law standard of "the appearance of impropriety" with the specific standards set out in the code of ethics in art. 2 of AS 39.52. AS 39.52.910(a) and (b). This chapter is not subject to collective bargaining. AS 39.52.910(c).

Sec. 39.52.920. AGENCY POLICIES. This section establishes that agencies have the authority to adopt written policies for their employees which are more restrictive than the code of ethics. These agency policies are subject to the attorney general's review and approval.

Sec. 39.52.930. COOPERATION. This section requires agencies in all branches of state government to cooperate fully with the attorney general and the personnel board in the performance of their duties.

Sec. 39.52.940. CONSTRUCTION. This section calls for a liberal construction of the bill's provisions in order to promote high ethical standards in state government.

Sec. 39.52.950. REGULATIONS. Under this section, the attorney general is empowered to adopt necessary regulations to implement AS 39.52.

Sec. 39.52.960. DEFINITIONS. This section of the new chapter sets out definitions for the new code of ethics.

Section 2: This section of the bill amends AS 39.25.060(c) to make the members of the personnel board removable only for cause. The additional responsibilities granted the board under the new ethics law require that the members of the personnel board be free from possible interference in the performance of their duties. Therefore, unless cause can be shown, the governor should be prohibited from freely removing personnel board members from office.

Section 3: This section amends AS 39.25.070, relating to the powers of the personnel board, to add authority to perform the functions granted to the board by the new ethics Act, including authority to appoint hearing officers, review the recommendations of hearing officers, determine whether a violation of the code of ethics had occurred, and impose penalties for a violation of the code.

Section 4: This section of the bill provides for consistency between AS 42.40, regarding employees of the Alaska Railroad, and the new AS 39.52, which covers employees of the railroad as well as directors of the Alaska Railroad Corporation.

Section 5: This section of the bill merely adds attorney general ethics advisory opinions to the list of items to be published in the Alaska Administrative Journal, consistent with the proposed requirement in AS 39.52.240(h) (sec. 1 of the bill).

Section 6: Because the enforcement and remedy provisions in the new ethics law do not take effect until January 1987, this section of the bill clarifies that the attorney general and the personnel board do not have jurisdiction over any alleged violation of the code of ethics occurring before January 1, 1987, unless the violation continues after that date.

Section 7: Under this section of the bill, an agency with an existing policy related to conflicts of interests or the ethical performance of official duties is required to submit that policy to the attorney general for necessary review and approval by January 1, 1987.

Section 8: The sections of the ethics law regarding policy, the issuance of advisory opinions, declarations of potential violations, and the definition section, take effect July 1, 1986.

Section 9: The code of ethics itself, the complaint and hearing procedures, and the law's enforcement and remedy provisions (AS 39.52.110 -- 39.52.190 and AS 39.52.310 -- 39.52.460) will take effect January 1, 1987.

I have provided different effective dates so that public officers, immediately upon passage of the bill, may seek guidance from the attorney general concerning their standing under the new code of ethics, in order that any reassignments, transfers, or divestitures that need to occur can be accomplished before the code of ethics, as well as the complaint process, is in force.

CONCLUSION

Several attempts have been made in past years to enact legislation providing ethical standards for the executive branch. Most recently at my request, SB 501 was introduced in 1984, but it did not pass during the Thirteenth Alaska Legislature. I strongly endorse this bill and urge its serious consideration and passage this session, especially in its now-revised form.

Sincerely,

Bill Sheffield
Governor

2908

to appear on
1986 primary ballot

The above Sponsor is duly
authorized to circulate

INITIATIVE PETITION

ENTITLED "PRESCRIBING COMPENSATION FOR STATE LEGISLATORS"

PROPOSITION #83-04

If enacted, this proposed bill would amend state law providing for compensation to state legislators. It would establish the monthly salary for legislators at Step A, Range 10 (currently equal to $1,757) of the salary schedule in AS 39.27.011(a). The bill would also authorize per diem payments for legislators while the legislature is in session. When not in session, legislators on interim committee business would receive reimbursement of actual expenses only. In addition, the proposed bill would require the legislative fiscal officer to report annually to the Office of Management and Budget on all vouchers approving payments to legislators during the year.

WARNING

"A PERSON WHO SIGNS A NAME OTHER THAN HIS OWN ON THIS PETITION, OR WHO KNOWINGLY SIGNS HIS NAME MORE THAN ONCE FOR THE SAME PROPOSITION AT ONE ELECTION, OR WHO SIGNS THE PETITION KNOWING HE OR SHE IS NOT A QUALIFIED VOTER, UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN $1,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH. (AS 15.45.100)"

(See next page for text of bill.)

RECEIVED
OCT 1984
DIRECTOR OF ELECTIONS

COMPLETED

AN INITIATIVE

For An Act Entitled: "An Act relating to the compensation for state legislators."

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

*Section 1. AS 24.15.010 is reenacted to read:

Sec. 24.15.010. Legislature per diem.

(a) During the legislative session, each member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate during a legislative session if he does not live in his place of permanent residence during the session.

(c) A legislator is entitled to receive per diem at the long-term rate during a legislative session if he lives in his place of permanent residence during the session.

(d) When the legislature is not in session, instead of receiving per diem a legislator is entitled to be reimbursed for actual expenses incurred while he is on committee business for an interim committee of the legislature in a place which is not his place of permanent residence.

(e) In this section
(1) "long-term rate" means the long-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160;
(2) "short-term rate" means the short-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160.

*Section 2. AS 24.15.020 is amended to read:

Sec. 24.15.020. Salary of legislators. The monthly salary for each member of the legislature is equal to Step A, Range 10, [22] of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

*Section 3. AS 24.15.040 is amended to read:

Sec. 24.15.040. Method of Payment. Salaries, per diem and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer. The Legislative fiscal officer shall, by January 31 of each calendar year, file with the Office of Management and Budget a report of all vouchers approved for payment pursuant to this section during the preceding calendar year. The report shall provide, by legislator, the date of each voucher, the amount paid and the basis for approval for payment.

*Section 4. Any provisions of the Alaska Statutes inconsistent with this Act are hereby repealed.

SB

401

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M

SUBJECT: Annulment of regulations (SB 401)

TO: Senator Mitchell Abood

FROM: Tamara Brandt Cook TBC
Director
Division of Legal Services

You have asked whether the legislature may reinstate a previously adopted regulation rather than just annulling the regulation that replaces it. Under AS 44.62.320 the legislature is specifically authorized to annul a regulation, but has no power to adopt or reinstate a regulation. The section was considered by the court and held unconstitutional in A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980). The basis for the decision is the failure to follow the constitutionally prescribed method of enacting law by resorting to a concurrent resolution for the annulment, so the legislature retains the power to annul regulations by law. The court in that case stressed the constitutionally defined mechanics of legislation as the form that must be used by the legislature if an act is to have the force of law. The court stated

> Of course, when the legislature wishes to act in an advisory capacity it may act by resolution. However, when it means to take action having a binding effect on those outside the legislature it may do so only by following the enactment procedures. (Id at page 773, emphasis added)

A regulation does have the force of law, in that it has a binding effect. Consequently, while the legislature may delegate to an executive branch agency the power to adopt regulations, it may not adopt regulations itself, because the method whereby a regulation is adopted does not conform to the constitutionally mandated procedures for enacting legislation. If the legislature wishes to preserve the effect of a regulation that has been repealed or amended by

an agency, the legislature may always incorporate the provisions it wishes to preserve into statute. A statute, of course, has priority over any inconsistent regulation. (AS 44.62.030)

TBC:csh
c6/002

POSITION PAPER
SB 401

This legislation annuls 34 administrative regulations promulgated by the Alaska Public Offices Commission in accordance with the provisions of the Administrative Procedure Act (AS 44.62). The specific regulations to be annuled include all long-standing and newly-revised regulations, twenty-nine in number, "[N]ecessary to implement and clarify the provisions of ...." AS 15.13, Alaska's Campaign Disclosure Law. AS 15.13.030(10). The remaining five regulations annuled by the bill are general provisions, procedural in nature, which are also applicable to AS 24.45, Regulation of Lobbying, and to AS 39.50, Conflict of Interest. The latter regulations include the Commission's procedures for handling complaints, preliminary investigations, hearings, and advisory opinions.

These changes would affect approximately 200 state candidates, 350 municipal candidates in 24 municipalities, over 250 political groups, and their major contributors. Candidates, groups, and contributors desiring to comply with AS 15.13 would be unsure of their responsibilities and would swamp the Commission with anxious inquiries. Those desiring to operate unfettered by the requirements of Alaska law would claim they didn't know their actions were improper.

With the 1986 campaigns well underway, the Commission would be required -- in order to assist those campaigns and in order to comply with its enabling legislation -- to publicize its intent to adopt Campaign Disclosure regulations and then to undertake the adoption of emergency regulations. Since emergency regulations are effective only for a short period of time, a notice of intent to adopt permanent regulations would also be undertaken as soon as the emergency action was complete. The process would require 6-9 months and additional funding due to the size of the task and the requirements of the Administrative Procedures Act.

Kevin Fitzmaurice
Exec. Dir., Public Offices Commission

2/15/86
Date

Eleanor Andrews
Commissioner Eleanor Andrews
Department of Administration

2/18/86
Date

SB

412

Alaska State Legislature

CO-CHAIRMAN
FINANCE COMMITTEE

907-465-3740

JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Senate

February 25, 1986

MEMORANDUM

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Senator Jan Faiks

SUBJECT: Background Information on Senate Bill 412, an Act relating to claims against the state

Alaska Statutes 44.77.010 - 070 establish procedures for a person who wishes to file a claim for labor, services, materials, or supplies furnished to the State.

The claim must first be submitted to an administrative or executive officer. If the officer denies his claim, then the claimant may obtain review of the denial by the Department of Administration.

Only if both the officer and the Department deny the claim, or the latter takes no action on the request for one year, may the person seek judicial review of the State's decision. In that event, the current law says that a person can file a legal action in Superior Court. There, his claim would be governed by the procedures for introducing evidence and all of the other formalities of a civil lawsuit.

Section 1 and 2 of this bill will change this system by entitling the person to a judicial review according to simpler procedures which are now contained in our Administrative Procedure Act. Rather than beginning anew with the issue, the court would be able to review the evidence already presented on the claim and then judge the State's decisions accordingly.

OUT OF SESSION
1024 WEST SIXTH AVENUE, SUITE 302 ANCHORAGE, ALASKA 99501 907-274-6611

These amendments were suggested by the Alaska Supreme Court in order to further judicial economy without significantly impairing the rights of claimants. These persons will still have full court review of their denied claims. However, they will avoid the expense and delay of having to present these claims in the context of a formal, civil lawsuit.

Section 3 deals with the consequences of a November, 1985, court decision. In the case of State v. Dupere, the Supreme Court decided that the claims procedure applied not only to the executive branch, but also to the legislative and judicial branches.

Currently, AS 44.77.070 exempts from this system any department in the executive branch which has adopted its own mandatory claims and appeal procedure.

Section 3 of the bill will extend this exemption to departments of the legislative and judicial branches once they adopt a claims and appeals procedure. By allowing the judicial and legislative branches to adopt their own system and to avoid a review of their matters by a department of the executive branch, the bill will further the principle of separation of powers.

SB

420

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/Resolution No.: SB 420
Title: "An Act relating to repealing outside service ..."

Sponsor: P. Fischer
Requestor: P. Fischer
Date of Request: 2/20/86

FISCAL DETAIL
Agency Affected: Department of Education
BRU: Retirement & Benefits, TRS State Match

Components: Retirement & Benefits, (TRS), TRS State Match

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES						
RTMNT & BNFTS		[17.1]	[18.5]	[19.9]	[21.5]	[23.3]
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
TRS MATCH		[114.2]	[123.3]	[133.2]	[143.9]	[155.3]
TOTAL OPERATING	-0-	[131.3]	[141.8]	[153.1]	[165.4]	[178.6]
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		[131.3]	[141.8]	[153.1]	[165.4]	[178.6]
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	[131.3]	[141.8]	[153.1]	[165.4]	[178.6]
POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: J.K. Humphreys, Director
Division: Retirement & Benefits
Phone: 465-4470
Date: 2/24/86

Approved by Commissioner: Eleanor Andrews
Agency: Department of Administration
Date: 2/26/86

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Rev. 11/15/85

Senate Bill 420
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration
February 24, 1986

ANALYSIS: Passage of this bill would prohibit members of the Teachers' Retirement System (TRS) from claiming outside service if they joined TRS on or after July 1, 1986.

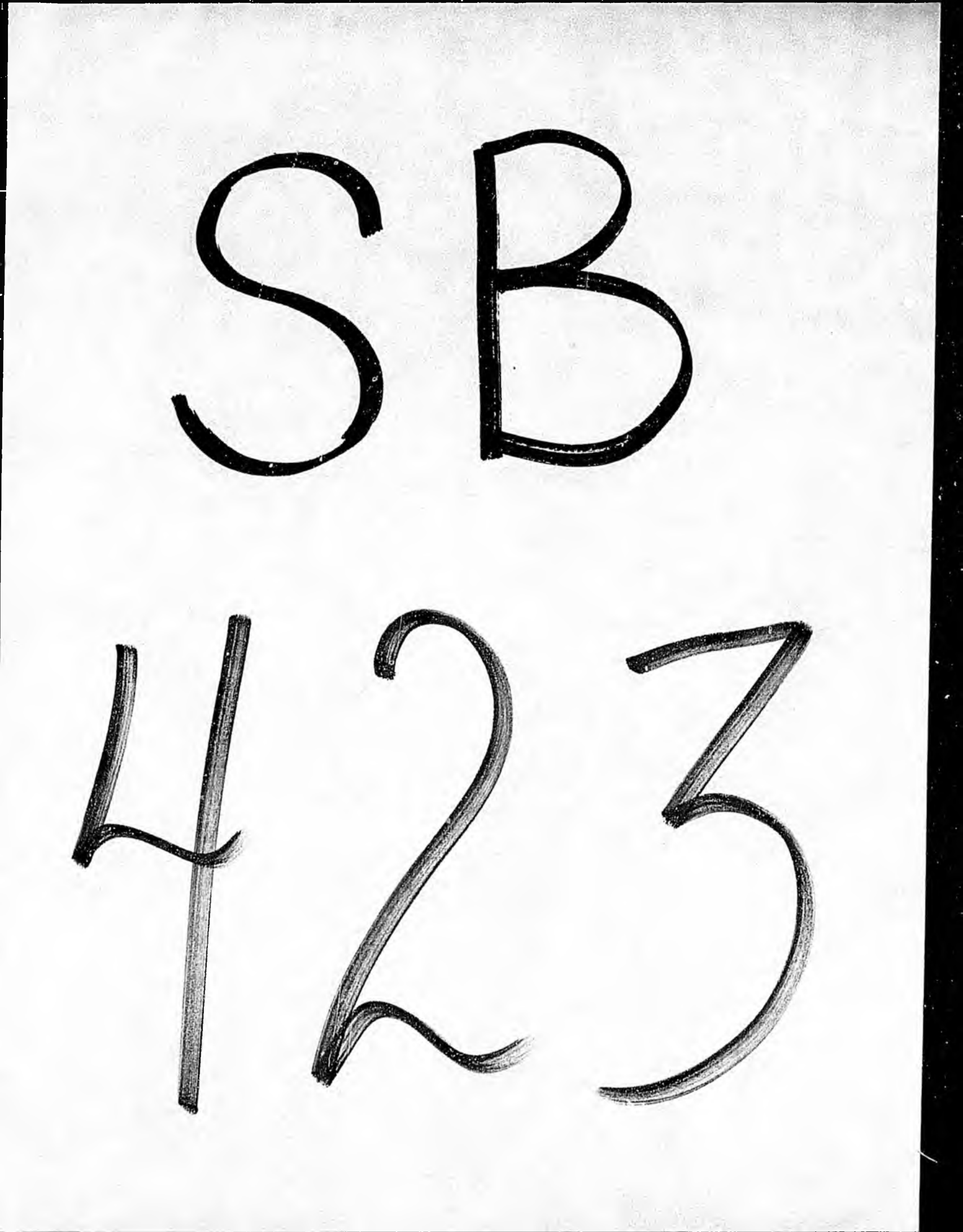
This bill would decrease the state TRS contribution rate by .025% in FY 87. The state TRS payroll is estimated to be $68,569,578 in FY 87 and to increase by 8% each year thereafter. The TRS state match contribution rate would also decrease by .025% in FY 87. The TRS state match payroll is estimated to be $456,833,417 for FY 87 and to increase by 8% each year thereafter.

The state savings of [$131.3] are calculated as follows:

The decrease in TRS contribution rate (.025%) times the estimated FY 87 state TRS payroll ($68,569,578) equaling:	[$17,100.00]
Plus the decrease in TRS state match contribution rate (.025%) times the estimated FY 87 state match payroll ($456,833,417) equaling:	[$114,200.00]
Total FY 87 savings	[$131,300.00]

In addition to the state's savings above, School Districts' savings would be:

FY 87	FY 88	FY 89	FY 90	FY 91
[$97.1]	[$104.9]	[$113.3]	[$122.3]	[$132.1]


SB
423

Alaska State Legislature

CO-CHAIRMAN
FINANCE COMMITTEE

907-465-3740

JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Senate

February 25, 1986

MEMORANDUM

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Senator Jan Faiks

SUBJECT: Background on Senate Bill 423, an Act creating a missing persons information clearinghouse.

The locating of missing persons has been hampered in this state by the lack of consistent procedures for receiving, processing, and sharing information about lost persons. Each law enforcement agency seems to have its own method for handling reports of missing persons, for dealing with relatives of the victim, and for coordinating search efforts with others.

Often, this lack of consistency has resulted in undue expense to the government and needless anxiety for friends and relatives. The problem is is aggravated by the vastness of our state. A body washed up on the shores of the Bering Sea is not matched with a missing persons report filed in Ketchikan. Village officials continue to investigate the disappearance of a teenager long after she has been found by authorities in Fairbanks.

By creating a central repository for collecting and handling information about missing persons, Senate Bill 423 should relieve these problems.

Section 1 establishes the Clearinghouse and requires it to create a statewide system for handling information about missing persons. The Clearinghouse will collect and disseminate this information throughout Alaska. It will communicate with the National Crime Information Center about missing persons cases, and will train officials on how to best to use the Clearinghouse.

This section places a duty on all law enforcement agencies to send to the Clearinghouse all reports of missing persons who have not been found within three days.

It also allows agencies to obtain medical and dental records that will help identify bodies. If relatives of the missing persons are available, family members must file a request for these records before the agencies can acquire them. If no relatives are available, the law enforcement agencies can obtain records on their own initiative. The agencies must send these records to the Clearinghouse.

For failing to turn over reports to the Clearinghouse or records to the agencies, the bill provides a maximum civil penalty of $10,000.

The bill also requires persons to notify the Clearinghouse once persons who are reported missing are located. The failure to comply with this requirement carries a maximum civil penalty of $1000.

Section 2 of the bill amends a current statute which deals with procedures for handling missing persons reports within the Department of Public Safety. This section adds the additional duty of filing these reports with the Clearing-house.

SCR

12

Don't Leave
me us out
in the cold!
Support the
Pioneer Home
House Bill 52

SCR

32

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

C

February 10, 1986

M E M O R A N D U M

To: Senator Mitch Abood, Chair
Senate State Affairs Committee

From: Senator Vic Fischer

Re: SCR 32 - U.S. Constitution Bicentennial

Attached is background material relating to this resolution. The impetus comes from some of my conservative, New Right friends, but I'm sure the intent is to be broad in terms of the spectrum of and participation in this enterprise.

This is a marvelous idea, and I do hope the resolution can be moved along soon.

Thanks.

RECEIVED
FEB 11 1986

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U.S. Constitution Bicentennial

Events to be marked in 1986 and 1987

1986

January 16
Adoption of Thomas Jefferson's Virginia Statute of Religious Freedom. Later it became model for the First Amendment.

January 21
Virginia invites separate states to a commercial conference in Annapolis, Maryland, to revise the Articles of Confederation. James Madison is author of the idea.

February 28
Great Britain indicates it will not honor 1783 Peace Treaty of Paris, that calls for a withdrawal of its troops from the Great Lakes, until debts by former American colonists are settled.

June to September
A major economic depression reaches its deepest point throughout thirteen states.

August 7
Congress agrees to the proposal for revising the Articles of Confederation.

August 31
Armed insurgents prevent the Massachusetts Court from sitting.

September 5
First of a series of violent outbursts over farmers' debts being collected by the courts.
The State Supreme Court sitting in Worcester, Massachusetts is broken up by armed insurgents.

September 11-14
Annapolis Convention. Five states attend, debate revisions of the Articles of Confederation, set May 1787 for a constitutional convention to be held in Philadelphia.

September 26
Armed insurgents, five hundred strong, in Springfield, Massachusetts, force the state's Supreme Court to adjourn over the debt issue.

December
Shays Rebellion is climax of other violence in the year over court-collected debts.

1987

January 25
Shays' rebels attack and seize the Federal Arsenal at Springfield, Massachusetts.

February 4
Shays Rebellion is crushed and his followers scattered.

February 21
Congress adopts resolution calling on states to meet in Philadelphia, May 14, for a Constitutional Convention.

February to May
Delegates are named to the Constitutional Convention.

May 14
Convention delayed with only two state delegations present.

May 25
Convention finally opens with the necessary quorum of seven states present.

May 29
Virginia Plan drawn up by James Madison goes beyond revising the Articles of Confederation and proposes drafting a new document.

June 15
New Jersey submits a nine-point plan to protect smaller states, stressing retention of the Articles of Confederation.

July 5
New York delegation quits the Convention, protesting the historic meeting was going beyond revising the Articles of Confederation. Alexander Hamilton remains as the lone delegate from New York.

July 13
Northwest Ordinance adopted while Convention meets. Act lays groundwork for political organization of settlements beyond thirteen original states.

July 16
Connecticut's compromise is submitted. Votes in the Senate would be based on equality with one vote for each state, and House votes based on population.

July 24
Convention's Committee of Detail begins work on framing specifics of the document.

August 6
Great Debate on particulars of the Constitution begins over terms of office and powers of Congress to regulate foreign and interstate commerce.

September 17
Final approval of the U.S. Constitution is given and it is signed.

September 19
New Constitution is published for the first time in Philadelphia papers.

September 26 and 28
Calls are heard from dissident Convention delegates to censure Congress for going beyond revision of the Articles of Confederation.

September 28
Congress calls for the states to convene conventions of ratification and sends draft of the document to the separate thirteen state capitals.

October 27
First of the Federalist Papers, authored by James Madison, Alexander Hamilton, and John Jay, is published.

December 7
Delaware becomes the first state to ratify, unanimously, the new Constitution.

December 12
Pennsylvania ratifies the document, 46 to 23.

December 18
New Jersey, by unanimous vote, is the third state to ratify the Constitution.

January 28, 1986

Hon. Vic Fischer
Alaska State Senate
Pouch Y
Juneau, Ak. 99811

Dear ~~Senator Fischer~~ Vic,

A number of us citizens, anticipating the two hundredth anniversary of the American Constitution next year, think we should take the opportunity to celebrate our freedom and to reflect on the frame of government that makes it possible. The Constitution is often cited, less often read, and too often taken for granted by citizens who owe their place in a free government to its wise dispositions.

The State of Alaska exists because of the success of the American government under the Constitution in expanding the horizons of freedom toward the west. The Constitution of our State is based on the American Constitution and shares the same spirit. It seems fitting for our State to observe this bicentenary as an opportunity to rekindle and deepen the appreciation that our citizens share for the American Constitution.

This anniversary offers us a splendid opportunity to examine and strengthen the foundations of our democratic republic by encouraging public discussion and observance of the Constitution in our cities and villages, in our schools and universities. The education in the principles of free government which close attention to the American Constitution affords would have a salutary effect on public deliberations in Alaska.

We offer the resolution enclosed and would be very pleased if you were willing to co-sponsor it. The resolution proposes that a commission be named, whose membership might consist of about fifteen Alaskans, one-third to be appointed by each of the three great departments of government--the Legislature, the Executive, and the Supreme Court. Similar commissions have already been formed by many States; and there is also a national commission to observe the anniversary.

The Board of Directors of the Polaris Institute, on which one of us sits, voted unanimously last weekend to make observance of this anniversary its chief project for the coming year, and the Institute has plans for a number of activities in keeping with the occasion. (The Institute is a nonprofit, non-partisan educational foundation incorporated under the laws of the State of Alaska.) A number of programs to celebrate the anniversary are now underway in Alaska, sponsored by the Alaska Humanities Forum, the National Endowment for the Humanities, and the Department of Political Sci-

ence at the University of Alaska, Anchorage; but we believe it appropriate for the State of Alaska to take its part as well.

We would be very pleased to talk to you about this proposal and about how the commission might operate. Your support for this idea would help to guarantee that our own respect for constitutional government is passed on to the next generation of Alaskans.

Yours sincerely,

Daniel R. Cowden
1408B Walrus Cir.
Eagle River, Ak. 99577

James W. Muller
James W. Muller
470 E. 56th Ave., Apt. B
Anchorage, Ak. 99518

encl.

Joint Resolution

Whereas: The Constitution, of the United States, which Gladstone called "the most wonderful work ever struck off at a given time by the brain and purpose of man," is the oldest written frame of government that has been in continuous use by a free people on earth; and

Whereas: Government under the Constitution in America has provided an example of self-government that has inspired a yearning for freedom all over the world; and

Whereas: The bicentenary of the Constitution is in the year of our era nineteen hundred eighty-seven and of the independence of the United States two hundred eleven; and

Whereas: The State of Alaska proudly takes its place among the Union of States under the Constitution; now therefore

Be it resolved: That the State of Alaska shall appoint a Commission to commemorate the bicentenary of the Constitution of the United States of America; and

That the year 1987 shall be proclaimed the Year of the Constitution of the United States of America, to be commemorated by appropriate public observances for citizens throughout the State of Alaska.

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

February 5, 1986

To: Tamara Cook, Director
Legislative Legal Services

From: Senator Vic Fischer

Re: Drafting request/Constitution bicentenary

I would like a resolution drafted, reflecting my sponsorship, regarding the bicentenary of the U.S. Constitution, modeled after the attached.
I would like a draft back as soon as possible in order to meet the February 14 deadline for filing personal bills.

Please contact Ginger Baim at 4954, should you have any questions or need additional information.

During Interim • 1024 W. 6th Avenue, Suite 204C • Anchorage, Alaska 99501 • (907) 278-3654

February 5, 1986

WHEREAS the Constitution of the United States is the oldest written frame of government that has been in continuous use by a free people on earth; and

WHEREAS government under the Constitution in America has provided an example of self-government that has inspired a yearning for feedom all over the world; and

WHEREAS the bicentenary of the Constitution is in 1987 which is also the 211th year on independence of the United States; and

WHEREAS the State of Alaska proudly takes its place among the Union of States under the Constitution; and

WHEREAS in anticipation of the two hundredth anniversary of the American Constitution, we should take the opportunity to celebrate our freedom and to reflect on the frame of government that makes it possible; and

WHEREAS the Constitution is often cited, less often read, and too often taken for granted by citizens who owe their place in a free government to its wise dispositions; and

WHEREAS this anniversary offers us a splendid opportunity to examine and strengthen the foundations of our democratic republic by encouraging public discussion and observance of the Constitution in our cities and villages, in our schools and universities;

THEREFORE BE IT RESOLVED that the Alaska State legislature requests the Governor of the State of Alaska to appoint a Commission to commemorate the bicentenary of the Constitution of the United States of America; and

BE IT FURTHER RESOLVED that the year 1987 shall be proclaimed the Year of the Constitution of the United States of America, to be commemorated by appropriate public observances for citizens throughout the State of Alaska.

SCR

34

Alaska State Legislature

CO-CHAIRMAN
FINANCE COMMITTEE
907-465-3740

JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Senate

February 26, 1986

MEMORANDUM

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Senator Jan Faiks

SUBJECT: Background on Senate Concurrent Resolution 34

Very simply, this resolution will encourage the State of Alaska to award service contracts to Alaskan businesses rather than to non-residents.

Although the resolution addresses professional and service contracts in general, I am most familiar with the situation in our resident advertising industry. There the state has awarded two contracts for advertising and public relations services to companies who are based outside of Alaska. The total dollar value of these contracts is $8.5 million.

In the first instance, the Division of Tourism has awarded a $5.5 million contract to a San Francisco firm. Although the firm has an informal relationship with an Anchorage advertising company, it is my understanding that the actual portion of services and contract dollars going to that company are minimal.

The tourism contract is purely a negotiated agreement, and so the Alaskan firms who presented proposals for it are not being turned away because they are too costly. For the past twelve years, this contract has been awarded to either Honolulu or San Francisco companies.

The other state contract is a $3 million advertising award for the Alaska Seafood Marketing Institute. This contract is currently being held by a Seattle advertising company.

OUT OF SESSION
1024 WEST SIXTH AVENUE, SUITE 302 ANCHORAGE, ALASKA 99501 907-274-6611

I find it hard to believe that our companies are not considered "qualified" for these contracts, since Alaska firms are now being used by all of the major oil companies who do business in the state. If our firms lack a particular skill or capability, I believe that it would be more appropriate and cost effective to award the the general contract to a local firm and allow it to subcontract particular portions to outside specialists.

According to a recent survey in Ad Week magazine, the State of Alaska is the only state government in the Union who sends its advertising dollars to out-of-state companies. I believe that it is hypocritical for us to push "local hire" on the private sector, most of whom do spend advertising dollars locally, and at the same time spend the state's own money on outside services.

SJR

8

Alaska State Legislature
Senate Transportation Committee

Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-chairman
Sen. Mitch Abood
Sen. Jan Faiks
Sen. Joe Josephson

Pouch V
Juneau, Alaska 99811

February 22, 1986

To: Members of the Senate State Affairs Committee
From: Senator Jack Coghill
Re: SJR 8

This letter is in response to the questions your committee posed to my staff member, Blake Call, during the hearing on SJR 8 last week. I apologize for not being at the hearing. I had previous commitments.

To committee had two questions on the wording and the actions of the resolution.

1. Senator DeVries questioned the wording on page one, line 26. Specifically, she asked why there was no reference to the calling of a constitutional convention for specifically dealing with a balanced budget amendment.

The answer to that is this: the fifth whereas of SJR 8 (which line 26 is a part of) deals with the powers that states have in calling constitutional conventions, not with the specific call for a constitutional convention that is mentioned on page 2, lines 2, and lines 11-12. Line 26, page 1, then, deals only with the powers of states and is not in contradiction to the two other mentions of a call for a constitutional convention.

2. Senator Victor Fischer questioned the ability of a present legislature to rescind a legislative resolve from a previous body and requested a legal opinion. The simple answer would be that the legislature is constantly rescinding the actions of previous legislatures each time that it writes new laws and amends existing ones. My staff contacted legal services regarding the legality of rescinding a previous legislative resolve as per your request. Attached is the response from legal services on that question. The most firm answer that we were able to get was that the question is debatable, and that there is nothing to prevent the legislature from rescinding a previous resolve.

I hope that this answers your questions, I look forward to addressing the committee in person as soon as possible on this very important resolution.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M February 20, 1986

SUBJECT: Request by the state for a Constitutional Convention (SS SJR 8)

TO: Senator Jack Coghill

FROM: Tamara Brandt Cook TBC
Director
Division of Legal Services

You have asked whether the state may withdraw a request for a constitutional convention to consider an amendment to the United States Constitution. The question arises in the context of Legislative Resolve No. 1, SLA 1982 by which the legislature requested Congress to submit to the states for ratification an amendment which would require a balanced federal budget and, in the alternative, requested that a convention be called for the purpose of proposing the amendment.

Article V of the Constitution of the United States provides for the amendment of the constitution as follows:

> The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendment to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Thirty-two proposed amendments to the constitution have been submitted to the states for ratification upon the vote of Congress and the convention method has never been used. Consequently, many questions remain unresolved regarding the application of the convention method of proposing amendments to the constitution. (The Constitution of the United States of America, Analysis and Interpretation, U. S. Government Printing Office, Washington, D.C., 1973) Among the undecided questions is the one that you ask -- whether a state that has requested a convention may rescind that request.

Although the validity of the withdrawal of a request for a constitutional convention has not been considered, the related question of whether a resolution to ratify an amendment may be rescinded by a state has come up. The Fourteenth Amendment was ratified by Ohio and New Jersey, both of which subsequently passed rescinding resolutions. The legislatures of Georgia, North Carolina, and South Carolina rejected ratification, but new legislatures subsequently ratified the amendment. The Secretary of State issued a proclamation reciting that 29 states had ratified, including the two which had rescinded and the three which had ratified after first rejecting the amendment, and noted that, if all the ratifications were valid, the amendment itself had been ratified. Congress adopted a resolution the next day listing all 29 states which had ratified and concluding that the ratification process was completed, (The Constitution of the United States, supra, 1978 Supplement, pages 572-578).

Based partly upon the Fourteenth Amendment precedent, in a later case six of the eight participating Justices agreed that the power of rejecting states to ratify and the power of ratifying states to rescind presented political questions and that Congress' discretion to decide the issues was final and unreviewable by the courts, (Colman v. Miller, 307 U. S. 433 (1939)). Justice Black with three other Justices would have gone further and held that Congress had the final, unreviewable determination with respect to every step in the process of submission and ratification of a constitutional amendment. The problem was recently presented again during the Equal Rights Amendment ratification process, but left unresolved.

If the United States Supreme Court follows the precedent of the Fourteenth Amendment and the reasoning in Colman v. Miller it would appear that the question of whether a state may withdraw a request for a constitutional convention would

be a matter left to Congress to decide, rather than the court. The Special Constitutional Convention Study Committee of the American Bar Association has also concluded that Congress has the power to determine procedures for the calling and conduct of a national constitutional convention. (Amendment of the Constitution by the Convention Method under Article V, American Bar Association, 1974). In any case, the function of a state legislature in amending the federal constitution is derived entirely from the United States Constitution and questions regarding that function cannot be resolved at the state level, (Opinion of the Justices of the Senate, 366 N.E.2d 1226 (Mass. 1977)). Consequently, assuming that is the desire of the legislature, it appears that the only course the state has is to rescind its call for a convention and wait for the federal government to determine whether or not that rescission is effective.

Congress has considered legislation that would establish procedures for conducting a constitutional convention, although none has passed yet. (See S. 215, 1967; S 1272, 1973) The proposals have included a provision allowing a state to withdraw a request for a convention if this is done before two-thirds of the states have requested a convention on the same topic. This suggests that Congress is likely to find that Alaska may withdraw its request in this situation.

In passing I note that questions can be raised regarding the legal effect of Legislative Resolve 1, SLA 1982 itself. The request for a constitutional convention is conditioned upon limiting the subjects taken up at the convention. Otherwise, according to the resolution, "...this application and request shall no longer be of any force or effect...". There is considerable debate over whether a constitutional convention once called can be limited in scope but, since the situation has not come up, the debate has been strictly academic. While the Special Constitutional Convention Study Committee of the ABA concluded that a limited convention may be called, other commentators disagree. If a convention cannot be limited or can be, but isn't, will this request for a convention nevertheless be given effect? Even if the convention is limited in scope, does the fact that the state's request is conditional render the request somehow invalid?

TBC:csh
c6/003

SJR

43

Introduced by: Mayor and Council Members
Date : February 13, 1984

RESOLUTION NO. 2504

A RESOLUTION SUPPORTING THE ARCTIC WINTER GAMES TO BE HELD IN FAIRBANKS.

WHEREAS, Alaska's greatest resource is its people; and

WHEREAS, athletic activity is a vital part of the community and creates an atmosphere of competition, excitement and fun; and

WHEREAS, the Arctic Winter Games are held in the Northwest Territories, Yukon Territory and Alaska in rotation, and

WHEREAS, the Fairbanks North Star Borough and the City of Fairbanks and their people have successfully hosted the Arctic Winter Games in the year 1982; and

WHEREAS, Fairbanks has adequate facilities for hosting the Arctic Winter Games; and

WHEREAS, the Arctic Winter Games are good for the community as a whole;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, that the City Council of the City of Fairbanks joins with the Fairbanks North Star Borough in encouraging the Arctic Winter Games Corporation to hold the 1988 Winter Games in Fairbanks and agrees to send a representative to Yellowknife, Canada to bid to have the Arctic Winter Games in Fairbanks in 1988.

PASSED and APPROVED this 13th day of February, 1984.

Bill Walley

Bill Walley, Mayor

ATTEST:

Carma B. Roberson

CARMA B. ROBERSON, City Clerk

By: Phil Younker
Introduced: 02/23/84
Adopted: 02/23/84

RESOLUTION NO. 84-15

A RESOLUTION SUPPORTING THE ARCTIC WINTER GAMES TO BE HELD IN FAIRBANKS

WHEAREAS, Alaska's greatest resource is its people; and

WHEAREAS, athletic activity is a vital part of the community and creates an atmosphere of competition, excitement and fun; and

WHEREAS, the Arctic Winter Games are held in the Northwest Territories, Yukon Territory and Alaska in rotation, and

WHEREAS, the Fairbanks North Star Borough and the City of Fairbanks and their people have successffully hosted the Arctic Winter Games in the year 1982; and

WHEREAS, Fairbanks has adequate facilities for hosting the Arctic Winter Games; and

WHEREAS, the Arctic Winter Games are good for the community as a whole;

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRBANKS NORTH STAR BOROUGH ASSEMBLY, THAT THE FAIRBANKS NORTH STAR BOROUGH ASSEMBLY joins with the City Council of the City of Fairbanks, in encouraging the Arctic Winter Games Corporation to hold the 1988 Winter Games in Fairbanks and agrees to send a representative to Yellowknife, Canada to bid to have the Arctic Winter Games in Fairbanks in 1988.

PASSED AND APPROVED THIS 23RD DAY OF FEBRUARY, 1984.

Juanita Helms
Presiding Officer

ATTEST:

Nora Lee Shuler
Clerk of the Assembly

RESOLUTION 85-5

A RESOLUTION OF THE CITY OF NORTH POLE, ALASKA SUPPORTING THE CITY OF FAIRBANKS IN ITS BID TO HOST THE 1988 ARCTIC WINTER GAMES

WHEREAS, the Arctic Winter Games are held on a rotational basis in the Northwest Territories, Yukon Territory and Alaska; and

WHEREAS, the people of the Fairbanks North Star Borough successfully hosted the 1982 Arctic Winter Games; and

WHEREAS, the City of Fairbanks has adequate facilities for hosting the Arctic Winter Games; and

WHEREAS, athletic activity is a vital part of the community and creates an atmosphere of competition, excitement and fun; and

WHEREAS, the Arctic Winter Games are good for the Fairbanks North Star Borough community as a whole;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Pole, Alaska, that the North Pole City Council joins the Fairbanks City Council and the Fairbanks North Star Borough Assembly in encouraging the Arctic Winter Games Corporation to hold the 1988 Winter Games in Fairbanks and supports sending a representative to Yellowknife, Canada to bid to have the 1988 Arctic Winter Games in Fairbanks, Alaska.

PASSED AND APPROVED this 22nd day of October, 1985.

MAYOR CARLETA LEWIS

ATTEST:

SHELLEY DUGAN
CITY CLERK

INTRODUCED: October 22, 1985

ADOPTED; October 22, 1985

Introduced: 2/27/86
Referred: State Affairs

Waive 5 day rule.
For hearing.
see pls

IN THE SENATE BY THE RULES COMMITTEE BY REQUEST

SENATE JOINT RESOLUTION NO. 43

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Relating to Fairbanks as the nominee for the site of the 1988 Arctic Winter Games.

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

WHEREAS the state's greatest resource is its people; and

WHEREAS athletic activity is a vital part of the community and creates an atmosphere of competition, excitement, and fun; and

WHEREAS the Fairbanks North Star Borough and the City of Fairbanks and their people previously hosted the Arctic Winter Games; and

WHEREAS Fairbanks possesses adequate facilities and the warm hospitality for a successful Arctic Winter Games; and

WHEREAS the Arctic Winter Games are held on a rotational basis in the Northwest Territories, Yukon Territory, and Alaska;

BE IT RESOLVED by the Alaska State Legislature that it fully endorses the efforts of the Fairbanks North Star Borough, the City of Fairbanks, and the City of North Pole to bring the 1988 Arctic Winter Games to Fairbanks and urges the Arctic Winter Games Site Selection Committee to select Fairbanks, Alaska as the nominee for the site of the 1988 Arctic Winter Games.

COPIES of this resolution shall be sent to the Fairbanks North Star Borough Assembly, the City Council of the City of Fairbanks, and the City Council of North Pole.

SJR

46

Introduced: 3/4/86
Referred: State Affairs

IN THE SENATE BY THE RULES COMMITTEE

SENATE JOINT RESOLUTION NO. 46

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Relating to democracy in the Philippines.

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

WHEREAS Corazon Aquino has become President of the Philippines following a contested and controversial election; and

WHEREAS the transition from the 20-year presidency of Ferdinand Marcos to the presidency of Corazon Aquino occurred peacefully in spite of the grave potential for civil war; and

WHEREAS the nonviolent political action and civil disobedience of the Philippine people was consistent with the high principles of Mahatma Gandhi and Martin Luther King; and

WHEREAS the new era of political freedom will strengthen the cause of democracy in the Philippines and will give hope to oppressed peoples everywhere; and

WHEREAS Alaskans of Filipino descent and other residents of the state are encouraged by the developments in the Philippines;

BE IT RESOLVED that the Alaska State Legislature respectfully extends its congratulations to Corazon Aquino upon her inauguration as President of the Philippines; and be it

FURTHER RESOLVED that the Alaska State Legislature praises the courageous and peaceful political action of the Philippine people in strengthening the cause of democracy and freedom; and be it

FURTHER RESOLVED that the Alaska State Legislature extends its best wishes for prosperity and success in the future to the Philippine people and to President Aquino.

S

COPIES of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; to the Philippine Ambassador to the United States; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

SUMMARY OF CHANGES APPEARING IN DRAFT CSSB 46 (SA)

1. Page 1, line 14. Delete 'Philippine' and insert 'Filipino'

2. Page 1, line 25, after 'the'. Delete 'Philippine' and insert 'Filipino'

3. Page 1, line 28, after 'to the'. Delete 'Philippine' and insert''Filipino'

4. Page 2, line 2, after 'President of the United States'. Insert 'to the Honorable Corazon Aquino, President of the Philippines;'

HB

14

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

2/7/85

Date 3/26/85

Mr. President

The Committee on STATE AFFAIRS considered CSHB 14(Fin)

making members of the Alaska Territorial Guard eligible for a death gratuity; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

REQUEST
Bill/Resolution No.: HB14
Title: Veterans Burial Allowance
Alaska Territorial Guard
Sponsor: Fuller and Wallis
Requestor: Military & Vets Affairs
Date of Request: 16 January 1985

FISCAL DETAIL
Agency Affected: Military & Veterans Affairs
Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected:
Veterans Affairs (Veterans Benefits)

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		3.0	3.0	3.0		
800 MISCELLANEOUS						
TOTAL OPERATING		3.0	3.0	3.0		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		3.0	3.0	3.0		
FEDERAL FUNDS						
OTHER						
TOTAL		3.0	3.0	3.0		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Amend Chapter 98 SLA 82 to add members of the Alaska Territorial Guard as those eligible to receive a State Burial Allowance of $750. It is estimated that this bill would affect four families annually.

Prepared By: Richard L. Rountree, Director — Phone: 465-4600
Division: Administrative & Support Services — Date: 16 January 1985
Approved by Commissioner: MG Edward G. Pagano — Date: 16 January 1985
Agency: Dept. of Military & Veterans Affairs

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies) fiscal note Dept MA

7/1/84

EXPLANATION OF FISCAL NOTE: HB-14

The Territorial Guard was in existence from 1941 until 1947, with about 5,000 individuals on the roster. The members constituted approximately 10% of the population. These people would now be in their mid- to late-70's.

According to Labor statistics, Alaska has approximately 5,000 people over 75 today. If we assume that the Territorial Guardsmen would also number 10% of that population, then there may be about 50 of them left. This figure assumes that none died, moved away, or entered another branch of service with eligibility for the burial allowance. And, of course, many of the individuals in the state over 75 today likely were not here in the early 40's.

You can see that the figure of 50 is a rough estimate, and in all likelihood much larger than it ought to be, but it does represent the Department's best guess as to how many members of the former Alaska Territorial Guard are surviving today. There is no way of figuring the exact number. Therefore, an assumption of four members a year applying for the burial allowance may be high, but the total cost is low, only $3,000, and we can easily make a budget adjustment after the first year.

explanation of fiscal note

HB 14: VETERANS BURIAL ALLOWANCE, ALASKA TERRITORIAL GUARD

SUBJECT OF PROPOSED BILL: **Amend SLA 1982 Chapter 98 to add members of the Alaska Territorial Guard as those eligible to receive the Veterans Burial Allowance of $750.00.**

THIS BILL CORRECTS WHAT APPEARS TO HAVE BEEN AN OVERSIGHT IN THE STATUTES. UNDER PRESENT LAW, VETERANS WHO ARE ELIGIBLE FOR A BURIAL ALLOWANCE ARE THOSE WHO SERVED IN THE U.S. ARMED FORCES, IN THE ALASKA ARMY NATIONAL GUARD, THE ALASKA AIR NATIONAL GUARD, THE ALASKA NAVAL MILITIA, OR IN A RESERVE UNIT OF THE U.S. ARMED FORCES IN ALASKA. ALASKA TERRITORIAL GUARDSMEN ARE OMITTED.

I WOULD SUSPECT THAT THE REASON FOR THE OMISSION WAS CONFUSION OVER THE IDENTITIES OF ALL THE VARIOUS MILITIAS IN THE STATE CREATED IN THE 1940'S. THE SEPTEMBER 14, 1984 ATTORNEY GENERAL'S OPINION CONTAINED IN YOUR BILL PACKETS EXPLAINS THAT THE STATUTES DEFINING WHO IS A VETERAN DO NOT EXPRESSELY INCLUDE MEMBERS OF THE ALASKA TERRITORIAL GUARD. IT APPEARS THAT THE LEGISLATURE MAY NOT HAVE BEEN AWARE OF THE DISTINCTION BETWEEN THE ALASKA TERRITORIAL GUARD AND THE ALASKA NATIONAL GUARD.

WHEN ERNEST GRUENING WAS GOVERNOR IN 1941, HE WORKED WITH THE FEDERAL GOVERNMENT TO CREATE THE ALASKA NATIONAL GUARD. AT THAT TIME, THE FEDERAL GOVERNMENT SAID THAT THE TERRITORY OF ALASKA HAD THE AUTHORITY TO ORGANIZE A TERRITORIAL GUARD. IN 1941, THE TERRITORY APPROPRIATED MONIES TO THE NATIONAL GUARD OF ALASKA, AND IN 1949 THE ALASKA TERRITORIAL MILITIA WAS CREATED, WHICH WAS REFERRED TO AS THE ALASKA NATIONAL GUARD. SO WE HAD THE ALASKA NATIONAL GUARD, CREATED BY THE FEDERAL GOVERNMENT, AND THE ALASKA TERRITORIAL GUARD, CREATED BY THE TERRITORY OF ALASKA. ALTHOUGH THE FEDERAL ACT CREATING THE NATIONAL GUARD GAVE PERMISSION TO THE GOVERNOR OF ALASKA TO CREATE THE

Rep. Fuller's testimony

TERRITORIAL GUARD, THIS DOES NOT MEAN THAT THE ATG WAS A PART OF THE NATIONAL GUARD, AND SO REFERENCE TO THE TERRITORIAL GUARD WOULD NEED TO BE SPELLED OUT IN THE STATUTES.

IF MY EXPLANATION HAS CONFUSED YOU, THEN YOU WILL UNDERSTAND HOW THE TERRITORIAL GUARDSMEN COULD EASILY HAVE BEEN OVERLOOKED IN DEFINING VETERANS ELIGIBLE FOR THE BURIAL ALLOWANCE. THE TERRITORIAL GUARDSMEN REMAINED IN ALASKA WHEN THE TERRITORY WAS ACTUALLY OCCUPIED BY ENEMY FORCES. THESE PEOPLE DESERVE TO HAVE THE BENEFITS EXTENDED TO OTHER MEMBERS OF THE NATIONAL GUARD.

AS YOU CAN SEE, THE FISCAL NOTE ON THIS BILL IS QUITE SMALL, JUST $3,000.

5. The Alaska Territorial Guard was composed of members of the State Defense Force who remained in Alaska during armed hostilities when the enemy forces actually occupied the Territory of Alaska. These people no less than other veterans or members of the National Guard served the State in a defense role and should be accorded the burial allowance accorded other members of the National Guard.

HB 14

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☒ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

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

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

September 14, 1984

Mr. Al Adams, Chairman
House Finance Committee
Pouch V
Juneau, AK 99811

Re: Territorial Guardsmen; burial allowance provided by AS 26.10.080

Dear Mr. Adams:

In your letter of September 5, 1984, you requested an opinion from this office as to whether former members of the Alaska Territorial Guard (ATG) may be eligible for burial allowances under AS 26.10.080 (.080). The following analysis and historical review of the ATG's status under .080 is submitted in response to your request. In our opinion, former members of the ATG are not eligible for burial allowances under that provision.

The statute in question provides that burial allowances will be paid to a qualifying veteran. The statute then defines a veteran, in pertinent part in AS 26.10.080(d)(1), as a person who is serving or has served in a branch of the armed services of the United States, and in (d)(2) of that section, as a person who had served in the Alaska Army National Guard, the Alaska Air National Guard, or the Alaska Naval Militia, or who had served in a reserve unit of the United States Armed Forces in Alaska. AS 26.10.080. The ATG is not expressly included within the definition of veteran in .080. On the face of .080, therefore, former members of the ATG are ineligible for burial allowances provided by that statute.

The reason for the omission of the ATG is not clear, however, and may have been either intentional or accidental. That the omission may have been intentional is evident when comparing .080 with AS 26.05.225 (.225), which provides credit to former members of the ATG for the purpose of determining eligibility for retirement pay. The provision of a benefit to former members of the ATG through .225 implies that the legislature was aware of the existence of the ATG. and hence the omission of the ATG from .080 appears to be deliberate.

In the alternative, the omission of the ATG from benefits under .080 may have been accidental because the legislature may not have been aware of the distinction between

:3-C5LH

AG's opinion

the ATG and the Alaska National Guard. The reason for this confusion will be discussed in the paragraphs following. AS 26.05.225 indicates that it was the legislature's intent to provide at least certain benefits to former members of the ATG. It is therefore possible to imply that the legislature would have included burial allowances as well under .080 but did not only by reason of accident.

Mr. Ernest Gruening, the territorial governor of Alaska, notes that when he took office in 1939 there had never been a National Guard in Alaska, that he took steps to organize one and that he requested federal authorization to do so. Gruening, Introduction to M. Marston, Men of the Tundra, at 3, 1972. On December 31, 1941, presumably as a result of Mr. Gruening's efforts, the U.S. Congress approved an act to establish a military code for the territory of Alaska, H. Res. 5822, 77th Cong., 1st Sess., ch. 644, Dec. 31, 1941 (1941 Act). That Act declared that the militia of the territory of Alaska was to be divided into two classes: the Organized Militia, known as the Alaska National Guard, and the Unorganized Militia. 1941 Act, § 1. The Act further provided that the governor of the territory of Alaska had authority to organize a Territorial Guard. 1941 Act, § 6. In apparent support of the federal act, the legislature of the territory of Alaska appropriated certain monies to the National Guard of Alaska. 1941 Alaska Sess. Laws, ch. 60, H.B. 122; 1943 Alaska Sess. Laws, chs. 26, 27, H.B. 55, 56; 1945 Alaska Sess. Laws, ch. 64, H.B. 65. Finally, in 1949 the territory of Alaska created an Alaska Territorial Militia which the territorial legislature referred to as the Alaska National Guard. 1949 Alaska Sess. Laws, ch. 120, H.B. 22.

Confusion may have arisen in the legislature over the separate identitites of the various militias which had been created in the 1940's. If such confusion existed, it may have led to the omission of the ATG in .080. To prevent further confusion, therefore, it is recommended that when a former member of a militia in the territory of Alaska claims burial allowances under .080, it should be ascertained at the outset whether that person was a member of the federally created Alaska National Guard, which is expressly covered under .080, or whether that individual was a member of the ATG organized by the governor of Alaska, which is not covered under .080.

Unless strong evidence to the contrary is found, a member of the ATG does not fall within the purview of .080(1) or (2) on the strength of the 1941 Act. This is based in large part on the fact that the 1941 Act does not expressly state that the Territorial Guard is a part of the Alaska National Guard and does not expressly describe the Territorial Guard either as a branch of the federal armed forces or as a part of the Unorganized

Militia. While the Territorial Guard received federal sanction under the 1941 Act, was subject to regulations of discipline in training prescribed by the U.S. Secretary of War and received federal arms and equipment, 1941 Act, § 7, the Territorial Guard was nonetheless a body organized by the territory of Alaska and existed independently of the Alaska National Guard and other branches of the federal armed forces.

In conclusion, whether by accident or by intent, the legislature which enacted .080 did not expressly provide burial allowances to ATG members through that section. Furthermore, a review of the federal act which sanctioned the Alaska National Guard and gave permission to the governor of Alaska to create the ATG does not lead to the conclusion that the ATG was either a part of the National Guard or otherwise a part of the federal armed forces of the United States. The ATG does not therefore fall within the purview of AS 26.10.080(d)(1) or (2) as it is not a part of the National Guard or any branch of the U.S. armed services. A former member of the ATG is therefore not eligible to receive burial allowances under AS 26.10.080.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Lawrence C. Delay
Lawrence C. Delay
Assistant Attorney General

LCD:ihr

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS

OFFICE OF THE ADJUTANT GENERAL

SUITE 620 FRONTIER BUILDING
3601 "C" STREET
ANCHORAGE, ALASKA 99503
PHONE: (907) 243-0656 AUTOVON: 862-7210

September 18, 1984

Representative Al Adams
P.O. Box 333
Kotzebue, Alaska 99752

Dear Representative Adams:

I am in receipt of a copy of the letter dated 14 September from Mr. Delay of the Attorney General's office where he discusses the Alaska Territorial Guardsmen and the Veterans Burial Allowance Program as provided by AS 26.10.080. Unfortunately as presently written, the statute does not include Alaska Territorial Guardsmen.

Prior to Mr. Delay's research and the Attorney General's opinion, Major General Edward G. Pagano, the Adjutant General and Commissioner of the Department of Military and Veterans Affairs, submitted to the Governor the department's legislative packet which contained a bill that would amend AS 26.10.080 to include members of the Alaska Territorial Guard. A copy is attached for your reference.

It is this department's opinion that members of the Alaska Territorial Guard made a significant contribution to the Territory and State of Alaska and should be included along with other veterans in the state's Death Benefit Program.

Sincerely,

Roger K. Graves, Director
Division of Veterans Affairs
Department of Military &
Veterans Affairs

RKG/bs

Attachment

HB

15

IN THE HOUSE

BY THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

CS FOR HOUSE BILL NO. 15 (C&RA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to advisory elections on certain annexation proposals."

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

* Section 1. AS 29.13.100 is amended by adding a new paragraph to read:

(48) AS 29.68.025 (advisory elections on annexations)

* Sec. 2. AS 29.68 is amended by adding a new section to Article 1 to read:

Sec. 29.68.025. ADVISORY ELECTIONS ON ANNEXATIONS. (a) If a municipality requests an annexation proposed to be effected under AS 29.68.010(a), the municipality shall present the results of an advisory election on the proposal to the Local Boundary Commission at the hearing conducted under AS 44.47.581. The advisory election shall be conducted by the municipality in the area proposed for annexation in accordance with procedures for a regular or special election.

(b) If an annexation that is not requested by a municipality is proposed to be effected under AS 29.68.010(a), the director of elections shall present the results of an advisory election on the proposal to the Local Boundary Commission at the hearing conducted under AS 44.47.581. The advisory election shall be conducted by the director of elections in the area proposed for annexation in the general manner prescribed by the Alaska Election Code (AS 15). The state shall pay all election costs for elections under this subsection.

(c) A municipality may conduct an advisory election on an annexation proposal in which all municipal voters may participate and the

COPY

Engrossed

municipality may present the results of the election to the Local Boundary Commission if the area of the proposed annexation is

(1) located within the municipality; or

(2) proposed to be annexed to the municipality.

(d) This section applies to home rule and general law municipalities.

COMMITTEE COPY

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: 3/22/85

REQUEST (Version #1)

Bill/Resolution No.: CS for HB 15

Title: Act relating to advisory elections on annexations

Sponsor: CRA Committee

Requestor: Goll & Marrou

Date of Request: 3/22/85

FISCAL DETAIL

Agency Affected: Office of the Governor

Program Category Affected: Division of Elections

BRU, Program or Subprogram(s) Affected: Division of Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		8.6	9.0	9.5	10.0	10.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	Ø	8.6	9.0	9.5	10.0	10.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	Ø	8.6	9.0	9.5	10.0	10.5
FEDERAL FUNDS						
OTHER						
TOTAL	Ø	8.6	9.0	9.5	10.0	10.5

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached page.

Prepared By: Sherry Valentine Phone: 465-4611

Division: Elections Date: 3/22/85

Approved by Commissioner: Date:

Agency:

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

CS FOR HB 15 (VERSION #1)

This fiscal note was developed on the basis of two elections per year from areas outside municipalities wishing to be annexed. It assumes that one request would be received from a punch card precinct and the other from a handmarked precinct. The cost for a punch card precinct is $5.8 while a handmarked precinct is $2.8. Computer counted (punch card) precincts are generally higher due to the need for computer programming and a Data Processing Review Board to oversee the computer counting of ballots.

We have specified the costs for each type of precinct so that if there were more than two such elections administered by the State within a year, the Legislature could identify the potential costs by multiplying the precinct cost by the number of additional elections beyond two.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : 1/31/86

REQUEST Page 1 of 2

Bill Resolution No. : CS for HB 15 (C&RA)
Title : An Act Relating to advisory elections on annexations

Sponsor : CRA Committee
Requestor : House RULES
Date of Request : 1/29/86

FISCAL DETAIL

Agency Affected : Office of the Governor
BRU : Division of Elections

Components : Elections

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.6	9.0	9.5	10.0	10.5	11.0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND	8.6	9.0	9.5	10.0	10.5	11.0
FEDERAL FUNDS						
OTHER						
TOTAL	8.6	9.0	9.5	10.0	10.5	11.0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See attached page.

Prepared by : Sherry Valentine Phone : 465-4611
Division : Elections Date : 1/31/86

Approved by Commissioner : Sherry Valentine Date : 2/10/86
Agency : Elections

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

This fiscal note was developed on the basis of two elections per year from areas outside municipalities wishing to be annexed. It assumes that one request would be received from a punch card precinct and the other from a handmarked precinct. The cost for a punch card precinct is $5.8 while a handmarked precinct is $2.8. Computer counted (punch card) precincts are generally higher due to the need for computer programming and a Data Processing Review Board to oversee the computer counting of ballots.

We have specified the costs for each type of precinct so that if there were more than two such elections administered by the State within a year, the Legislature could identify the potential costs by multiplying the precinct cost by the number of additional elections beyond two.

Article 2. Annexation and Detachment.

Section
40. Local boundary commission
50. Annexation of military reservations
Section
60. Application

Effective date of article. — Section 90, ch. 74, SLA 1985 provides: "This Act takes effect January 1, 1986."

Sec. 29.06.040. Local boundary commission. (a) The Local Boundary Commission may consider any proposed municipal boundary change. It may reject the proposed change, accept the proposed change, or alter the boundaries and accept the proposal as altered. A Local Boundary Commission decision under this subsection may be appealed under the Administrative Procedure Act (AS 44.62).

(b) The Local Boundary Commission may present a proposed municipal boundary change to the legislature during the first 10 days of a regular session. The change becomes effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

(c) In addition to the regulations governing annexation by local action adopted under AS 44.47.567, the Local Boundary Commission shall establish procedures for annexation and detachment of territory by municipalities by local action. The procedures established under this subsection include a provision that

(1) a proposed annexation and detachment must be approved by a majority of votes on the question cast by voters residing in the area proposed to be annexed or detached;

(2) municipally owned property adjoining the municipality may be annexed by ordinance without voter approval; and

(3) an area adjoining the municipality may be annexed by ordinance without an election if all property owners and voters in the area petition the governing body.

(d) A boundary change effected under (a) and (b) of this section prevails over a boundary change initiated by local action, without regard to priority in time. (§ 5 ch 74 SLA 1985)

Sec. 29.06
reservation n
prescribed fo
borough annc
encompassing
the borough i

Sec. 29.06.
home rule and

Section
90. Merger and c
100. Petition
110. Review
120. Hearing
130. Decision

Effective date
90, ch. 74, SLA 19
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State Constitution

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Exceptions

SECTION 11. The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise or corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

Budget

Article IX

SECTION 12. The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

Expenditures

SECTION 13. No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

Legislative Post-Audit

SECTION 14. The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

Alaska Permanent Fund

SECTION 15. At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All

HB

17

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY

2/28/85

Date 3-12-85

Mr. President

The Committee on STATE AFFAIRS considered CSHB 17(Jud)
multiple convictions for motor vehicle theft and joyriding.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt S CS for CSHB 17(SA)
[X] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation
X With opinion from legislative counsel
[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

(3) Rand De Mos
Bill Ray
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

V. Kerttula

Chairman

Chairman recommendation

CSHB 17 (Jud)
second version

Offered: 3/13/85
Referred: Rules

Original sponsors: Uehling and Szymanski

IN THE HOUSE BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 17 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to multiple convictions for motor vehicle theft and joyriding."

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

* Section 1. AS 11.46.484(c) is amended to read:

(c) A person convicted under (a)(2) of this section [WHO HAS BEEN PREVIOUSLY CONVICTED UNDER THAT PARAGRAPH OR UNDER FORMER AS 28.35.010] is guilty of a class C felony if, within the preceding seven years, the person was convicted under

(1) the provisions of (a)(2) of this section;

(2) former AS 28.35.010;

(3) the provisions of AS 11.46.482(a)(4);

(4) an offense involving the theft of a propelled vehicle under AS 11.46.120 - 11.46.140 [OR AS 11.46.160 - 11.46.190]; or

(5) a law or ordinance of this or another jurisdiction with elements substantially similar to those of the offenses described in (1) - (4) of this subsection.

Dept of Law amendment.

second version CSHB 17

ANCHORAGE POLICE DEPARTMENT

625 C STREET • ANCHORAGE, ALASKA 99501-3599
TELEPHONE (907) 279-1441

TONY KNOWLES
MAYOR

BRIAN S. PORTER
CHIEF

January 25, 1985

Representative Rick Uehling
Pouch V
Juneau, Alaska 99811

RE: House Bill No. 17
"An Act Relating to Multiple Convictions for Motor Vehicle Theft and Joyriding

Dear Representative Uehling,

Alaska Statute 11.46.484 (a)(2) Criminal Mischief in the Third Degree written, causes a person who has been previously convicted of this offense,or the old Title 28.35.010 (Driving a vehicle without owner's consent) to be charged with a Class "C" Felony.

Since the enactment of this Statute[11.45.484(a)(2)] in 1982, several problems have been encountered that have severely limited the felony prosecution for this offense. This Statute fails to take into consideration:

1. Convictions for the like offense of "Joyriding" (Driving a vehicle without the owner's consent). Other states and jurisdictions have Statutes or Ordinances for the offense of "Driving a vehicle without the owner's consent"(Joyriding), but with the restrictive language of AS 11.46.484(a)(2) prior convictions in other states and jurisdictions may not be used in determining an upgraded charge(felony).

2. Convictions of AS 11.46.482(a)(4) Criminal Mischief in the Second Degree, involving a stolen motor vehicle. The only difference between Criminal Mischief in the Second Degree [AS 11.46.482(a)(4)](Felony) and Criminal Mischief in the Third Degree [AS 11.46.484(a)(2)](Misdemeanor), is if the owner of the stolen vehicle incurs expenses in the amount of $500 or more the Criminal Mischief in the Second Degree is charged.

3. Convictions of AS 11.46.100-190 Theft in the First-Third Degree. Not all people charged with stealing a motor vehicle are charged under the Criminal Mischief Statutes, depending on what they ultimately do to or with the vehicle, they can be charged under the Theft Statutes.

Position Paper Anch Police Dept.

The Theft Statutes are utilized when it can be shown that the thief had the intent to permanently deprive the owner of his stolen vehicle, such as altering the vehicle identification numbers or dismantling the vehicle out.

Anchorage accounts for 44% of the vehicles registered in Alaska, and 83% of the vehicle thefts.

Registered vehicles (Anchorage)

1982	150,973
1983	172,911
1984	186,744

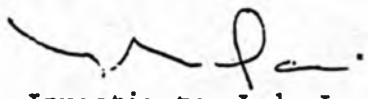
Auto Thefts (Anchorage)

		Dollar Amount
1982	1120 vehicles	$2,563,800
1983	1433 vehicles (+28%)	3,744,000
1984	1562 vehicles (+ 9%)	4,634,000

In Anchorage, during 1984, your chance of having your vehicle stolen was "1" out of "119". The National average was "1" out of 158 and Seattle only had a rate of "1" out of 335.

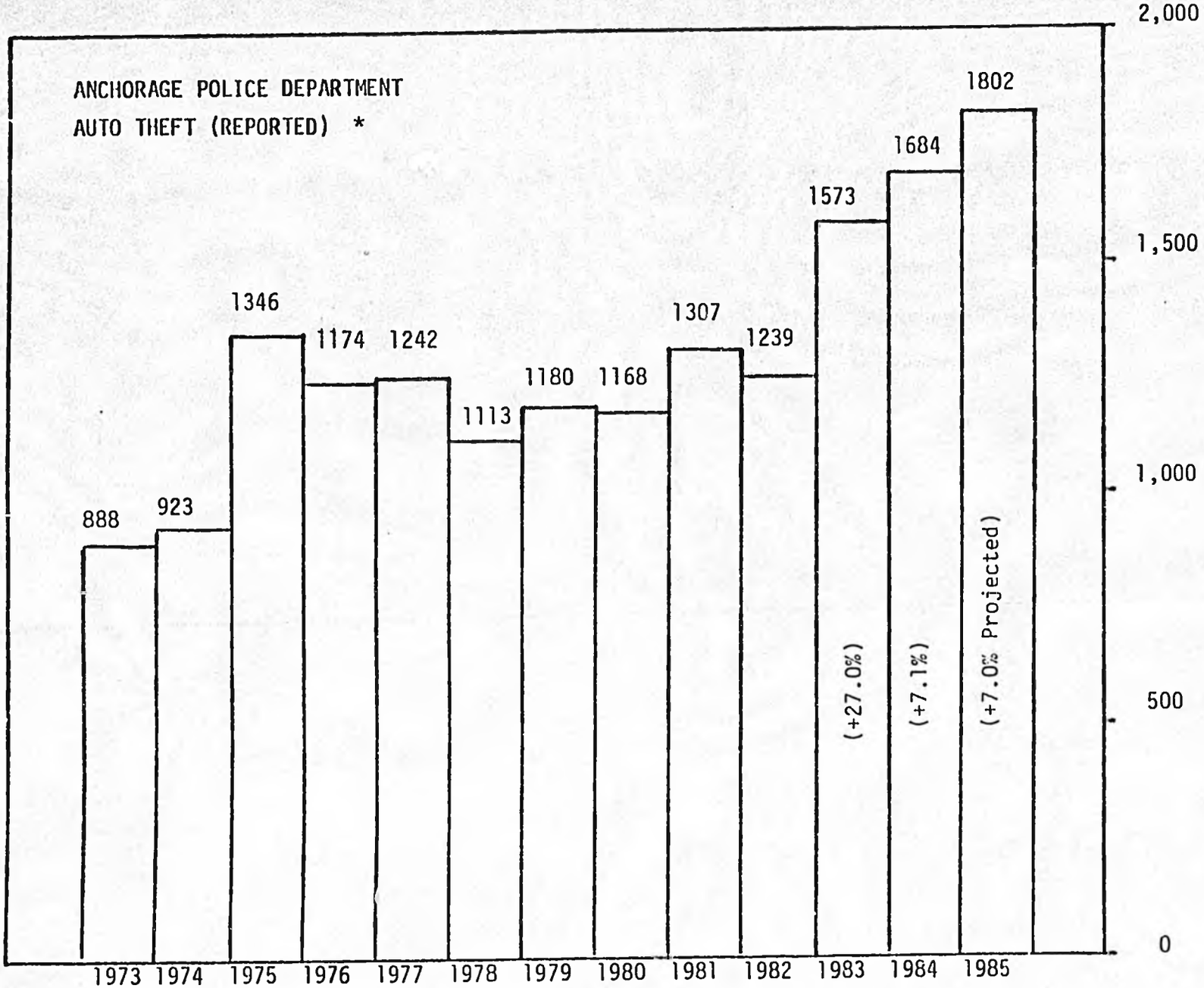
I strongly urge your support for House Bill No. 17. I have worked as an auto theft investigator for the past 12 years and I feel that this Bill will help to reduce auto theft in Alaska. House Bill No. 17 is also supported by the Alaska Chief of Police, Alaska Peace Officers Association and the Anchorage Police Department Employees Association.

Sincerely,



Investigator Lyle L. Davis
Anchorage Police Department
Auto Theft Unit

LLD:vka
Attachments



* (includes reports later found to be false)

HB 17 - JOYRIDING

- This is not a new and different concept. Existing law already provides that anyone convicted of joyriding, who has previously been convicted of a joyriding offense under State law, is guilty of a class C felony.

- This bill amends existing law to close a gaping loophole. Existing law would not allow consideration of a previous conviction for joyriding under municipal ordinances or under another state's law. To allow this situation to continue will result in continued inconsistent treatment of similar offenders. E.g., their penalty would depend on whether they were previously convicted under Anchorage municipal law or state law.

- The significant change in the law is the inclusion of previous convictions for related crimes. That is, a previous conviction for theft of a motor vehicle or a previous conviction of joyriding where $500 or more of property damage was caused will also be counted to incur the class C felony treatment.

- Although the result of the bill will be increased felony convictions, there is no presumptive term for a first time class C felony conviction. The only time the presumptive scheme will come into play is when that person has previous felony convictions (2 years for a second felony conviction and 3 years for a third felony conviction).

SPONSORS NOTE

REP. RICK UEHLING
TESTIMONY TO HOUSE JUDICIARY COMMITTEE
REGARDING HOUSE BILL 17

MR. CHAIRMAN,

DURING THE INTERIM, IT WAS BROUGHT TO MY ATTENTION BY MEMBERS OF THE ANCHORAGE POLICE DEPARTMENT THAT CERTAIN DEFICIENCIES EXIST IN THE CURRENT LAWS UNDER WHICH A PERSON IS CHARGED WITH AS 11.46.484(a)(2) CRIMINAL MISCHIEF IN THE THIRD DEGREE (INVOLVING THE THEFT OF A MOTOR VEHICLE.)

UNDER THE CURRENT LAW, FELONY PROSECUTIONS HAVE BEEN LIMITED FOR THIS OFFENSE BY ITS RESTRICTIVE LANGUAGE. THE STATUTE DOES NOT ALLOW OUR POLICE AND PROSECUTORS THE ABILITY TO TAKE INTO CONSIDERATION THE FOLLOWING:

1. VIOLATIONS OF MUNICIPAL ORDINANCES FOR THE CRIME OF "JOYRIDING" (DRIVING A VEHICLE WITHOUT THE OWNER'S CONSENT)

2. CONVICTIONS IN OTHER JURISDICTIONS (OTHER STATES) FOR A LIKE OFFENSE

3. CONVICTIONS OF AS 11.46.482(a)(d) CRIMINAL MISCHIEF IN THE SECOND DEGREE, INVOLVING A STOLEN MOTOR VEHICLE.

4. CONVICTIONS OF AS 11.46.100-190 THEFT IN THE FIRST THROUGH THIRD DEGREE, AS 11.46.100-190 INVOLVING THE THEFT OF A MOTOR VEHICLE.

AUTO THEFT IN ANCHORAGE IS GROWING AT AN INCREASING RATE. IN 1983 THERE WAS A 28% INCREASE IN AUTO THEFTS AND IN 1984, A 9% INCREASE. THE TOTAL VALUE OF ALL CARS STOLEN IN 1984 WAS 4.6 MILLION DOLLARS.

WE NEED TO GIVE OUR POLICE THE TOOLS NECESSARY TO DEAL WITH THIS PROBLEM. I UNDERSTAND THAT THE ATTORNEY GENERAL'S OFFICE MAY HAVE CHANGES THAT THEY WANT TO MAKE. I HAVE NO PROBLEM WITH THAT. I AM WILLING TO WORK WITH MEMBERS OF THE COMMITTEE, THE CHAIRMAN, AND THE ATTORNEY GENERAL'S OFFICE TO SOLVE OUT ANY PROBLEMS. INVESTIGATOR LYLE DAVIS & ANN NEWELL ARE HERE TO TESTIFY AND I AM CERTAIN THAT THEY CAN BETTER ANSWER ANY SPECIFIC QUESTIONS THAT YOU MAY HAVE. THANK YOU.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: February 15, 1985

REQUEST:
Bill/Resolution No.: H.B. 17
Title: "An Act relating to multiple convictions for motor vehicle theft and joyriding"
Sponsor: Representative Uehling
Requestor: (H) Judiciary
Date of Request: February 1, 1985

FISCAL DETAIL:
Agency Affected: DEPARTMENT OF CORRECTIONS
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected: Offender Confinement, Reformation, and Supervision

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		17.9	18.8	19.7	20.7	21.7
400 SUPPLIES		14.6	15.3	16.1	16.9	17.8
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	32.5	34.1	35.8	37.6	39.5
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	32.5	34.1	35.8	37.6	39.5
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	32.5	34.1	35.8	37.6	39.5

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary.

See attached narrative.

Prepared By: William W. Ladwig William W. Ladwig Phone: 465-3376
Division: Deputy Commissioner for Administration Date: February 15, 1985

Approved by Commissioner: Roger V. Endell by William W. Ladwig Date: February 15, 1985
Agency: DEPARTMENT OF CORRECTIONS

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency (ies)

7/1/84

ANALYSIS

I. Assumptions:

Based upon statistics provided by Anchorage Police Officer Davis, the following assumptions have been made:

1. Anchorage accounts for 83% of the annual arrests for auto theft.

2. The arrests have averaged 100 per year.

3. Of all 100 arrests for all types of auto theft, 15 are for joyriding.

4. Of the 15 arrestees, 3 have prior offenses.

5. Projecting the Anchorage area statistics to the statewide level results in 120 arrests per year for all auto theft crimes with 4 people being subject to this legislation.

6. It is assumed that the number of persons incarcerated under this bill would be 4.

7. It is assumed that incarceration of these 4 persons will require no additional bed space.

8. It is assumed that the cost of living will increase by 5% per year.

II. Program Summary:

A. The annual cost of care is computed as follows:

4 X 365 X 22.28	=	32,500
32.5 X 1.05	=	34.1
34.1 X 1.05	=	35.8
35.8 X 1.05	=	37.6
37.6 X 1.05	=	39.5
Total	=	179.5

III. Economic Impact:

Enactment of this bill will not have a significant impact on the State's economy.

IV. Impact on Local Government:

This bill has no apparent impact on local government units.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: HB 17
Title: "An Act relating to multiple convictions...for motor vehicles..."
Sponsor: Repr. Uehling
Requestor: House Judiciary
Date of Request: 1/24/85

FISCAL DETAIL
Agency Affected: Department of Law
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		-				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

This bill amends AS 11.46.484(c) to provide that a person convicted under (a)(2) of that section who has been previously convicted of an offense having similar elements or of an offense involving the theft of a motor vehicle under AS 11.46.100-11.46.190 is guilty of a class C felony. The effect of the amendment is to provide for the inclusion of convictions of similar offenses in other jurisdictions in arriving at the offense level for repeat offenses in Alaska.

(Continued)

Prepared By: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: 1/29/85
Approved by Commissioner: Richard I. Pegues for Norman C. Gorsuch Date: 1/29/85
Agency: Department of Law

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
[redacted]

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 17

Title: "...multiple convictions for joyriding."

Sponsor: Rep. Uehling

Requestor: House Judiciary

Date of Request: 2-6-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See attached analysis.

Prepared By: Francis C. Allan F.C.A. Phone: 269-5691

Division: Alaska State Troopers Date: 2-1-85

Approved by Commissioner: Ronald J. Sundberg Date: 2-6-85

Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Dept. of Public Safety 7/1/84

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 17

Support

February 1, 1985

HB 17 - "An Act relating to multiple convictions for motor vehicle theft and joyriding."

This legislation broadens the parameters of criminal activity that are to be considered in determining previous convictions involving joyriding.

This wording change will allow more serious charges to be brought against joyriding suspects which should bring the importance of this crime to the public's attention and thus lessen the number of occurrences due to the fear of prosecution as a more serious crime.

Robert J. Sundberg
Commissioner

[redacted] Pub. Safety

Sgt. Liba

MUNICIPALITY OF ANCHORAGE

POLICE DEPARTMENT

MUNICIPAL CRIMINAL CODE

(ARRESTABLE OFFENSES FROM TITLE 9 INCLUDED)

JANUARY 1984

receipt issued for and accompanied by the article or articles of merchandise or thing or things of value. (Adapted from GAAH 18.05.040.)

8.05.560 Solicitation to Illegal Act.

It is unlawful to solicit a person for the purpose of committing any illegal act. (GAAH 18.05.010R.)

8.05.580 Switchblade Knives.

It is unlawful for a person to sell, offer for sale, display or carry about his person, a knife which has a blade which can be opened by a spring mechanism, exertion of pressure on the handle, or by gravity. This section does not apply to any officer of the United States, the State of Alaska or the municipality whose carrying or displaying of such a knife is necessary in the course of his official duties. (Adapted from CAC 8.50.010 and new.)

8.05.590 Telephones — Illegal Use of.

It is unlawful for any person to anonymously or repeatedly telephone another person for the purpose of annoying, molesting, or abusing through patently offensive and profane language, or harassing that person or his family. (Adapted from AS 11.45.035, am AO 82-134).

8.05.600 Theft of Vehicle and Joyriding.

Any person who drives or takes a motor vehicle not his own without the consent of the owner thereof, and with intent to either permanently or temporarily deprive the owner thereof of his possession of the vehicle, whether with or without intent to steal the same, or any person who is a party or accessory to or an accomplice in the driving or unauthorized taking or stealing, is guilty of a misdemeanor. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of the vehicle by the same or a different person. (Adapted from CVC 10851 Calif. Vehicle Code.)

8.05.610 Unauthorized Duplication of Keys.

It is unlawful for any person to make a duplicate of a key bearing the inscription "do not duplicate" or "it is unlawful to duplicate this key," unless authorized to do so by the owner of the lock which the key fits. (CAC 8.32.010.)

8.05.620 Unauthorized Entry.

A. It is unlawful for any person to enter, use or occupy any occupied or unoccupied dwelling, house, tent, hotel, office, store, shop, warehouse, barn, factory or other building, boat, ship, railroad car or structure, or apartment, cottage, clubhouse, bathhouse, hunting or fishing lodge, garage or any other structure or use any personal property therein, except with the consent of the owner of the facility or his agent. However, a person may enter, use or occupy an unoccupied structure specified in this section without the consent of the owner if:

1. the entry, use or occupancy of the facility is for an emergency in the case of immediate and dire need; and

2. the person contacts the owner or agent within 15 days after using the facility or, if the owner is unknown, the Anchorage Police Department, and makes a report of the time of entry, use or occupancy of the facility and any damage to the facility or personal property, unless a notice waiving the necessity for such report is posted in the facility by the owner or his agent.

B. In this section, "occupied" means that the premises is being used by one or more persons entitled to its enjoyment and use, and this includes actual as well as constructive occupancy. (Adapted from AS 11.20.135).

8.05.660 Vehicle — Tampering With.

It is unlawful for any person, either individually or in concert with one or more other persons, willfully to:

HB

30

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: CS HB30
Title: Relating to Payment for Purchases by the State
Sponsor: Schultz
Requestor: House State Affairs
Date of Request: February 15, 1985

FISCAL DETAIL
Agency Affected: All
Program Category Affected: All
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS	0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0
800 MISCELLANEOUS						
TOTAL OPERATING	0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0
FEDERAL FUNDS						
OTHER						
TOTAL	0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Kenneth E. Bischoff KEB Phone: 465-2240
Division: Finance Date: February 15, 1985

Approved by Commissioner: Lisa Rudd A. Strauch for Date: 2-18-85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies) trns for Adm.

Fiscal Note Analysis

CS HB 30

The issue of timely payment for State purchases has been before the Legislature for several sessions. It is clearly desirable that the State pay for its purchases as promptly as possible. This proposal will cause the State to have to choose between verifying invoiced charges to avoid questionable payments, and short-cutting review procedures to avoid penalty interest payments.

Currently, the average payment time for the State is 25 days from the vendors' invoicing date to the paying warrant date. Generally, those agencies which show payment time in excess of 30 days are:

1. Military Affairs
2. Fish and Game
3. Corrections
4. Alaska Court System

These four agencies have a wide network of field locations, causing delays in verification and transmission of invoices.

To decrease the penalties under this legislation, State agencies will incur costs for increased staff to track and pay all purchase invoices within this legislation's time constraints. It is hard to arrive at a definite cost for this legislation, but by using various assumptions, such as that $1,997.2 million of a $4.7 billion dollar budget is for vendor payments and that 5% will fall under the interest penalty provisions, and that all penalty payments are made within 60 days of receipt of invoice, then an estimated interest penalty cost of $1.7 million ($1,997.2 million x .05 x 10.5%/12 mos. x 2 mos.) would occur. It is estimated that additional effort required of the agencies to track and make timely payments for purchases would cost the State about $1.0 million.

It would be difficult to improve payment times under existing payment systems without incurring significant additional costs. The new State accounting system is targeted for July 1, 1985 implementation. This system will improve the ability of geographically disbursed agencies to submit their payments more timely through remote terminals. The system will speed up turnaround and reflect status changes on an overnight basis. These features will allow agencies to be more responsive to their creditors.

All costs of this legislation would be 100% State funds. The U.S. Office of Management and Budget has advised us that the Prompt Payment Act (P.L. 970177) prohibits use of Federal grant funds for payment of interest penalties and disallows the use of any non-Federal funds expended for such interest penalty toward any matching requirement applicable to any Federal grant.

Additional Fiscal Note Analysis - CS HB 30

It appears to us that this Bill is not consistent. In Section 1(c), to pay interest from the date of receipt of the invoice is not consistent with another provision that allows us a period of 30 days to make payment without penalty. The penalty should start accruing on the 30th day after receipt of the invoice.

Fiscal Note Analysis - CS HB-30

Computation of Vendor Payments Basis

1.	Enacted Budget for Fiscal Year 1984	$4,691,603,187.
Less 2.	Permanent Fund Dividends	(2,409,200.)
3.	Grants & Claims	(469,850,200.)
4.	University of Alaska Payments	(272,468,600.)
5.	State Salaries	(844,676,700.)
6.	Loans	(146,125,000.)
7.	Debt Service	(270,089,474.)
8.	Capital	(306,971,179.)
9.	Energy Program	(381,800,000.)
		$1,997,212,834.

1,997,212,334 x .05 x 10.5%/12 mos. x 2 = 1,747,560 or 1.7 million

From FY 85 Legislature's Summary of Appropriation as annotated

1. Lead page - Enacted (less Governor's Vetos) Total Column
2. FCC page 7, CH 122, page 13, line 10
3. FCC page I, Objects of Expenditure Grants, Claims
4. FCC page 41, CH 122, page 80, line 10
5. FCC page I, Objects of Expenditure, Personal Services line, CC column
6. Lead page - Loans & Grants line, Enacted (less Governor's Vetos) Total Column
7. FCC Lead page, Debt Service line, Enacted less Governor's Vetoes
8. Lead page enacted less Governor's Vetoes
9. Lead page enacted less Governor's Vetoes

STATE OF ALASKA

OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT	DIVISION	BILL NUMBER	SPONSOR
Administration	Finance	CS HB 30	Schultz

DEPARTMENT POSITION

Do Not Support

PREPARED BY	DATE	COMMISSIONER'S SIGNATURE	DATE
Ken Bischoff KCB	02/15	for	2-18-85

SUMMARY

OTHER AGENCIES AFFECTED BY BILL	CONSTITUENT GROUP(S) AFFECTED BY BILL
All	Small Business
ORGANIZATIONAL SUPPORT FOR BILL	**ORGANIZATIONAL OPPOSITION TO BILL**
None Known	Most State Agencies

FISCAL IMPACT: ☐ NONE ☒ FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This same bill has been introduced for the past several Legislature sessions. The bill would require the State to pay interest on vendor invoices that have been held by the State without payment for more than 30 days.

ANALYSIS OF BILL/PROGRAM EFFECTS

See Fiscal Note and Fiscal Note Analysis attached. Projected fiscal impact due to interest and additional administrative costs is estimated to be $2,700.0 annually. The new Statewide Accounting System, which will be implemented July 1, will improve vendor payment times and reduce the need for this legislation.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

MF 2/11

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: HB30
Title: Relating to Payment for Purchases by the State
Sponsor: Schultz
Requestor: State Affairs & Finance
Date of Request:

FISCAL DETAIL
Agency Affected: All
Program Category Affected: All
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS	0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0
800 MISCELLANEOUS						
TOTAL OPERATING	0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0
FEDERAL FUNDS						
OTHER						
TOTAL	0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Kenneth E. Bischoff KEB A Phone: 465-2240
Division: Finance Date: February 7, 1985

Approved by Commissioner: Lisa Rudd LSR Date: 2/8/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Fiscal Note Analysis

HB 30

The issue of timely payment for State purchases has been before the Legislature for several sessions. It is clearly desirable that the State pay for its purchases as promptly as possible. This proposal will cause the State to have to choose between verifying invoiced charges to avoid questionable payments, and short-cutting review procedures to avoid penalty interest payments.

Currently, the average payment time for the State is 25 days from the vendors' invoicing date to the paying warrant date. Generally, those agencies which show payment time in excess of 30 days are:

1. Military Affairs
2. Fish and Game
3. Corrections
4. Alaska Court System

These four agencies have a wide network of field locations, causing delays in verification and transmission of invoices.

To decrease the penalties under this legislation, State agencies will incur costs for increased staff to track and pay all purchase invoices within this legislation's time constraints. It is hard to arrive at a definite cost for this legislation, but by using various assumptions, such as that $1,997.2 million of a $4.7 billion dollar budget is for vendor payments and that 5% will fall under the interest penalty provisions, and that all penalty payments are made within 60 days of receipt of invoice, then an estimated interest penalty cost of $1.7 million ($1,997.2 million x .05 x 10.5%/12 mos. x 2 mos.) would occur. It is estimated that additional effort required of the agencies to track and make timely payments for purchases would cost the State about $1.0 million.

It would be difficult to improve payment times under existing payment systems without incurring significant additional costs. The new State accounting system is targeted for July 1, 1985 implementation. This system will improve the ability of geographically disbursed agencies to submit their payments more timely through remote terminals. The system will speed up turnaround and reflect status changes on an overnight basis. These features will allow agencies to be more responsive to their creditors.

All costs of this legislation would be 100% State funds. The U.S. Office of Management and Budget has advised us that the Prompt Payment Act (P.L. 970177) prohibits use of Federal grant funds for payment of interest penalties and disallows the use of any non-Federal funds expended for such interest penalty toward any matching requirement applicable to any Federal grant.

Additional Fiscal Note Analysis - HB 30

It appears to us that this Bill is not consistent. In Section 1(c), to pay interest from the date of receipt of the invoice is not consistent with another provision that allows us a period of 30 days to make payment without penalty. The penalty should start accruing on the 30th day after receipt of the invoice.

Fiscal Note Analysis - HB-30

Computation of Vendor Payments Basis

1.	Enacted Budget for Fiscal Year 1984	$4,691,603,187.
Less 2.	Permanent Fund Dividends	(2,409,200.)
3.	Grants & Claims	(469,850,200.)
4.	University of Alaska Payments	(272,468,600.)
5.	State Salaries	(844,676,700.)
6.	Loans	(146,125,000.)
7.	Debt Service	(270,089,474.)
8.	Capital	(306,971,179.)
9.	Energy Program	(381,800,000.)
		$1,997,212,334.

1,997,212,334 x .05 x 10.5%/12 mos. x 2 = 1,747,560 or 1.7 million

From FY 85 Legislature's Summary of Appropriation as annotated

1. Lead page - Enacted (less Governor's Vetos) Total Column
2. FCC page 7, CH 122, page 13, line 10
3. FCC page I, Objects of Expenditure Grants, Claims
4. FCC page 41, CH 122, page 80, line 10
5. FCC page I, Objects of Expenditure, Personal Services line, CC column
6. Lead page - Loans & Grants line, Enacted (less Governor's Vetos) Total Column
7. FCC Lead page, Debt Service line, Enacted less Governor's Vetoes
8. Lead page enacted less Governor's Vetoes
9. Lead page enacted less Governor's Vetoes

Offered: 3/4/85
For Today's Calendar

Original sponsor: Shultz

IN THE HOUSE BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 30 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to payment for purchases by the state; and providing for an effective date."

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

* Section 1. AS 37.05 is amended by adding a new section to read:

Sec. 37.05.275. PAYMENT FOR STATE PURCHASES. (a) Payment for purchases of goods or services provided a state agency must be made by a required payment date that is

(1) the date on which payment is due under the terms of a contract; or

(2) 30 days after receipt of a proper billing for the amount of the payment due, if a date on which payment is due is not established by contract and if the billing contains or is accompanied by documents required by the contract or purchase order.

(b) If a seller offers a discount from the amount otherwise due for property or services in exchange for payment within a specified period of time, the state agency may make payment in an amount equal to the discounted price only if payment is made within the specified period of time.

(c) If payment for goods or services purchased by the state is not made on or before a required payment date under (a) of this section, the state shall, upon request by seller pay interest on the unpaid balance from the required payment date at the rate of 1.5 percent a month, unless an agreement exists between the seller and the state that establishes a lower rate of interest or precludes the charging of interest. If the

latest version

interest-bearing period of time is either (1) a fraction of a month or (2) one or more full months plus a fraction of a month, the state agency shall pay the same amount of interest for the fraction of a month as it would pay for a full month.

(d) This section does not apply

(1) if the cost of the goods or services purchased exceeds $500,000;

(2) to payment for specific goods or services in dispute after a seller of goods or services receives notice from the state official responsible for authorizing payment for goods and services that the amount of the invoice or quality of specific goods or services is in dispute and stating the reasons for the dispute; the state agency shall pay for the specific goods or services in dispute within 30 days after resolution of the dispute; or

(3) to a contract covered by AS 36.90.001.

(e) Interest paid under (c) of this section shall be charged to the budget of the state agency that purchased the goods or services.

(f) In this section

(1) "dispute" means a determination by the state official responsible for authorizing the payments for the purchase of goods or services that the performance or price charged is not in compliance with the terms of the contract or purchase order;

(2) payment is considered made on the date when the payment is personally delivered to the seller or agent of the seller or on the date the payment is mailed;

(3) "state agency" has the meaning given in AS 37.05.400 and also includes the legislative and judicial branches.

* Sec. 2. This Act does not apply to contracts entered into before the effective date of this Act.

* Sec. 3. This Act takes effect October 1, 1985.

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

3/5/85

Date 3/14/85

Mr. President

The Committee on STATE AFFAIRS considered CSHB 30(Fin)
relating to payment for purchases by the state; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edna DeVries
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Vic Fischer "NOTE"
Bill Ray DO PASS IF COST TO THE STATE IS PRACTICAL

Chairman

Bob Fate
Chairman recommendation

Abood

ANALYSIS OF HB NO. 30

"An Act relating to payment for purchase by the State; and providing for an effective date".

Section 1 (a) Requires the agency to pay on a required payment date as defined under terms of a contract or 30 days after receipt of proper invoice.

Subsection (b) Provides for the State to take advantage of any discounts offered by a vendor and if invoice is paid on time, the State agency will deduct t amount of the discount offered from the total amount of the invoice.

Subsection (c) Establishes the rate of interest at 1.5% per month that must l paid by the State for past due balance -- also provides for the exclusion of intere in the event the seller and the State have mutual agreement.

Subsection (d) 1. Exempts purchases of more than $500,000 from the provisions of the bill.

Subsection (d) 2. Provides for an exemption in the event the State notifies t vendor or seller of a dispute in the invoice.

Subsection (e) Provides that any interest incurred by lack of prompt paymer will be charged to the budget of the department involved.

Subsection (f) 1. Defines dispute as non-compliance, in performance or pric with the terms of the contract, as determined by administering State Officer.

Subsection (f) 2. Defines when payment is made.

Subsection (f) 3. Defines a state agency

Section 2. Exempts and contracts entered into before the effective date from this Act's provisions.

Section 3. Provides an effective date of July 31, 1983.

analysis of HB 30 & sponsors backup

PS. came to me, Pan-Am the Dig

ANALYSIS OF CSHB 30 (FINANCE)

SECTION 1, PARAGRAPH 3

This paragraph provides that the State shall pay 1½% interest on any billing due a vendor which is not paid by the required payment date specified in paragraph (a) of this section. As with normal business charge accounts or credit card accounts, the interest is computed on the first day after the required payment date and the full 1½% is due for any portion of a month that the billing remains unpaid past the required payment date.

The section further provides that if a billing remains unpaid for more than 30 days past the required payment date, an additional 1½% will be due for each subsequent 30 day period or portion of a period that the billing remains unpaid.

Lastly, the paragraph provides that the interest rate of 1½% may be reduced or the payment of interest precluded, if the contract terms specifically include language to that effect.

BACKGROUND ON HB NO. 30

This bill has been requested by numerous vendors that do business with the State of Alaska. The State has become notorious for late payment of invoices, forcing many private vendors to borrow money to supplement their cash flow. This reduces their profit, and in some cases even eliminates it as the profit on articles is very marginal.

The bill is patterned after a federal law entitled "The Prompt Payment Act--Public Law 97-177". The Prompt Payment Act became effective October 1, 1982 and when it was introduced in Congress, it carried 133 sponsors.

The U. S. Army Comptroller in Fort Greely, Mr. Leonard Lemon, advised the Prompt Payment Act has improved their payment schedule and payment of invoices has become routine and very prompt.

In a poll conducted by the National Federation of Independent Business, 3312 businesses in Alaska were in favor of this bill.

In the past the State has placed a very high fiscal note on this bill and the State Admininstration claims it will have to completely reorganize it's accounting system in order to fulfill the requirements set forth in this bill. If this is so, then it should be done as this is an indicator our State's method of handling accounts payable is inefficient and needs modifying.

Businessmen in Alaska need this bill--they have requested it. Their request is not unreasonable and should be supported by elected representatives of their community.

NFIB® National Federation of Independent Business

The Guardian of Small Business

February 12, 1985

The Honorable Dick Shultz
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear ~~Representative Shultz~~ Dick:

There is a wide variety of legislation introduced each year which will have a significant impact on small business in Alaska. Normally, when business is effected by a change in the law, the impact on small businesses is much greater than on the medium to large businesses. To ensure that legislators are made aware of how existing law and proposed legislation affects small businesses, the National Federation of Independent Business (NFIB) has been working with state legislatures nationwide for several years.

In Alaska, NFIB currently has a membership in excess of 3,700 businesses. Thus, we are representing a significant majority of the businesses in most of the cities in Alaska. Each year we send a ballot to all of our members requesting their input on issues of current interest in Alaska. This ballot permits each member to express their feelings on the issues and provide direction regarding which issues should be pursued legislatively. It is NFIB policy that we cannot take a position on an issue for NFIB unless the members have voted on it and a majority favor the position being taken.

For your information I have enclosed a copy of our 1985 State Ballot showing the vote of the membership on the various issues. The issues which received strong support are ones which I will be discussing with legislators during this and subsequent legislative sessions.

If I can provide you any additional information on NFIB or if you would like to know our position on a particular issue, feel free to contact me.

Very truly yours,

Gary L. Jenkins, Director
Governmental Relations/Alaska

NFIB/ALASKA
Legislative Office
P.O. Box 210194
Auke Bay, AK 99821
907/586-4100

Supports HB 30 and will testify for it.

Prompt pay laws require government agencies to pay interest penalties on late payments. The survey in this report shows that prompt pay laws are succeeding. Government executives in states with prompt pay laws say they are paying few or no interest payments and attribute the low figures to dramatic changes in administrative procedures which occurred following adoption of the prompt pay laws.

For example:

- For fiscal year 1983, Federal agencies paid over 99 percent of their bills on time compared to 61 percent on time before the Prompt Payment Act of 1982.
- Arizona has paid no interest penalties since the Arizona prompt pay law became effective July 1982. *"Agencies made sure that invoices were processed and did not lie around on someone's desk,"* reported Don Olson, Assistant Director for Finance.
- California's payment records have improved since the January 1983 prompt pay law, according to Eric Brooks in the Department of General Services.
- *"There was an instant positive effect on most agencies and they are now paying bills faster than they used to before the prompt pay law,"* said Kathy Fletcher, a legislative consultant to Assemblyman Richard Katz in California.
- In Florida, *"the statute necessitated improvement in bill paying procedures."* George Haynie, Director of Accounting and Auditing, added: *"We have not paid that much out in interest penalties — probably less than $5,000 during the last couple of years."*
- Maryland's Assistant State Comptroller, Robert Swann said: *"...following the law, bills were paid more promptly. Also, agencies have to periodically inform the Governor of interest penalties paid."* According to Swann, audit figures this year as compared with before the law, show a significant decrease in the percent of late payments. Before the law, 30-50 percent of the invoices were paid late compared with 2-4 percent of late payments now. The biggest improvement was seen in the larger state agencies such as the Department of Transportation, Department of Natural Resources and the Department of Health.
- In Massachusetts, the prompt pay law dealing with public construction contracts, *"meant that payments had to be reviewed and processed in a more timely fashion. Contractors are quite pleased that contracts are paid in a more timely fashion,"* said Alan Jewett, Director of Contract Administration. Jewett estimates that not more than $10,000 has been paid in interest penalties based on contracts totaling $127 million in the past 2 years.
- Oregon's prompt pay law, effective 1980, has resulted in such promptness that no interest payments have been made, according to Management Analyst Don Seufert. He added: *"We have a standing policy of paying our bills in 30 days."* Administrator Neil Fisher, who receives regular audit reports, agreed that no interest penalties were reported by any agencies.
- Oregon Chamber of Commerce's Vice President Assistant Counsel, Jack Munro has not heard any complaints about late pay since passage of the law.

PROMPT PAYMENTS BECOMING AN INTERGOVERNMENTAL STANDARD

● Mr. SASSER. Mr. President, paying one's bills on time was such a universal business standard that it hardly deserved to be considered the innovation it was when I called for making it a statutory requirement for Federal agencies through the introduction of S. 30, the Late Payments Act of 1981, on the first day of the 97th Congress. The purpose and content of this legislation is clear and unequivocal: Government ought to pay its bills on time, within 30 days, or face up to interest charges.

Yet, this standard was an initiative. And this initiative, which grew ultimately to be the Prompt Payment Act of 1982 (Public Law 97-177), is yielding more and more results and benefits for those who do business with the Federal Government and State governments, and for those governments themselves.

Kenton Pattie, whose indefatigable efforts as leader of the Slow Pay Coalition—a coalition consisting primarily of small business groups—contributed much toward the enactment of the Prompt Payment Act, recently wrote me to tell me that similar coalition efforts at the State level are producing similar statutes in our Nation's States.

A total of 35 States now have prompt payment laws.

Mr. President, in order that additional information on State prompt payment laws be available for review by my colleagues and others, I ask that Mr. Pattie's letter to me, along with excerpts from an accompanying report, be printed in the RECORD at the conclusion of my remarks.

This report of success on prompt pay laws at the State level follows another encouraging report earlier this year from the Office of Management and Budget (OMB). The OMB reported that, following the first full year of implementation of Public Law 97-177, the Federal Government was paying its bills promptly 99 percent of the time. This compares favorably to a 60 percent prompt payment rate reported in a 1978 study by the U.S. General Accounting Office. The latter rate represented a sorry state of affairs, especially when one considered that the majority of the late payments involved small businesses.

Unlike large corporations, small businesses have neither the administrative personnel available nor the cash flow capability required to carry overdue accounts for long periods of time. I should note here, to emphasize this point, that even though the Federal Government now has a 99-percent "on time" rate in paying its bills, the remaining 1 percent represents 180,000 overdue bills. Most of these are owed small businesses.

When the financial practices of the Federal Government affect small businesses so directly, I have a special concern: I serve on both the Governmental Affairs Committee, which oversees Federal financial management practices, and the Small Business Committee, which focuses its attention on the special concerns of this country's small businesses and entrepreneurs.

It is in this context that the objective of the prompt payment standard was, and reamins, two-fold: First, to make certain that those businesses which provide goods and services to Government receive payment in a reasonable period of time; and second, through the prospect of interest charges, to encourage Government agencies to develop and maintain efficient financial management practices.

The improvement from 1978 to 1984 in the rate at which Federal agencies pay their bills on time—from 60 percent to 99 percent—as well as the determined efforts of small businesses in coalition to encourage the enactment of prompt payment legislation by State governments shows that there is substantial progress toward meeting this objective. If such progress continues, I feel confident that the initiative of 1981 will soon become a standard for all levels of government. I welcome such a standard.

The material follows:

NAVA, THE INTERNATIONAL COMMUNICATIONS INDUSTRIES ASSOCIATION

Fairfax, Va., June 1, 1984.

Hon. JIM SASSER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SASSER: It has been a while since I wrote you about prompt pay laws. A lot has happened:

10 states passed prompt pay laws last year.

8 states passed prompt pay this spring.

Prompt pay is currently pending in 17 state legislatures.

A total of 35 states now have prompt pay laws. By the end of the year, I hope we can report to you on several more.

Meanwhile, in April we published "Prompt Pay Laws Are Succeeding" which documents the fact that prompt pay laws are working. The Prompt Pay Act of 1982, which requires Federal agencies to pay interest penalties when late in paying companies, has been particularly successful.

Of course, there are some problems. Companies still have problems getting paid by the U.S. Navy although Congressman Sisisky is trying to solve the problem. (For more details, call Diane Worthington (225-6365)). Meanwhile, some states with prompt pay laws are passing amendments to tighten up language, raise interest penalties, and strike loopholes.

If you, your staff, or supporters back home need more information about the prompt pay issue, please feel free to contact me. We appreciate your support and encouragement and look forward to continuing to work with you in the months and years ahead.

Sincerely,

KENTON PATTIE,
Senior Staff Vice President.

STATES WITH PROMPT PAY STATUTES

Adopted prior to 1981

1. (1) Florida.
2. (2) Hawaii (strengthened by Senate Bill 866 in 1983).
3. (3) Illinois.
4. (4) Massachusetts (limited).
5. (5) Oregon.
6. (6) Arkansas (limited).
7. (7) Michigan (limited).
8. (8) North Carolina (limited).
9. (9) Indiana.

Adopted in 1981

1. (10) South Carolina.
2. (11) Washington.
3. (12) North Dakota (strengthened by Senate Bill 2056 in 1983).

Adopted in 1982

1. (13) Alaska (limited).
2. (14) Arizona.
3. (15) California.
4. (16) Louisiana.
5. (17) Pennsylvania.
6. South Carolina.

Adopted in 1983

1. California.
2. (18) Colorado.
3. (19) Delaware.

ment that a municipality use ordinances to exempt contractors from compliance with general requirements relating to certain bonds, see AS 29.48.139(a)(12).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

statute. 33 ALR3d 397.

Liability of municipality on quasi contract for value of property or work furnished without compliance with bidding requirements. 33 ALR3d 1164.

Municipal property as subject to mechanic's lien. 51 ALR3d 657.

Chapter 90. Miscellaneous Provisions.

Section

01. Public construction contract payments

Sec. 36.90.001. Public construction contract payments. (a) The state shall initiate procedures to pay the contractor under a public construction or public work contract within 15 days after the contractor submits to the state a bill for materials provided or services performed and a sworn statement that all employees employed on the project by the contractor and all subcontractors have been paid not less than the established prevailing rate of pay as determined and published by the Department of Labor.

(b) If the state fails to make a payment due the contractor under this section within 30 days after receiving a contractor's billing, the state shall pay interest to the contractor under AS 45.45.010(a) on the amount due.

(c) The state or a political subdivision of the state is liable to a contractor registered under AS 08.18 for interest at the rate provided in AS 45.45.010(a) on retainage on a contract for public works or public construction. Interest on retainage accrues from the date of approval of a pay estimate until the date of payment to the contractor. A contract provision purporting to waive the interest provisions of this subsection is void as contrary to public policy.

(d) A political subdivision that has a population of 500 or less is exempt from the payment of interest provided in (c) of this section.

(e) A political subdivision that receives a state grant for a public construction or public works project may use money from the state grant to pay the interest on retainage under contracts for the project as required by (c) of this section. (§ 1 ch 85 SLA 1982)

Editor's notes. — Section 3, ch. 85, SLA 1982, provides: "The provisions of this Act apply to contracts entered into after the effective date of this Act [July 1, 1982]."

Revisor's notes. — Formerly AS 37.05.319. Renumbered in 1983.

Sec. 37.05.400. Definitions for chapter. In this chapter

(1) "fiscal year," "budget year," "accounting year," or similar term means a year beginning on July 1 of one calendar year and ending on June 30 of the following calendar year;

(2) "handicapped individual" means an individual under a physical or mental disability which constitutes a substantial handicap to employment;

(3) "sheltered workshop" means a place where manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to handicapped individuals.

(4) "state agency," "agency," "department," or similar term means a department, office, institution, board, commission, bureau, division, or other administrative unit forming the state government, and includes the Alaska Pioneers' Home and the University of Alaska. (§ 3 art I ch 82 SLA 1955; am § 1 ch 186 SLA 1957; am § 2 ch 92 SLA 1975; am § 6 ch 46 SLA 1977)

Revisor's notes. — Formerly AS 37.05.320. Renumbered in 1983 and reorganized to alphabetize the defined terms.

NOTES TO DECISIONS

Cited in Carter v. Alaska Pub. Employees Ass'n, Sup. Ct. Op. No. 2657 (File No. 6586), P.2d (1983).

Sec. 37.05.410. Short title. This chapter may be cited as the Fiscal Procedures Act. (§ 1 art I ch 82 SLA 1955)

Revisor's notes. — Formerly AS 37.05.330. Renumbered in 1983.

Chapter 07. Executive Budget Act.

Section

10. Statement of policy
20. Responsibilities of the governor
30. Responsibilities of the legislature
40. Office of management and budget
50. Agency program and financial plans
60. Governor's recommendation
62. Capital budget
70. Legislative review
80. Program execution
90. Performance reporting
100. Proposed supplemental or special appropriations
110. Interpretation of chapter
120. Definitions
130. Short title

Revision Date:

REQUEST
Bill/Resolution No.: CSHB30 (Fin)
Title: Payment for purchases

Sponsor: Representative Shultz
Requestor: House Finance
Date of Request: 2/26/85

FISCAL DETAIL
Agency Affected: All
Program Category Affected: All

ERU, Program or Subprogram(s) Affected:
All

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		-0-				
200 TRAVEL		-0-				
300 CONTRACTUAL		-0-				
400 SUPPLIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS		-0-				
800 MISCELLANEOUS		-0-				
TOTAL OPERATING		-0-				
CAPITAL		-0-				
REVENUE		-0-				

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-				
FEDERAL FUNDS	-0-				
OTHER	-0-				
TOTAL	-0-				

POSITIONS:

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

ANALYSIS: The purpose of this legislation is to encourage state agencies to pay bills on time. It would be contrary to this purpose to appropriate funds for interest payments or related staff costs. It is the House Finance Committee's intent that any funds needed be absorbed within an agency's existing budget.

RSA

Prepared By: Al Adams - Chairman
Phone: 465-3706
Division: House Finance Committee
Date: 2/26/85

Approved by Commissioner:
Date:
Agency:

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

House Fin. Version of fiscal note

HB
34

Alaska State Legislature

House of Representatives

House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

MEMORANDUM
May 10, 1985

TO: Senator Mitch Abood
Chair, Senate State Affairs

FROM: Representative Mike Miller

RE: CSHB 34 (Finance)

On per capita basis Alaska has over twice the number of licensed liquor outlets as other states. Passage of HB 34 would tend to move Alaska more towards the norm of national exprerience with respect to the ratio of licenses to population.

Additionally, this legislation should assist in stablilizing Alaska's near nation leading per capita consumption rate of alcohol and it's related problems.

Fiscal Impact: Fiscal notes have been provided by the:

Department of Revenue	$0.0
Department of HESS	$0.0
Department of C& RA	$0.0
Alcohol Beverage Control Board	$1.5

I have provided you, in your Senate State Affairs packet, the following:

1. Sectional analysis of CSBH 34 (Finance) prepared by legal services.
2. 5/10/85 staff analysis.
3. 4 Fiscal Notes (listed above).
4. Position paper from the Department of Health & Social Services.
5. House Judiciary Committee minutes (hearings: 3/14, 4/8, 4/13).
6. 2/14/85 staff memorandum regarding liquor license fees.
7. Alcohol Beverage Control Board population census and liquor license data.
8. Information regarding population formula used in HB 150/ Liquor Licenses, Governor's version of bill. This language is incorporated in HB 34 in Section 9 and 10.
9. Other related back-up material.

Thank you for your attention on this legislation.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

No. 1

Revision Date:

REQUEST

Bill/Resolution No.: CSHB34 (St. Affrs)
Title: "An Act relating to the administration of liquor licenses"
Sponsor: Rep M.M. Miller/St Affrs.
Requestor: State Affrs Committee
Date of Request: 2/21/85

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
Program Category Affected: Community Development
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The Department remains only remotely affected by this committee substitute bill. The bill does potentially have an affect on local governments and continues to base administration of liquor licenses on population figures issued by C&RA.

Prepared By: Doug Griffin, Deputy Director Phone: 465-4750
Division: Municipal & Regional Assistance Date: 2-22-85

Approved by Commissioner: Date: 2-22-85
Agency: Community & Regional Affairs

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: 2/22/85

No. 2

REQUEST

Bill/Resolution No.: CSHB 34 (SA)

Title: AN ACT RELATING TO THE ADMINISTRATION OF LIQUOR LICENSES

Sponsor: REP M M MILLER

Requestor: HOUSE STATE AFFAIRS COM

Date of Request: 2/21/22

FISCAL DETAIL

Agency Affected: DEPARTMENT OF REVENUE

Program Category Affected: PUBLIC PROTECTION

BRU, Program or Subprogram(s) Affected: ALCOHOLIC BEVERAGE CONTROL BOARD

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock Phone: 277-8638

Division: Alcoholic Beverage Control Board Date: 2/22/85

Approved by Commissioner: Mary A. Nordale Date: 2/22/85

Agency: Department Of Revenue

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

Alaska State Legislature

House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

M E M O R A N D U M
May 10, 1985

TO: Rep. Mike Miller

FROM: Denise Zachary, A.A dz

RE: staff analysis/ HB 34: Limitation Liquor Licenses

CS for HB 34 (Finance)

Section 1, 2, and 3. AS 04.06.100(b), AS 04.11.040(c), and AS 0.11.055: Partnerships and limited partnerships shall be treated the same as corporations in regards to liquor licensing.

Section 4. AS 04.11.100: Adds new language to restaurant section;
"50% of gross receipts must be from sale of food"
(prior to 1981 statute changes, above language was included as well as "no alcohol consumption on premises unless served with sale of food")

Section 5 and 6. AS 04.11.260(a) and AS 04.11.260: Adds partnership/ limited partnership lanquage to existing statutes.

Section 7. AS 04.11.310: Community council notification of liquor license application in their areas of jurisdiction and notice of A.B.C. Board proposed action. (This section added by House Judiciary results in a Fiscal Note from the A.B.C. Board in the amount of $1.5).

Section 8. AS 04.11.340: Amended adding relocation [TRANSFER OF LOCATION] to make language consistent throughout bill.

Section 9 and 10. AS 04.11.400(a) and (b): CRUX OF BILL. Adds language from HB 150 (Gov's) but ups population limits to 3000 for all license types except beer and wine licenses which will remain at current 1500 limit. Adds areas outside of a city, municipality, or village, but inside an organized borough -- provides that such areas will be governed by same quota formula as inside established villages, incorporated cities, and unified municipalities.

** SHORT TERM EFFECT: no package store or beverage dispensary licenses will be available in immediate future or until areas have sufficient population growth. The Board may, in their discretion, continue to issue special licenses for public convenience or to promote tourism.

Section 11. AS 04.11.400(e): Changes date for determining population where "5 Mile Rule" is used. Current law = use population statistics from Dec. 31, preceding the year of date of application. CSHB 34(Fin) = population will be determined as of the date application is filed with A.B.C. Board, or another date not more than 60 days earlier.

Section 12. AS 04.11.400(f): Technical changes adding HB 150 amendments.

Section 13. AS 04.11.400(g): Issue or transfer of beverage dispensary or restaurant license may be approved by Board if it appears to encourage tourist trade by construction or improvement of hotel, motel, or resort.

Sets up population standards for Board determination of hotel-motel licenses. (uses 1/25/85 A.B.C. Board draft regulations but increases by 5 rooms each population unit.)

Section 14. AS 04.11.400(h): Technical changes.

Section 15. AS 04.11.400(i): Ups population limits to 3000 [1500].

Relocation allowed if less than one mile from original location. No ground for Board denial if relocation necessary due to termination of lease agreement, condemnation, or destruction of premises by any cause.

Section 16. AS 04.11.400(j): Pertains to issuance or transfer of restaurant or eating place licenses. Board has public convenience discretion.

Section 17. AS 04.11.430(a): Partnership/ limited partnership licensing language.

Section 18. AS 04.11.504(a) (in original HB 34): Regards issuance or relocation of liquor licenses by majority vote at local elections.

If local governing body requests fewer licenses than population limit, Board may only issue that amount. If city is "dry" and local vote changes to allow alcohol, priority shall be given to liquor licenses previously issued although applicants have no legal right to license and Board is not required to approve application.

Section 19. AS 04.21.010: Regards notification to community councils.

Section 20. Adds Immediate Effective Date.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM May 10, 1985

SUBJECT: Liquor Licenses; CSHB 34 (Fin)

TO: Representative M. Mike Miller
Chairman, House Judiciary Committee

FROM: George W. Edwards GWE
Legislative Counsel

This is in response to your request for a sectional analysis of CSHB 34 (Fin) offered on May 1, 1985.

Section 1 AS 04.06.100(b) is amended by adding a new paragraph permitting the Alcoholic Beverage Control Board (the board) to adopt regulations that require partnerships that hold liquor licenses, including limited partnerships, to submit reports that include notice of any change of a partnership interest of 10 percent or more.

Section 2 AS 04.11.040(c) is amended to prohibit transfer of controlling interest in a liquor license held by a partnership except with the written consent of the board.

Section 3 AS 04.11 is amended by adding a new section 04.11.055, REPORTS REQUIRED OF PARTNERSHIPS. Subsection (a) requires that a partnership holding a liquor license report a transfer of a partnership interest of 10 percent or more or a change of general partners.

Subsection (b) provides that such a report be submitted to the board in duplicate within 10 days of the change in interest or change of general partners.

Section 4 AS 04.11.100 is amended by adding a new subsection that permits renewal of a restaurant or eating place license only if the licensee provides evidence to the board's satisfaction that gross receipts from the sale of food on the licensed premises constitute no less than 50

percent of the gross receipts of the premises for the preceding license year.

Section 5 AS 04.11.260(a) is amended by replacing the pronoun "him" with the sex-neutral term "applicant's" and by providing that the application for a liquor license for a partnership shall be executed by an authorized general partner.

Section 6 AS 04.11.260 is amended by adding a new subsection that requires partnerships applying for a liquor license to provide information required by the board including the names and addresses of all general partners and all other partners with an interest of 10 percent or more.

Section 7 AS 04.11.310 is amended by adding a new subsection requiring that upon receipt of an application for issuance, renewal, relocation, or transfer of ownership of a liquor license within an area of a municipality under the jurisdiction of a community council established by charter or ordinance to advise the municipality, or within an area adjacent to such an area, the board shall provide notice of the application to the community council and, at least 10 days in advance, advise the council of the date and time of any proposed action on the application.

Section 8 AS 04.11.340 is amended by substituting the term "relocation" for the term "transfer." The change eliminates possible confusion caused by the current usage of "transfer" as applicable both to the sale of an existing liquor license and to the relocation of licensed premises. Since there is a critical difference between the two acts, this section substitutes the term "relocation" for "transfer" with reference to the relocation of licensed premises. The term "transfer" remains applicable to sales of licenses.

Paragraph (2) of the section requires that relocation of a license be denied if prohibited under AS 04.11.400 (a) or (b).

Paragraph (3) of the section requires that relocation of a license be denied if the license would be relocated outside of the established village, incorporated city, unified municipality, or population area established under AS 04.11.400(a) within which it is located.

Paragraph (10) of the section requires that relocation of a license be denied if the license was issued under AS 04.11.400(g), (h), or (j).

Section 9 AS 04.11.400(a) is amended to substitute "relocation" language for "transfer" language.

Paragraph (1) provides for retention of the population requirement, outside a specified governmental unit including an established village and organized borough, at 1,500 or a fraction of 1,500 for each restaurant or eating place license that may be issued and for raising the population requirement to 3,000 or a fraction of 3,000 for each other license that may be issued within a five mile radius of the licensed premises, excluding the populations of established villages, incorporated cities, unified municipalities, and organized boroughs that are wholly or partly included within the radius.

Paragraph (2) provides for retention of the population requirement, inside a specified governmental unit including an established village, organized borough and unified municipality, at 1,500 or a fraction of 1,500 for each restaurant or eating place license that may be issued and for raising the population requirement to 3,000 or a fraction of 3,000 for each other license that may be issued within the unit.

Paragraph (3) provides for a population limitation inside an organized borough but outside an established village or incorporated city within the borough of 1,500 or a fraction of 1,500 for each restaurant or eating place license that may be issued and 3,000 or a fraction of 3,000 for each other license that may be issued within the area, excluding the population of those established villages that have conducted an election under AS 04.11.490, 04.11.496, or 04.11.500 and the population of incorporated cities within the organized borough.

Section 10 AS 04.11.400(b) is amended to provide that when the five-mile radius described in subsection (a) encompasses all of a governmental unit, including an established village, incorporated city, or unified municipality, and the population inside and outside of the unit but inside the five-mile radius is less than 3,000, rather than the former 1,500, the board may deny issuance or relocation of a liquor license.

Section 11 AS 04.11.400(e) is amended to define "population," as used in subsection (a)(1), as persons residing within the five- mile radius not later than the date the application is received by the board and not earlier than 60 days before the application is received.

Section 12 AS 04.11.400(f) is amended to include within the "population" referred to in subsection (a)(2) and (3) only those persons who resided in a specified governmental unit, including an organized borough, as of December 31 of the year preceding the date of application.

Section 13 AS 04.11.400(g) is repealed and reenacted to provide for the issuance or transfer of ownership of a beverage dispensary license or a restaurant or eating place license without regard to subsection (a) population restrictions to encourage tourism. A license may be issued under this section to an airport terminal or to a hotel-type business that has a dining room or kitchen facilities if:

(a) it is within a population area of less than 1,501 and has at least 15 rental rooms;

(b) it is within a population area of 1,501 to 2,500 and has at least 20 rental rooms;

(c) it is within a population area of 2,501 to 5,000 and has at least 25 rental rooms;

(d) it is within a population area of 5,001 to 15,000 and has at least 30 rental rooms;

(e) it is within a population area of 15,001 to 25,000 and has at least 35 rental rooms;

(f) it is within a population area of 25,001 to 50,000 and has at least 40 rental rooms; or

(g) it is within a population area of greater than 50,000 and has at least 50 rental rooms.

Section 14 AS 04.11.400(h) is amended to restate the board's authority to issue a restaurant or eating place license without regard to subsection (a) under certain circumstances.

Section 15 AS 04.11.400(i) is amended to make the license transfer provision of this section applicable to licenses limited under either subsection (a) or (b).

Section 16 AS 04.11.400(j) is amended to provide that the board may approve the issuance or transfer of a restaurant or eating place license in a municipality without regard to subsection (a) if necessary for the public convenience.

Section 17 AS 04.11.430 (a) is amended to include partnerships and limited partnerships among entities that may hold liquor licenses.

Section 18 AS 04.11.504(a) is amended by the insertion of the term "relocation" to indicate the relocation of licensed premises.

Section 19 AS 04.21.010 is amended by adding a new subsection that requires that at least 10 days before a date set for municipal action on an application for the issuance, renewal, relocation, or transfer of ownership of a liquor license, the municipality provide written notice of the time and place of hearing to a community council, with jurisdiction over the affected area, established by charter or ordinance to advise the municipality.

Section 20 provides for an immediate effective date.

GWE:csh
J15/003

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CSHB34 (Jud)

Title: Relating to administration of liquor licenses

Sponsor: M.M. Miller & Boucher

Requestor: House Judiciary

Date of Request: 4/17/85

FISCAL DETAIL

Agency Affected: Dept. of Revenue

Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected: Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		.5	.5	.5	.5	.5
300 CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	1.5	1.5	1.5	1.5	1.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	1.5	1.5	1.5	1.5	1.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock, Director Phone: 277-8638

Division: Alcoholic Beverage Control Board Date: 4/22/85

Approved by Commissioner: Marjorie A. Nordale Date: 4/30/85

Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

7/1/84

FISCAL NOTE Revision Date , 19..3

I. REQUEST

Bill/Resolution No.: CS for HB 34

Title: "An Act relating to the administration*

Sponsor: M.M. Miller

Requestor:

Date of Request: 1/28/85

II. FISCAL DETAIL

Agency Affected:

Program Category Affected:

BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

*of liquor licenses; and providing for an effective date."

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Matthew C. Felix Phone: 586-6201

Division: Alcoholism and Drug Abuse Date: 3/13/85

Approved by Commissioner: Date: 3/14/85

Department: HEALTH & SOCIAL SERVICES

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/

No. 1

Revision Date:

REQUEST CSHB34

Bill/Resolution No.: (St. Affrs)

Title: "An Act relating to the administration of liquor licenses"

Sponsor: Rep M.M. Miller/St Affrs.

Requestor: State Affrs Committee

Date of Request: 2/21/85

FISCAL DETAIL

Agency Affected: Community & Regional Affairs

Program Category Affected: Community Development

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The Department remains only remotely affected by this committee substitute bill. Th bill does potentially have an affect on local governments and continues to base administration of liquor licenses on population figures issued by C&RA.

Prepared By: Doug Griffin, Deputy Director Phone: 465-4750

Division: Municipal & Regional Assistance Date: 2-22-85

Approved by Commissioner: Date: 2-22-85

Agency: Community & Regional Affairs

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

Revision Date: 2/22/85

No. 2

REQUEST

Bill/Resolution No.: CSHB 34 (SA)
Title: AN ACT RELATING TO THE ADMINISTRATION OF LIQUOR LICENSES
Sponsor: REP M M MILLER
Requestor: HOUSE STATE AFFAIRS COM
Date of Request: 2/21/22

FISCAL DETAIL

Agency Affected: DEPARTMENT OF REVENUE
Program Category Affected: PUBLIC PROTECTION
BRU, Program or Subprogram(s) Affected: ALCOHOLIC BEVERAGE CONTROL BOARD

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock
Phone: 277-8638
Division: Alcoholic Beverage Control Board
Date: 2/22/85

Approved by Commissioner: Mary A. Nordale
Date: 2/22/85
Agency: Department Of Revenue

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1.84

POSITION PAPER/Department of Health & Social Services

POSITION PAPER

CS FOR HOUSE BILL 34 (STATE AFFAIRS)

"An Act relating to the administration of liquor licenses; and providing for an effective date."

Section 1

This section would attempt to require that a restaurant or eating place license derive at least 50% of its gross receipts from the sale of food. This provision is currently in regulation, 15 AAC 104.305. While this idea is laudable it is uncertain how the ABC Board will effectively monitor licensees' receipts. Since the intent of this classification of license is to allow patrons to consume beer or wine with meals, the Department recommends consideration be given to using the pre 1980 title 04 language in this section.

> "A restaurant or eating place licensee may sell beer and wine in a restaurant or eating place with meals furnished in good faith to patrons."

This should assist in avoiding the proliferation of restaurants that are promoting the sale of beer and wine regardless of whether patrons are eating food. In effect, some establishments have a beer and wine tavern in a section of their restaurant. Again, this does not appear to be consistant with the intent of this category of license.

Sections 3 and 4

The Department supports Sections 3 and 4, the population requirement change from 1500 to 3000 for beverage dispensary or package store licenses.

The Alaska State Plan (84-86) indicates that on a per capita basis Alaska has over twice the number of licensed liquor outlets as other states. In 1983 the national average for the ratio of licenses to each 1000 population was 1.18 while the Alaska ratio was 2.65. The attachment is from the Liquor Handbook 1984 and details all states relationships of liquor licenses to population for 1983. Passage of this bill would tend to move Alaska more towards the norm of the national experience with respect to the ratio of licenses to population. Furthermore, this action should assist in stabilizing Alaska's near nation leading per capita consumption rate of beverage alcohol, with its attendant related problems, including driving while intoxicated.

The Alaska Chapter of Mothers Against Drunk Driving is supportive of this bill and the Anchorage Mayor's Task Force on Drunk Driving of 1984 contained the following recommendation:

"The accessibility of alcohol should be limited by reducing liquor outlets (licenses) from 1-1500 population to 1-3000 population."

Additionally, the Governor's Task Force on Drunk Driving heard testimony favoring the concept contained in HB 34, however did not take action on this idea when they were advised this bill would be introduced to the legislature this session.

Section 7

This section more fully defines the number of rental rooms and population ratio applicants for beverage dispensary, or restaurant or eating licensee must demonstrate in order to be considered for a license designated to encourage tourist trade. The Department is supportive of this section since its passage would tend to limit the issuance of additional new licenses.

The Department will be pleased to provide additional information regarding CS for HB 34 and urges its passage.

Recommended by: _____

Matthew C. Felix
Coordinator
Office of Alcoholism/
Drug Abuse

Date: 3/13/85

Approved by: _____

John R. Pugh
Commissioner
Dept. of Health &
Social Services

Date: 3/14/85

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1985

I. REQUEST

Bill/Resolution No.: CS for HB 34
Title: "An Act relating to the administration*
Sponsor: M.M. Miller
Requestor:
Date of Request: 1/28/85

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

*of liquor licenses; and providing for an effective date."

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Matthew C. Felix
Division: Alcoholism and Drug Abuse
Phone: 586-6201
Date: 3/13/85

Approved by Commissioner:
Department: HEALTH & SOCIAL SERVICES
Date: 3/14/85

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)

3/82

Licenses For Sale of Distilled Spirits

State	— Number of Licenses — On-Premise	Off-Premise	On- & Off-Premise	Total Licenses	Estimated* Population (thousands) 7/1/83	Number of Licenses per 1,000 Population On-Premise	Off-Premise	On- & Off-Premise	Total Licenses
License States									
[illegible]ska	801	463	-	1,264	479	1.67	0.97	-	2.64
[illegible]ona	1,275	1,361	1,523	4,159	2,963	0.43	0.46	0.51	1.40
[illegible]nsas	591	682	-	1,273	2,328	0.25	0.29	-	0.55
[illegible]fornia	14,581	11,501	-	26,082	25,174	0.58	0.46	-	1.04
[illegible]rado	3,687	1,373	-	5,060	3,139	1.17	0.44	-	1.61
[illegible]necticut	3,436	1,810	-	5,246	3,138	1.09	0.58	-	1.67
[illegible]ware	443	290	181	914	606	0.73	0.48	0.30	1.51
[illegible] of Columbia	746	340	-	1,086	623	1.20	0.55		1.74
[illegible]da	1,299	677	6,298	8,274	10,680	0.12	0.06	0.59	0.77
[illegible]gia	1,905	1,669	-	3,574	5,732	0.33	0.29	-	0.62
[illegible]aii	1,070	781	-	1,851	1,023	1.05	0.76	-	1.81
[illegible]ois	-	-	17,783	17,783	11,486	-	-	1.55	1.55
[illegible]iana	1,147	1,695	3,739	6,581	5,479	0.21	0.31	0.68	1.20
[illegible]nsas	1,220	1,085	-	2,305	2,425	0.50	0.48	-	0.95
[illegible]tucky	1,260	944	84	2,288	3,714	0.34	0.25	0.02	0.62
[illegible]uisiana	6,902	2,950	-	9,852	4,438	1.56	0.66	-	2.22
[illegible]ryland	556	1,026	3,217	4,799	4,304	0.13	0.24	0.75	1.12
[illegible]ssachusetts	6,210	1,799	-	8,009	5,767	1.08	0.31	-	1.39
[illegible]nnesota	2,375	700	1,112	4,187	4,144	0.57	0.17	0.27	1.01
[illegible]souri	-	4,110	4,295	8,405	4,970	-	0.83	0.86	1.67
[illegible]braska	452	585	2,031	3,068	1,597	0.28	0.37	1.27	1.92
[illegible]ada	926	599	839	2,364	891	1.04	0.67	0.94	2.65
[illegible] Jersey	1,535	1,939	8,012	11,486	7,468	0.21	0.26	1.07	1.54
[illegible]w Mexico	217	79	1,308	1,604	1,399	0.16	0.06	0.93	1.15
[illegible]w York	23,672	4,098	-	27,770	17,667	1.34	0.23	-	1.57
[illegible]rth Dakota	110	95	1,075	1,280	680	0.16	0.14	1.58	1.88
[illegible]lahoma	-	846	-	846	3,298	-	0.26	-	0.26
[illegible]ode Island	1,449	308	-	1,757	955	1.52	0.32	-	1.84
South Carolina	1,571	1,196	-	2,767	3,264	0.48	0.37	-	0.85
South Dakota	658	615	-	1,573	700	1.37	0.88	-	2.25
[illegible]nessee	1,045	586	-	1,631	4,685	0.22	0.13	-	0.35
[illegible]as	8,213	3,474		11,687	15,724	0.52	0.22		0.74
[illegible]consin	12,706	1,751		14,457	4,751	2.67	0.37		3.04
Total License	102,358	61,460	51,491	205,309	165,691	0.62	0.37	0.31	1.24
Control States									
Alabama	1,673	140	752	2,565	3,969	0.42	0.04	0.19	0.65
Idaho	924	132	-	1,056	989	0.93	0.13	-	1.07
Iowa	4,598	214	-	4,812	2,905	1.58	0.07	-	1.66
Maine	1,211	132	-	1,343	1,146	1.06	0.12	-	1.17
Michigan	9,335	3,942	-	13,277	9,069	1.03	0.43	-	1.46
Mississippi	593	667	-	1,260	2,587	0.23	0.26	-	0.49
Montana	-	141	1,557	1,698	817	-	0.17	1.91	2.08
New Hampshire	1,014	70	-	1,084	959	1.06	0.07	-	1.13
North Carolina	1,216	368	-	1,584	6,082	0.20	0.06	-	0.26
Ohio	11,834	426	-	12,260	10,746	1.10	0.04	-	1.14
Oregon	1,569	231	-	1,800	2,662	0.59	0.09	-	0.68
Pennsylvania	19,010	713	-	19,723	11,895	1.60	0.06	-	1.66
Utah	159	168	118	445	1,619	0.10	0.10	0.07	0.27
Vermont	1,108	65	-	1,173	525	2.11	0.12	-	2.23
Virginia	1,960	236	-	2,196	5,550	0.35	0.04	-	0.40
Washington	2,481	376	-	2,857	4,300	0.58	0.09	-	0.66
West Virginia	1,276	158	-	1,434	1,965	0.65	0.08	-	0.73
Wyoming	654	96	180	930	514	1.27	0.19	0.35	1.81
Total Control	60,615	8,275	2,607	71,497	68,289	0.89	0.12	0.04	1.05
Grand Total	162,973	59,044	54,104	276,821	233,981	0.70	0.26	0.23	1.18

*Totals may not add because of rounding.

Note: Georgia and New York data are for 1979. New Mexico data are for 1980. The number of off-premise licenses in Control States represents state stores and agencies with the following exceptions: North Carolina represents county and city stores, Michigan includes specially designated distributors and Mississippi and Wyoming cover private licenses since these states operate a monopoly at wholesale level only.

Source: DISCUS

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 30, 1985

HB150

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill primarily relating to the population formula used for issuance of an alcoholic beverage license in an area outside of a city, municipality, or village, but inside an organized borough. The bill would amend existing law to provide that such an area will be governed by the same quota formula now employed inside established villages, incorporated cities, and unified municipalities.

The number of licenses of each type that may be issued inside established villages, incorporated cities, and unified municipalities is limited to one for each 1,500 persons residing in the village, city, or municipality. Under current law, a different rule is applied, however, to applications for licenses to be located outside of these governmental entities, both in organized boroughs and in the unorganized borough. For these applications, the quota is based on the number of licenses and persons within a five-mile radius of the proposed premises; the quota allows one license for each 1,500 persons within the radius.

The five-mile-radius quota worked well when the organized boroughs were relatively unpopulated, and continues to work well in the unorganized borough. Recently, however, the five-mile-radius rule has resulted in the issuance of an excessive number of licenses in populous organized boroughs -- particularly in the Kenai and Matanuska-Susitna Boroughs.

The difficulty in these populous organized boroughs is caused by the fact that the five-mile radii of premises that are within five miles of each other cover much of the

same area. This means that a single population can be counted towards several different licenses. The result in a densely populated area for which many licenses are sought can be alarming; in the Matanuska-Susitna Borough, for example, there is now approximately one beverage dispensary license for each 556 persons, and one package store license for each 899 persons, who live in the borough and outside of cities and villages within the borough.

The present result of applying the five-mile-radius rule in the organized boroughs is clearly contrary to the intent of the legislature that created it. It is also contrary to the health, safety, and welfare of the residents of our organized boroughs. A likely short-term effect of the enactment of the attached bill will be that no package store or beverage dispensary licenses will be generally available in the Matanuska-Susitna or Kenai Boroughs in the immediate future, until those areas experience sufficient population growth. The board may, however, continue to issue, in its discretion, special licenses if necessary for the public convenience or if issuance will promote the tourism industry by encouraging the construction of a hotel or motel that would not otherwise be built.

An analysis of the proposed amendments, including several technical and stylistic amendments, follows.

ANALYSIS OF AMENDMENTS TO AS 04.11.400

1. Use of terms, generally. Throughout the bill, the terms "incorporated city," "unified municipality," and "organized borough" are used instead of the term "municipality" as defined in AS 04.21.080(b)(11). The use of the defined term "municipality" was considered too confusing in this context because of the need to distinguish in this bill between "municipalities" that are organized boroughs and "municipalities" that are other entities inside organized boroughs.

2. Changes to AS 04.11.400(a)(1). The phrase "for each 1,500 population or fraction of 1,500 population" has been moved to a later position in the paragraph for greater grammatical clarity.

The added language, "excluding the populations of established villages, incorporated cities, unified municipalities, and organized boroughs that are wholly or partly included within the radius," is drawn from language -

currently appearing in AS 04.11.400(e). Placing that language in subsection (a)(1), and deleting it from subsection (e), was considered preferable for two reasons. First, it prevents an important legal requirement from being hidden in a definition section. Second, the change makes the structure of (a)(1), (2), and (3) parallel.

3. Changes to AS 04.11.400(a)(2). The phrase "for each 1,500 population or fraction of 1,500 population" has been repositioned in the sentence for greater grammatical clarity.

The phrase "boundaries of the" is deleted because it adds nothing to the meaning of the paragraph.

4. Addition of AS 04.11.400(a)(3). This entire paragraph is new and contains the most significant amendment to the statute, applying the "one license per 1,500 persons" rule to organized boroughs of the state.

5. Changes to AS 04.11.400(b). This subsection was reworded for greater clarity and simplicity.

6. Changes to AS 04.11.400(e). The deleted language "but outside an established village, an incorporated city, or a unified municipality" has been moved, in slightly revised form, to subsection (a)(1).

Subsection (e), as rewritten, also changes the date for determining population where the five-mile radius rule is applied. Under current law, the relevant date is December 31 of the year preceding the date of application. The use of this date is effective and practical where the quota is based on the entire population of a government entity, because those entities determine their populations yearly. However, where the five-mile-radius rule is applied, government figures are generally unavailable and the applicant will in most cases be required to do an actual count of the number of persons residing inside the radius. A person doing this count in, for example, November has no way of determining what the count would have been on December 31st of the previous year. For this reason, the bill provides that where the five-mile-radius rule applies, the population will be determined as of the date the application is filed with the Alcoholic Beverage Control Board, or another date not more than 60 days earlier.

7. Change to AS 04.11.400(h)(1). The words "an

incorporated" were added for clarity and uniformity.

8. Change to AS 04.11.400(i). The change in this subsection is a technical correction only.

9. Changes to AS 04.11.400(j). This subsection presently uses only the term "municipality," which is defined in AS 04.21.080(b)(11) as meaning "an incorporated city, unified municipality, or organized borough." The specific terms are substituted here for the defined term for two reasons. First, the specific terms are used in the remainder of this section and their use here promotes uniformity. Second, because the specific terms are used elsewhere in the section, their use here will avoid any consequent confusion regarding whether the term "municipality" is intended to mean all three types of government entities or only a unified municipality.

Sincerely,

Bill Sheffield
Governor

Total Number of Licenses by Type,[1] by Year, Alaska 1978 - 1982.*

	1978	1979	1980	1981	1982	Number on 2/26/85
Beverage Dispensary	483	583	592	624	629	625
Club	51	61	62	66	66	73
Commercial Carrier	64	78	79	83	84	129
Restaurant	181	218	222	234	236	272
Retail	351	424	431	454	458	487
Pub	1	1	1	1	1	1
Total	1,131	1,365	1,387	1,462	1,474	1,587
On-Premise	780	941	956	1,008	1,016	1,100
Off-Premise	351	424	431	454	458	487

1. Department of Revenue: Alcohol Beverage Control Board
* The total number of Liquor License's was made available by the ABC Board. The distribution of license's by type was based on the percentage breakout for 1981 a year for which data on number of each type of license was available. Data on the exact type breakout for previous years was unavailable.

Number of persons per license, Alaska , 1978-1982

	1978	1979	1980	1981	1982	Number on 2/26/85
ON PREMISE LICENSE'S	780	941	956	1,008	1,016	1,100
19+ Population	345	288	277	271	291	299
State Population	525	431	418	426	452	465
OFF PREMISE LICENSE'S	351	424	431	454	458	487
19+ Population	766	639	614	603	646	676
State Population	1,168	957	928	947	1,004	1,049
TOTAL LICENSE'S	1,131	1,365	1,387	1,462	1,474	1,587
19+ Population	237	198	191	187	200	207
State Population	363	297	288	294	312	322
STATE POP. (000's)[1]						
19+ years [2]	269	271	265	274	296	329
State Pop. [3]	410	406	400	430	460	511

1. Department of Labor: Annual Population Statistics.
2. The number of state population aged 19 and over.
3. The enire state population.

SUMMARY

February 1985

ANALYSIS OF AVAILABILITY FACTORS

RELATED TO PER CAPITA ALCOHOL CONSUMPTION

For

THE ALASKA COUNCIL ON PREVENTION
OF ALCOHOL AND DRUG ABUSE, INC.
Anchorage, Alaska

Partially funded by

THE STATE OFFICE OF ALCOHOLISM AND DRUG ABUSE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
STATE OF ALASKA

Prepared by

P.C.H.S. GROUP
Pouch 3-6500 - #15A
Juneau, Alaska 99802

SUMMARY

DO ALCOHOL LAWS AFFECT ALCOHOL CONSUMPTION

Synopsis

In the simplest possible terms, this report indicates that:

- States with "strict," "tight," or "conservative" liquor laws have low per capita alcohol consumption.
- And, states with "permissive," "loose," or "liberal" liquor laws have high per capita alcohol consumption rates.

The factors which apparently most affect per capita consumption are:

- The cost of alcohol.
- The hours in which alcohol is available for sale.
- The number of outlets in which alcohol may be purchased.

Background and Reason for this Research

This report is a small part of an intensive two-year study by the Alaska Council on Prevention of Alcohol and Drug Abuse, Inc., to determine if Alaska's liquor laws and policies were in any way responsible for that state's inordinately high per capita alcohol consumption rate.

Much research has been done on the relationship of individual factors in affecting per capita consumption, and/or attempting to tie in one factor or another with a specific type of health disorder or crime problem.

Only one piece of research attempted to look at the overall liquor policies of a specific state as they relate to per capita alcohol consumption. In 1975, Dr. Reginald Smart of the Addiction Research Foundation in Toronto, developed an "availability score" by assigning weights to a variety of factors. He has proved that states with a high "availability score" (e.g. Alaska) had high per capita alcohol consumption rates. States which had low scores on his "availability scale" (e.g. North Carolina) had low per capita alcohol consumption levels.

The 1975 Smart Study, which was cited as "an overwhelming preponderance of scientific evidence," indicated a direct correlation between availability factors and per capita consumption. However, any attempt to change liquor laws to moderate alcohol availability anywhere is always challenged with the statement that the specific factor under discussion cannot be proven to have any specific effect. This research attempted to find the specific effect.

Methodology

The following factors were considered in an attempt to learn how much each of these factors influences per capita alcohol consumption in each of the 50 states and the District of Columbia.

- Minimum drinking age.
- Per capita income.
- Hours per week that alcohol may be purchased.
- Number of outlets which sell alcohol per population.
- Whether alcohol is sold through licensed, independent retail outlets or a state monopoly.

Baseline data was accumulated for each state, for the year 1980. Regression analysis, a commonly-used statistical technique, was utilized with a formula designed to indicate how much each of these factors influenced per capita consumption.

In the final analysis:

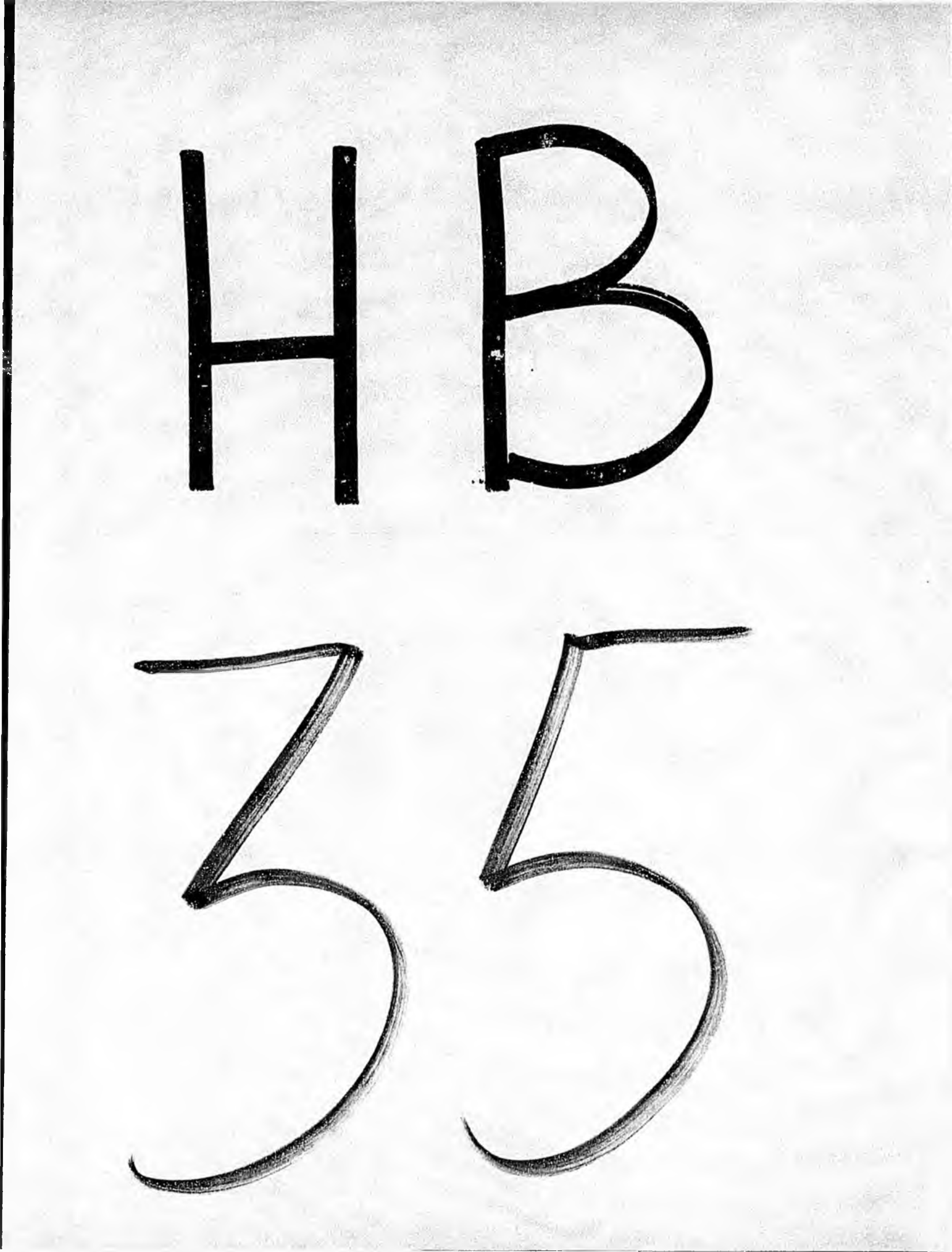
- Minimum drinking age does not seem to affect the per capita consumption rate.
- Having individual licensees rather than a state monopoly does not seem to affect the per capita consumption rate.
- Per capita income does affect per capita consumption. Every $1,000 of per capita income indicates additional consumption of approximately one quart of alcohol.
- The cost of alcohol does directly affect consumption. Each additional dollar of cost reduces consumption by more than a quart.
- The number of outlets does affect consumption. One point of logorithmic difference will decrease per capita consumption by .39 gallons.

Conclusions

There are many demographic variables which influence per capita consumption, that cannot be changed by legislation. For example, per capita income is a variable that would be of little help to decision makers in attempts to reduce per capita consumption.

Should any political jurisdiction wish to lower its per capita consumption level, the three most influential factors to be considered are:

- Cost of alcohol
- Number of outlets
- Hours of availability


HB
35

POSITION PAPER/Department of Health & Social Services

Position Paper

CS for House Bill No. 35 (Rules)

For "An Act relating to state regulations of fireworks; and providing for an effective date."

The Department of Health and Social Services supports this bill for two reasons:

1) Fireworks contribute to fire losses, as documented by the State Fire Marshal;

2) Fireworks cause injuries, often to children, although no one as yet has systematically documented fireworks injuries in Alaska.

BACKGROUND

In 1984, according to the Consumer Product Safety Commission, there were 7 reported deaths and over 9,800 injuries associated with fireworks. Over half of the injuries consisted of burns or lacerations and many were suffered by children under 15. Some of these injuries were quite severe, involving loss of hearing, loss of sight, or loss of limb.

The Center for Disease Control in Atlanta reports that the trend in fireworks related injuries has been generally upward since 1975, when approximately 4,700 persons were treated for fireworks related injuries in hospital emergency rooms.

According to a book on Injury Control, by Dr. Julian A. Waller, bottle rockets, in particular, were associated with high injury rates. These devices are especially likely to cause eye injuries.

The National Fire Protection Association reports that the rate of injuries in states allowing many types of fireworks is significantly greater than in states that ban all fireworks or allow only sparklers and snakes.

POSITION

The Department of Health and Social services believes that restricting the sale of fireworks to persons over 16 years of age,

POSITION PAPER/Department of Health & Social Services

and prohibiting the sale of firecrackers and bottle rockets, will result in reduced injuries, especially among children.

Recommended by: Elizabeth Ward

Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 5/5/86

Approved By: John R. Pugh

John R. Pugh
Commissioner
Department of Health and Social Services

Date: 5/5/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS HB 35 (Rules)
Title : An Act Relating to State Regulation of Fireworks...

Sponsor : Rep. Pourchot
Requestor : _____
Date of Request : 5/5/86

FISCAL DETAIL

Agency Affected : Health & Social Services
BRU : State Health Services, Adm. Services, Emergency Medical Services

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Elizabeth Ward, M.N. E. Ward Phone : 465-3090
Division : Public Health Date : May 5, 1986

Approved by Commissioner : Jan R. Ong Date : 5/5/86
Agency : Dept. of Health & Social Services

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

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6) Bill History

7) Alaska Statutes Regulating Fireworks - AS 18.72

8) U.S. Department of Transportation Regulations - 49 CFR 173.100

9) Consumer Product Safety Regulations

10) News Articles

11) Fiscal Notes
- Department of Public Safety
- Department of Health and Social Services: Public Health Division
- Department of Law

12) Documentation

McFarland, Lynne, et al. 1984. "Risk Factors for Fireworks-Related Injury in Washington State," JAMA, Vol. 251, No. 24, pp. 3251-3254.

Alaska Department of Natural Resources. "Wildland Fires Caused by Fireworks."

National Safety Council. "Policy on the Use of Fireworks."

Kale, Deborah and Beatrice Harwood. 1981. "Fireworks Injuries." U.S. Consumer Product Safety Commission, Directorate for Epidemiology, Division of Hazard Analysis. (Summary only)

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS

ANCHORAGE
P O BOX 104836
ANCHORAGE, AK 99510
(907) 338-2425

JUNEAU
POUCH V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

House of Representatives

MEMORANDUM

DATE: May 6, 1986

TO: Senate State Affairs Committee
Senator Mitch Abood, Chairman
Senator Edna DeVries, Vice-Chairman
Senator Vic Fischer
Senator Bill Ray
Senator Tim Kelly

FROM: Representative Pat Pourchot

SUBJECT: CSHB 35 (Rules), Regulation of Fireworks

Last week the House passed the above bill over to the Senate by a vote of 27 to 11.

CSHB 35 (Rules) would:

1) allow the sale of all Class C fireworks currently permitted under federal regulation - except for firecrackers and bottle rockets;

2) restrict sales to persons age 16 years or older; and

3) require supervision of fireworks sales by a person age 18 or older.

CSHB 35 (Rules) has received strong support from the Alaska Department of Public Safety, the Alaska Department of Health and Human Services, and the state Division of Forestry, as well as from most of the municipalities in the state. Additionally, representatives of the Alaska Fireworks Retailers Association have worked on the bill and support its provisions.

Most people who have worked on the bill, including dealers, have agreed that most of the personal injury, fire and nuisance problems can be attributed to the two types of fireworks prohibited by this bill. Ironically, retail profits from firecrackers and bottle rockets are reported by wholesalers and retailers to be small when compared to all other items sold.

Virtually all of our municipalities currently have a total ban on sale and use of fireworks within their jurisdictions. However, numerous problems still occur due to the availability of these items outside a municipality's boundaries.

CSHB 35 (Rules) would not affect public fireworks displays in any way. The bill seeks only to prevent injuries and to restore a small amount of peace to our neighborhoods.

Offered: 4/21/86
Referred: Rules

Original sponsor: Pourchot

IN THE HOUSE BY THE RULES COMMITTEE

CS FOR HOUSE BILL NO. 35 (Rules)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

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

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

* Section 1. AS 18.72.010(a) is amended to read:

(a) The sale, [OR] offer to sell, possession with intent to sell, or manufacture of dangerous fireworks at wholesale or retail for a [ANY] purpose other than industrial, agricultural, wildlife control or public display purposes is prohibited.

* Sec. 2. AS 18.72.010(c) is amended to read:

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. A [NO] fireworks wholesaler may not sell dangerous fireworks to anyone, unless the wholesaler [HE] has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the [FIREWORKS] wholesaler, and maintained as a permanent record of the sale.

* Sec. 3. AS 18.72 is amended by adding a new section to read:

Sec. 18.72.025. PURCHASE AND SALE OF FIREWORKS BY MINORS. The sale of fireworks to a person under 16 years of age is prohibited. A person under 18 years of age may not sell fireworks unless supervised by a person 18 years of age or older.

* Sec. 4. AS 18.72.030(a) is amended to read:

(a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state

fire marshal on forms provided by the state fire marshal [HIM]. The application shall be accompanied by an annual license fee of $50.

* Sec. 5. AS 18.72.040 is amended to read:

Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly [KNOWINGLY AND WILFULLY] fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN $500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate offense.

* Sec. 6. AS 18.72.050 is repealed and reenacted to read:

Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks regulations adopted in the state fire safety code

(1) "bottle rocket" means a type of skyrocket consisting of a tube, not exceeding one-half inch (12.5 mm) inside diameter and two and one-half inches in length, and a stick fastened to or contained in the tube for guidance and stability;

(2) "dangerous fireworks" includes all fireworks that are not defined as salable fireworks;

(3) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(4) "firecracker" has the meaning given in 49 C.F.R. 173.-100(r);

(5) "fireworks" means a composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "common" or "special" fireworks as set out in the hazardous materials regulations of the United States Department of Transportation, but does not include

(A) toy pistols, toy canes, toy guns, or other devices in which are used paper or plastic caps manufactured, packed, and shipped in accordance with United States Department of Transportation regulations; and

(B) model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(6) "manufacture" means the preparation of fireworks mixes and the loading and assembly of all fireworks;

(7) "recklessly" has the meaning given in AS 11.81.900(a)-(3);

(8) "salable fireworks" means common fireworks, as described in 49 C.F.R. 173.100(r), other than

(A) firecrackers; and

(B) skyrockets that meet the definition of bottle rockets under this section.

* Sec. 7. AS 18.72.060 is amended to read:

Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or oorough, whether before or after May 23, 1969, that [WHICH] are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks.

* Sec. 8. AS 18.72.060 is amended by adding a new subsection to read:

(b) This chapter does not apply to

(1) the sale of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(2) the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry;

(3) gold star producing sparklers that contain no magnesium or chlorate;

(4) toy snakes that contain no mercury;

(5) smoke novelties and party novelties that contain less than 0.25 grain of explosive mixture;

(6) shells or cartridges used as ammunition in firearms;

(7) blank cartridges used for a theatrical or other entertainment production, or for signal or ceremonial purposes in sporting events or by military organizations.

* Sec. 9. This Act takes effect December 31, 1986.

Offered: 2/3/86
Referred: Rules

Original sponsor: Pourchot

IN THE HOUSE BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 35 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

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

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

* Section 1. AS 18.72.010(a) is amended to read:

(a) The sale, [OR] offer to sell, possession with intent to sell, or manufacture of dangerous fireworks at wholesale or retail for a [ANY] purpose other than industrial, agricultural, wildlife control or public display purposes is prohibited.

* Sec. 2. AS 18.72.010(c) is amended to read:

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. A [NO] fireworks wholesaler may not sell dangerous fireworks to anyone, unless the wholesaler [HE] has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the [FIREWORKS] wholesaler, and maintained as a permanent record of the sale.

* Sec. 3. AS 18.72.030(a) is amended to read:

(a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by the state fire marshal [HIM]. The application shall be accompanied by an annual license fee of $50.

* Sec. 4. AS 18.72.040 is amended to read:

Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly [KNOWINGLY AND WILFULLY] fails to comply with a provision of this

chapter or fireworks regulations adopted in the fire safety code is guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN $500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate offense.

* Sec. 5. AS 18.72.050 is repealed and reenacted to read:

Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks regulations adopted in the state fire safety code

(1) "cone fountain" means a cardboard or heavy paper cone containing not more than 50 grams of pyrotechnic composition and that has the same effect as a cylindrical fountain;

(2) "cylindrical fountain" means a cylindrical tube not more than three-fourths of an inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition, that may be supported on a base or spike or may be hand-held and that, upon ignition, produces a shower of colored sparks and, sometimes, a whistling effect;

(3) "dangerous fireworks" includes all fireworks that are not defined as salable fireworks;

(4) "dipped stick" means a stick or wire coated with not more than 100 grams of pyrotechnic composition, or if containing perchlorate or chlorate salts, not more than five grams of pyrotechnic composition, and that produces a shower of sparks upon ignition;

(5) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(6) "fireworks" means a composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "common" or "special" fireworks as set out in the hazardous materials regulations of the

United States Department of Transportation, but does not include

(A) toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufacture, packed, and shipped in accordance with United States Department of Transportation regulations; and

(B) model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(7) "flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition; this device does not have a fuse for ignition; the paper at one end of the tube is ignited to make the device function;

(8) "ground spinner" means a small device similar to wheel in design and effect and placed on the ground and ignited; a shower of sparks and color is produced by the rapidly spinning device;

(9) "illuminating torch" means a cylindrical tube containing not more than 100 grams of pyrotechnic composition, that may be supported on a base or spike or may be hand-held and that, upon ignition, produces a colored fire;

(10) "recklessly" has the meaning given in AS 11.81.900(a)-(3);

(11) "Roman candle" means a tube not exceeding three-eighths inches (9.5 mm) inside diameter, containing not more than 20 grams of pyrotechnic composition and not more than 10 balls spaced uniformly in the tube;

(12) "salable fireworks" includes only the following United States Department of Transportation common fireworks:

(A) cone fountains;

(B) cylindrical fountains;

(C) dipped sticks;

(D) flitter sparklers;

(E) ground spinners;

(F) illuminating torches;

(G) Roman candles;

(H) skyrockets with sticks;

(I) wheels;

(13) "skyrocket with stick" means a tube not exceeding one-half inch (12.5 mm) inside diameter, containing not more than 20 grams of pyrotechnic composition, with a stick fastened to or contained in the tube for guidance and stability;

(14) "wheel" means a pyrotechnic device attached to a post or tree by means of a nail or string, containing a total pyrotechnic composition of not more than 60 grams in each driver unit or 240 grams in each complete wheel, and that, upon ignition, revolves and produces a shower of color and sparks and, sometimes, a whistling effect.

* Sec. 6. AS 18.72.060 is amended to read:

Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, that [WHICH] are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks.

* Sec. 7. AS 18.72.060 is amended by adding a new subsection to read:

(b) This chapter does not apply to

(1) the sale of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(2) the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry;

(3) gold star producing sparklers that contain no magnesium or chlorate;

(4) toy snakes that contain no mercury;

(5) smoke novelties and party novelties that contain less than 0.25 grain of explosive mixture;

(6) shells or cartridges used as ammunition in firearms;

(7) blank cartridges used for a theatrical or other entertainment production, or for signal or ceremonial purposes in sporting events or by military organizations.

* Sec. 8. This Act takes effect December 31, 1986.

Offered: 3/20/85
Referred: Judiciary

Original sponsor: Pourchot

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

CS FOR HOUSE BILL NO. 35 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

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

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

* Section 1. AS 18.72.010(a) is amended to read:

(a) The sale, [OR] offer to sell, possession with intent to sell, or manufacture of dangerous fireworks at wholesale or retail for a [ANY] purpose other than industrial, agricultural, wildlife control or public display purposes is prohibited.

* Sec. 2. AS 18.72.010(c) is amended to read:

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. A [NO] fireworks wholesaler may not sell dangerous fireworks to anyone, unless the wholesaler [HE] has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the [FIREWORKS] wholesaler, and maintained as a permanent record of the sale.

* Sec. 3. AS 18.72.030(a) is amended to read:

(a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by the state fire marshal [HIM]. The application shall be accompanied by an annual license fee of $50.

* Sec. 4. AS 18.72.040 is amended to read:

Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly [KNOWINGLY AND WILFULLY] fails to comply with a provision of this

chapter or fireworks regulations adopted in the fire safety code is guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN $500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate offense.

* Sec. 5. AS 18.72.050 is repealed and reenacted to read:

Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks regulations adopted in the state fire safety code

(1) "cone fountain" means a cardboard or heavy paper cone containing not more than 50 grams of pyrotechnic composition and that has the same effect as a cylindrical fountain;

(2) "cylindrical fountain" means a cylindrical tube not more than three-fourths of an inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition, that may be supported on a base or spike or may be hand-held and that, upon ignition, produces a shower of colored sparks and, sometimes, a whistling effect;

(3) "dangerous fireworks" includes all fireworks that are not defined as salable fireworks;

(4) "dipped stick" means a stick or wire coated with not more than 100 grams of pyrotechnic composition, or if containing perchlorate or chlorate salts, not more than five grams of pyrotechnic composition, and that produces a shower of sparks upon ignition;

(5) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(6) "fireworks" means a composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "common" or "special" fireworks as set out in the hazardous materials regulations of the

United States Department of Transportation, but does not include

(A) toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps manufacture, packed, and shipped in accordance with United States Department of Transportation regulations; and

(B) model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(7) "flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition; this device does not have a fuse for ignition; the paper at one end of the tube is ignited to make the device function;

(8) "ground spinner" means a small device similar to wheel in design and effect and placed on the ground and ignited; a shower of sparks and color is produced by the rapidly spinning device;

(9) "illuminating torch" means a cylindrical tube containing not more than 100 grams of pyrotechnic composition, that may be supported on a base or spike or may be hand-held and that, upon ignition, produces a colored fire;

(10) "recklessly" has the meaning given in AS 11.81.900(a)-(3);

(11) "salable fireworks" includes only the following United States Department of Transportation common fireworks:

(A) cone fountains;

(B) cylindrical fountains;

(C) dipped sticks;

(D) flitter sparklers;

(E) ground spinners;

(F) illuminating torches;

(G) wheels;

(12) "wheel" means a pyrotechnic device attached to a post or tree by means of a nail or string, containing a total pyrotechnic composition of not more than 60 grams in each driver unit or 240 grams in each complete wheel, and that, upon ignition, revolves and produces a shower of color and sparks and, sometimes, a whistling effect.

* Sec. 6. AS 18.72.060 is amended to read:

Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, that [WHICH] are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks.

* Sec. 7. AS 18.72.060 is amended by adding a new subsection to read:

(b) This chapter does not apply to

(1) the sale, and use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(2) the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry;

(3) gold star producing sparklers that contain no magnesium or chlorate;

(4) toy snakes that contain no mercury;

(5) smoke novelties and party novelties that contain less than 0.25 grain of explosive mixture;

(6) shells or cartridges used as ammunition in firearms;

(7) blank cartridges used for a theatrical or other

entertainment production, or for signal or ceremonial purposes in sporting events or by military organizations.

* Sec. 8. This Act takes effect December 31, 1985.

Introduced: 1/14/85
Referred: State Affairs and
Judiciary

IN THE HOUSE BY POURCHOT

HOUSE BILL NO. 35

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

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

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

* Section 1. AS 18.72.010(a) is amended to read:

(a) The sale or offer to sell dangerous fireworks at wholesale or retail for a [ANY] purpose other than industrial, agricultural, wildlife control or public display purposes is prohibited.

* Sec. 2. AS 18.72.010(c) is amended to read:

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. A [NO] fireworks wholesaler may not sell dangerous fireworks to anyone, unless the wholesaler [HE] has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the [FIREWORKS] wholesaler, and maintained as a permanent record of the sale.

* Sec. 3. AS 18.72.030(a) is amended to read:

(a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by the state fire marshal [HIM]. The application shall be accompanied by an annual license fee of $50.

* Sec. 4. AS 18.72.040 is amended to read:

Sec. 18.72.040. VIOLATION. A person who knowingly [AND WILFULLY] fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a misdemeanor

and upon conviction is punishable by a fine of not more than $500, or by imprisonment for not more than six months, or by both. Each day of noncompliance constitutes a separate offense.

* Sec. 5. AS 18.72.050 is repealed and reenacted to read:

Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks regulations adopted in the state fire safety code

(1) "cone fountain" means a cardboard or heavy paper cone containing not more than 50 grams of pyrotechnic composition and that has the same effect as a cylindrical fountain;

(2) "cylindrical fountain" means a cylindrical tube not more than three-fourths of an inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition, that may be supported on a base or spike or may be hand-held and that, upon ignition, produces a shower of colored sparks and, sometimes, a whistling effect;

(3) "dangerous fireworks" includes all fireworks that are not defined as salable fireworks;

(4) "dipped stick" means a stick or wire coated with not more than 100 grams of pyrotechnic composition, or if containing perchlorate or chlorate salts, not more than five grams of pyrotechnic composition, and that produces a shower of sparks upon ignition;

(5) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(6) "fireworks" means a composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "common" or "special" fireworks as set out in the hazardous materials regulations of the United States Department of Transportation, but does not include

(A) toy pistols, toy canes, toy guns, or other devices

in which paper or plastic caps manufacture, packed, and shipped in accordance with United States Department of Transportation regulations; and

(B) model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(7) "illuminating torch" means a cylindrical tube containing not more than 100 grams of pyrotechnic composition, that may be supported on a base or spike or may be hand-held and that, upon ignition, produces a colored fire;

(8) "salable fireworks" includes only the following United States Department of Transportation common fireworks:

(A) cone fountains;

(B) cylindrical fountains;

(C) dipped sticks;

(D) illuminating torches;

(E) wheels;

(9) "wheel" means a pyrotechnic device attached to a post or tree by means of a nail or string, containing a total pyrotechnic composition of not more than 60 grams in each driver unit or 240 grams in each complete wheel, and that, upon ignition, revolves and produces a shower of color and sparks and, sometimes, a whistling effect.

* Sec. 6. AS 18.72.060 is amended to read:

Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, <u>that</u> [WHICH] are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to

prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks.

* Sec. 7. AS 18.72.060 is amended by adding a new subsection to read:

(b) This chapter does not apply to

(1) the sale, and use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(2) the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry;

(3) gold star producing sparklers that contain no magnesium or chlorate;

(4) toy snakes that contain no mercury;

(5) smoke novelties and party novelties that contain less than 0.25 grain of explosive mixture;

(6) shells or cartridges used as ammunition in firearms;

(7) blank cartridges used for a theatrical or other entertainment production, or for signal or ceremonial purposes in sporting events or by military organizations.

* Sec. 8. This Act takes effect immediately in accordance with AS 01.-10.070(c).

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M April 30, 1986

SUBJECT: Sectional analysis of CSHB 35 (Rules)

TO: Representative Pat Pourchot

FROM: Edward H. Hein
Legislative Counsel

Section 1 prohibits the possession of dangerous fireworks with the intent to sell or manufacture, unless for industrial, agricultural, wildlife control, or public display purposes.

Sec. 2 makes changes to conform to proper drafting style.

Sec. 3 prohibits the sale of fireworks to persons under 16, and prohibits a person under 18 from selling fireworks unless supervised by an adult.

Sec. 4 substitutes the proper term in place of a personal pronoun to conform to proper drafting style.

Sec. 5 changes the penalty for violation of fireworks laws. The maximum fine is raised from $500 to $1,000; the maximum imprisonment is reduced from six months to 90 days. The culpable mental state required for conviction is expanded to include reckless conduct, as well as knowing and intentional conduct.

Sec. 6 retains the current definitions of "dangerous fireworks" and "fire safety code", but removes all other definitions and replaces them with definitions appropriate to the changes made by other sections of the bill. Specifically, "salable fireworks" and "firecracker" are given meanings based on definitions appearing in federal Consumer Product Safety Commission regulations. "Fireworks" is defined in accordance with the definition in the Kentucky Revised Statutes and a model fireworks act. Bottle rockets and firecrackers are, by definition, not allowed to be sold to the general public.

Sec. 7 changes "which" to "that" to conform to proper drafting style.

Sec. 8 creates seven exclusions from fireworks regulation. Specifically, these are: signaling devices for marine, aviation, and highway safety; explosives and signal flares used in business or industry; certain sparklers; toy snakes; certain smoke and party novelties; firearms ammunition; and blank cartridges used for theatrical, sports, or ceremonial purposes.

Sec. 9 provided an effective date of December 31, 1986.

EHH:mkr
m5/051

Rep. Pat Pourchot
May 6, 1986

SUMMARY

CSHB 35 (Rules) - Regulation of Fireworks

As you know, HB 35 was up on the Floor several weeks ago, lost narrowly and was returned to the Rules Committee.

Over the past several weeks I have had many discussions with legislators and fireworks dealers on the bill. I am happy to say that we have reached agreement on changes to the bill. These changes have been incorporated into a new Rules CS and provide for:

1) the sale of <u>all</u> fireworks currently allowable under federal regulation <u>except for firecrackers and bottle rockets</u>; and

2) the limitation of sales to persons age 16 or over. Sales must be supervised by a person age 18 or over.

Most people who have worked on the bill, including dealers, have agreed that most of the fire, personal injury and nuisance problems can be attributed to the two types of fireworks prohibited by the new CS. Ironically, these two types contribute only a small part of the dealers' total sales profits. At the same time, some of the types of fireworks left off the allowable list in the original bill contribute substantially to current sales and would continue to be permitted under the new Rules CS.

The new Rules CS is a better bill from both the perspective of fireworks retailers and those of us who seek to reduce public health and safety problems. I urge your support for this bill.

ALASKA DEPARTMENT OF PUBLIC SAFETY
Position Paper

(January 28, 1985)

HOUSE BILL 35 - An act relating to state regulation of fireworks and providing for an effective date.

The Department of Public Safety supports this bill and any other measures that would help reduce Alaska's fire losses that keep our state first on the lists of property losses and deaths by fire in the entire United States. However, we believe this bill falls short of what is really needed; that is a total ban on the sale of "salable" or so-called "safe and sane" fireworks. Short of that, we will offer an amendment that will tighten up on the sale of fireworks.

The Alaska-National Fire Incident Reporting System (ANFIRS) indicates that, over the last 5 years, 141 fireworks caused fires occurred, with property losses approaching $700,000. No casualties were reported. Unfortunately, we do not have a burn/injury registry program, so we cannot give you data on the numbers of people who are injured by fireworks and seek treatment at hospital, clinics and doctor's offices. The Consumer Products Safety Commission reported 8,277 fireworks caused injuries nationwide in 1983. 74,000 were injured over the 1975-83 ten year period.

California and Oregon report that 1.5 percent of their fire losses are fireworks related. When you consider Alaska's losses, please remember our small statistical base. There were

130 retail sales permits and 7 wholesale permits issued in 1983 in Alaska. We do not know the quantities sold.

So, what is the answer? It is apparent that local control to enforce bans on the use of fireworks has failed. The following items highlight some of the more graphic incidents that have occurred over the last several years (see also copies of newsclippings, attached):

* **Wildlands fire caused by fireworks costs $5,000 to extinguish near Hope.**

* **339 acre fire near Soldotna costs $90,000 to extinguish.**

* **$400,000 plus structure in Metlakatla destroyed by fireworks caused fire.**

* **26 "minor" fires reported in Anchorage during a 24 hour period--cause?--fireworks.**

* **Anchorage couple awakened when bottle rockets shot through window, igniting bed and living room carpet.**

Public education will be suggested to teach the safe use of fireworks. The Journal of the American Medical Association

(June 15, 1984) reports that "public education doesn't seem to help curtail the burns, cuts, and other injuries resulting from fireworks accidents." When Washington changed its laws in 1982, legalizing fire crackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks safety education campaign. But, during the July 4 holiday after that change there were 82 injuries requiring emergency care--up from 39 a year earlier.

The National Safety Council says that a total ban on all fireworks--except those used by a professional pyrotechnician under controlled circumstances--is the best way to minimize fireworks-related injuries.

We cannot document any fireworks-related injuries in Alaska, but we have the details on property losses. Is more fire protection the answer? **It seems ironic for the state to hand out millions of capital dollars for fire stations and equipment each year and, at the same time, to permit the sale of fireworks.** That's like taking birth control pills after you're pregnant.

If legislation cannot be written to effect a total ban on the sale of "salable" fireworks, then we suggest this bill be amended to provide:

1. An increase in the amounts of public and property liability insurance.
2. A prohibition on the retail sale of "salable" fireworks by mail or telephone.
3. A limitation on the period of sales.
4. Sales to children under 16 years of age be prohibited.

Because the state licenses fireworks sales, we can be liable. Wrongful deaths create lawsuits of $500,000; injuries such as the loss of eyesight are being settled for $1,000,000 or more. The current limits of at least $200,000 and $50,000 are grossly inadequate.

The ability to purchase "salable" fireworks over the phone or by "mail order" totally destroys a local community's ability to ban sales and use.

A time limitation on the period of sales, such as from June 15 to July 6 of a calendar year will decrease the availability of fireworks, limiting their sales to the traditional holiday period.

Over 50 percent of the incidents in Alaska are attributable to "children with" as the ignition factor. Limiting sales to those persons over 15 years of age may reduce the number of incidents.

* * * * *

Most of the facts are here. The public (silent majority) seems to regard the use of fireworks as, not only a danger, but a nuisance. The Department of Public Safety is charged with the responsibility of developing ways and means of preventing fires. Give us the tools to do our job, if not a total ban, then a strengthening of the law.

POSITION PAPER/Department of Health & Social Services

Position Paper

CS for House Bill No. 35 (Rules)

For "An Act relating to state regulations of fireworks; and providing for an effective date."

The Department of Health and Social Services supports this bill for two reasons:

1) Fireworks contribute to fire losses, as documented by the State Fire Marshal;

2) Fireworks cause injuries, often to children, although no one as yet has systematically documented fireworks injuries in Alaska.

BACKGROUND

In 1984, according to the Consumer Product Safety Commission, there were 7 reported deaths and over 9,800 injuries associated with fireworks. Over half of the injuries consisted of burns or lacerations and many were suffered by children under 15. Some of these injuries were quite severe, involving loss of hearing, loss of sight, or loss of limb.

The Center for Disease Control in Atlanta reports that the trend in fireworks related injuries has been generally upward since 1975, when approximately 4,700 persons were treated for fireworks related injuries in hospital emergency rooms.

According to a book on Injury Control, by Dr. Julian A. Waller, bottle rockets, in particular, were associated with high injury rates. These devices are especially likely to cause eye injuries.

The National Fire Protection Association reports that the rate of injuries in states allowing many types of fireworks is significantly greater than in states that ban all fireworks or allow only sparklers and snakes.

POSITION

The Department of Health and Social services believes that restricting the sale of fireworks to persons over 16 years of age,

POSITION PAPER/Department of Health & Social Services

and prohibiting the sale of firecrackers and bottle rockets, will result in reduced injuries, especially among children.

Recommended by: Elizabeth Ward

Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 5/5/86

Approved By: John R. Pugh

John R. Pugh
Commissioner
Department of Health and Social Services

Date: 5/5/86

CSHB 35 RLS

AN ACT RELATING TO STATE REGULATION OF FIREWORKS; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: POURCHOT
CO-SPONSORS:

CURRENT STATUS: (S) SA

DATE		PAGE	ACTION
01/14/85	(H)	20	READ THE FIRST TIME - REFERRAL(S)
03/20/85	(H)	638	SA RPT CS 4DP 1NR 1AMEND
03/20/85	(H)	638	2 ZERO FISCAL NOTES
02/03/86	(H)	1960	JUD RPT CS(JUD) 1DP 5NR
02/03/86	(H)	1960	ZERO FISCAL NOTE
03/13/86	(H)		RULES TO CALENDAR 3/14/86
03/14/86	(H)	2378	READ THE SECOND TIME
03/14/86	(H)	2378	JUD CS ADOPTED UNAN CONSENT
03/14/86	(H)	2378	AM NO 1 ADOPTED UNAN CONSENT
03/14/86	(H)	2378	ADVANCED TO THIRD READING UNAN CONSENT
03/14/86	(H)	2379	READ THE THIRD TIME CSHB 35(JUD) AM
03/14/86	(H)	2379	FAILED PASSAGE Y18 N20 X1 A1
03/14/86	(H)	2379	HURLEY NOTICE OF RECONSIDERATION
03/17/86	(H)	2404	RECONSIDERATION HELD TO 3/19/86
03/19/86	(H)	2429	RECON TAKEN UP - IN THIRD READING
03/19/86	(H)	2429	RETURN TO RLS COMMITTEE
04/21/86	(H)	2795	RLS RPT CS(RLS) 4DP
			RULES
04/23/86	(H)		RULES TO CALENDAR 4/24/86
04/24/86	(H)	2877	REREAD THE THIRD TIME
04/24/86	(H)	2878	RETURN TO SECOND UNAN CONSENT
04/24/86	(H)	2878	RLS CS ADOPTED UNAN CONSENT
04/24/86	(H)	2878	RETURN TO 2ND FOR AM 1 FLD Y19 N19 A2
04/24/86	(H)	2878	PASSED ON RECONSIDERATION Y27 N11 A2
04/24/86	(H)	2879	EFFECTIVE DATE SAME AS PASSAGE
04/24/86	(H)	2886	TRANSMITTED TO (S)
04/25/86	(S)	2473	READ THE FIRST TIME - REFERRAL(S)
			STATE AFFAIRS
			JUDICIARY
			RULES

HB 31

HOUSE BILL NO. 31 by Shultz and Marrou, entitled:

"An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping."

was read the first time and referred to the Judiciary and Resources Committees.

HB 32

HOUSE BILL NO. 32 by Marrou, entitled:

"An Act relating to the permanent fund; and providing for an effective date."

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

HB 33

HOUSE BILL NO. 33 by Shultz, entitled:

"An Act relating to agricultural rights to land."

was read the first time and referred to the Resources and Finance Committees.

HB 34

HOUSE BILL NO. 34 by M.M. Miller, entitled:

"An Act relating to the limitation of certain types of liquor licenses."

was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

HB 35

HOUSE BILL NO. 35 by Pourchot, entitled:

"An Act relating to state regulation of fireworks; and providing for an effective date."

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 19

The Judiciary Committee has considered HOUSE BILL NO. 19 (relating to runaway minors), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 19 (Judiciary):

"An Act relating to runaway and missing minors."

and reports it back as follows: M.M. Miller (Chairman), Gruenberg, Taylor, Phillips and Clocksin recommend do pass.

HB 19 was referred to the Finance Committee.

HB 35

The State Affairs Committee has considered HOUSE BILL NO. 35 (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman), Boucher, Cato and M.M. Miller recommend do pass; Navarre has no recommendation; Jenkins signed "with amendments". Two zero fiscal notes were attached.

HB 35 was referred to the Judiciary Committee.

HB 78

The Finance Committee has considered HOUSE BILL NO. 78 (relating to occupational licensing fees; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 78 (Labor & Commerce) (page 431) and reports it back as follows: Duncan, Ringstad, Pourchot, Frank and Binkley recommend do pass; Uehling recommends do not pass; Adams (Chairman), Szymanski, Larson and Rieger have no recommendation. A zero fiscal note with analysis was attached.

HB 78 was referred to the Rules Committee for placement on the calendar.

The zero fiscal note with analysis appears in House Journal Supplement No. 32.

HB 126

The Judiciary Committee has considered HOUSE BILL NO. 126 (amending the Alaska Securities Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 126 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Phillips, Pettyjohn, Taylor and Gruenberg recommend do pass.

HB 126 was referred to the Finance Committee.

REPORTS OF STANDING COMMITTEES

The State Affairs Committee has reviewed the qualifications of Eleanor Andrews as Commissioner of the Department of Administration and recommends confirmation. The report was signed by Hurley (Chair), Navarre, Cato, Jenkins, Boucher, Collins and M.M. Miller.

The State Affairs Committee has reviewed the qualifications of Esther Wunnicke, Commissioner of the Department of Natural Resources and recommends confirmation as successor to the Office of Lieutenant Governor. The report was signed by Hurley (Chair), Navarre, Jenkins, Boucher, Collins and M.M. Miller.

HJR 60

The State Affairs Committee has considered HOUSE JOINT RESOLUTION NO. 60 (relating to the International Year of Peace) and reports it back as follows: Hurley (Chair), Navarre, M.M. Miller, Collins, Cato and Boucher recommend do pass; Jenkins has no recommendation.

HJR 60 was referred to the Rules Committee for placement on the calendar.

HB 35

The Judiciary Committee has considered HOUSE BILL NO. 35 (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman) recommends do pass; Sund, Gruenberg, Clocksin, Pettyjohn and Phillips have no recommendation. An updated zero fiscal note was attached.

HB 35 was referred to the Rules Committee for placement on the calendar.

HB 68

The Judiciary Committee has considered HOUSE BILL NO. 68 (relating to motor vehicle liability insurance), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 68 (Labor & Commerce) (page 1053) and reports it back as follows: Pettyjohn and Phillips recommend do pass; M.M. Miller (Chairman), Clocksin and Gruenberg have no recommendation. A zero fiscal note was attached.

HB 68 was referred to the Finance Committee.

HB 699

HOUSE BILL NO. 699, by the Finance Committee, entitled:

"An Act creating the Railbelt energy fund; and providing for an effective date."

was read the first time and referred to the House Special Committee on State Loans and the Finance Committee.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 35

HOUSE BILL NO. 35 (relating to state regulation of fireworks; effective date) was read the second time with the State Affairs Committee report (page 638) and the Judiciary Committee report (page 1960).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 35(Jud)

Amendment No. 1 by Martin and Pourchot:

Page 3, line 3:

Following "in which" insert "are used"

Delete "manufacture" and insert "manufactured"

Representative Martin moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 35(Jud)am

CSHB 35(Jud)am was read the third time.

The question being: "Shall CSHB 35(Jud)am pass the House?" The roll was taken with the following result:

CSHB 35(JUD)AM

Yeas:	18	Cato, Clocksin, Collins, Duncan, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Koponen, Larson, Martin, Miller,M.M., Navarre, Pourchot, Rieger, Shultz, Uehling
Nays:	20	Adams, Binkley, Cotten, Davis, Frank, Fuller, Furnace, Goll, Jenkins, Marrou, Miller,M.W., Pearce, Pettyjohn, Phillips, Ringstad, Sund, Szymanski, Taylor, Thompson, Wallis
Excused:	1	Pignalberi
Absent:	1	Boucher

And so, CSHB 35(Jud)am failed to pass the House.

Representative Hurley gave notice of reconsideration of her vote on CSHB 35(Jud)am.

HB 534

HOUSE BILL NO. 534 (relating to violent crimes compensation; effective date) was read the second time with the State Affairs Committee report (page 2127) and the Judiciary Committee report (page 2375).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 534 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 534(Jud)

Representative Clocksin moved and asked unanimous consent that CSHB 534(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 534(Jud) was read the third time.

LEGISLATIVE CITATIONS

Representative Clocksin moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the House approved the following citations:

Honoring - Don Harrison

Honoring - Young Alaskans, Alaska Native Leadership Project

Honoring - Chugiak High School Chaparrals Dance/Drill Team

Honoring - Hoonah Alaska Native Brotherhood Basketball Team, 1986 Gold Medal 'B' Bracket Champions

which were referred to the Chief Clerk for transmittal to the Senate; and

Honoring - William "Bill" Green

which was sent to enrolling.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House as noted:

Representative Fuller - March 20 through plane time, March 24, 1986

Representative M.W. Miller - March 24 through March 27, 1986

Representative Pettyjohn - April 3, 1986

Representative Furnace - March 19 through March 23, 1986

There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that the reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date) be held until Wednesday, March 19, 1986. There being no objection, it was so ordered.

Honoring - William "Bill" Mendenhall

which was referred to the Chief Clerk for transmittal to the Senate; and

In Memoriam - Bertha Porter

which was sent to enrolling.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House as noted:

Representative Davis - March 21 through plane time, March 24, 1986

Representative Boucher - from adjournment, March 27 through March 31, 1986

Representative Pourchot - from adjournment, March 27 through plane time, April 1, 1986

Representative Ringstad - March 27 - March 30, 1986

Representative Clocksin - March 21, 1986

Representative Adams - March 21, 1986

There being no objection, it was so ordered.

CSHB 35(Jud)am

Representative Pourchot brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date), which had been held over (page 2404).

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be returned to the Rules Committee. There being no objection, it was so ordered.

CSHB 224(Jud)am

Representative M.M. Miller brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 224 (Judiciary) amended (relating to mandatory use of safety devices), which had been held over (page 2381).

HJR 72

A zero fiscal note was attached.

HJR 72 was referred to the Rules Committee for placement on the calendar.

CSHB 35(Jud)am

The Rules Committee has considered COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Rules) (same title) and reports it back as follows: M.W. Miller (Chairman), Grussendorf, Fuller and Martin recommend do pass.

CSHB 35(Jud)am was returned to the Rules Committee for placement on the calendar.

HB 68

The Rules Committee has considered HOUSE BILL NO. 68 (relating to motor vehicle liability insurance), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 68 (Rules) (same title) and reports it back as follows: M.W. Miller and Martin recommend do pass; Grussendorf and Fuller have no recommendation.

HB 68 was returned to the Rules Committee for placement on the calendar.

HB 284

The Rules Committee has considered HOUSE BILL NO. 284 (relating to elections), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 284 (Rules):

"An Act relating to elections; and providing for an effective date."

and reports it back as follows: M.W. Miller (Chairman) recommends do pass; Fuller, Grussendorf and Martin have no recommendation. A letter of intent, signed by the Chairman, appears below:

House Rules Committee
Letter of Intent
for
CSHB 284(Rules)

"New Section 47 of CSHB 284 (Rules), which requires that the permanent fund dividend application include a voter registration form, has an immediate effective date. This section takes effect immediately, instead of January 1, 1987, because the Department of Revenue solicits bids for printing of the permanent fund dividend application in December. It is the intent of the House Rules Committee that 1987 be the first year that a voter registration form is included in the permanent fund dividend application."

CSSSHB 700(Fin)am

Representative Clocksin moved and asked unanimous consent that CSSSHB 700(Fin)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSSSHB 700(Fin)am was read the third time.

The question being: "Shall CSSSHB 700(Fin)am pass the House?" The roll was taken with the following result:

CSSSHB 700(FIN)AM

Yeas:	38	Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Martin, Miller,M.M., Miller,M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis
Nays:	2	Frank, Marrou
Excused:	0	
Absent:	0	

And so, CSSSHB 700(Fin)am passed the House.

Representative Pettyjohn gave notice of reconsideration of his vote on CSSSHB 700(Fin)am and moved and asked unanimous consent that the reconsideration be held until Monday, April 28, 1986. There being no objection, it was so ordered.

THIRD READING OF HOUSE BILLS

CSHB 35(Jud)am

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Judiciary) amended (relating to state regulation of fireworks; effective date), which had been returned to the Rules Committee after its reconsideration had been brought up (page 2429), was read the third time.

CSHB 35(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 35(Jud)am be returned to second reading for the purpose of specific amendment, namely COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 35 (Rules) (same title) (page 2795). There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that CSHB 35(Rls) be adopted in lieu of CSHB 35(Jud)am.

Representative Marrou objected and withdrew his objection. There being no further objection, it was so ordered.

CSHB 35(Rls)

CSHB 35(Rls) was automatically in third reading.

Representative Jenkins moved and asked unanimous consent that CSHB 35(Rls) be returned to second reading for the purpose of specific Amendment No. 1.

Representative Pourchot objected.

Amendment No. 1 by Jenkins:

Page 2, lines 23 - 24:

Delete all material and renumber remaining paragraphs consecutively.

Page 3, line 14, after "firecrackers":

Insert "containing more than 50 milligrams of pyrotechnic composition"

The question being: "Shall CSHB 35(Rls) be returned to second reading for the purpose of specific Amendment No. 1?" The roll was taken with the following result:

CSHB 35(RLS) MOTION

Yeas: 19 Collins, Frank, Furnace, Gruenberg, Hanley, Jenkins, Larson, Marrou, Martin, Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Rieger, Ringstad, Szymanski, Taylor, Thompson

CSHB 35(Rls)

Nays: 19 Adams, Binkley, Boucher, Cato, Clocksin, Cotten, Davis, Duncan, Fuller, Goll, Grussendorf, Herrmann, Hurley, Koponen, Miller,M.M., Pourchot, Shultz, Sund, Wallis

Excused: 0

Absent: 2 Miller,M.W., Uehling

And so, the motion failed.

The question to be reconsidered: "Shall CSHB 35(Rls) pass the House?" The roll was taken with the following result:

CSHB 35(RLS) RECONSIDERATION

Yeas: 27 Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Duncan, Fuller, Furnace, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Koponen, Larson, Martin, Miller,M.M., Navarre, Pearce, Pettyjohn, Phillips, Pourchot, Rieger, Shultz, Taylor, Thompson

Nays: 11 Adams, Davis, Frank, Goll, Jenkins, Marrou, Pignalberi, Ringstad, Sund, Szymanski, Wallis

Excused: 0

Absent: 2 Miller,M.W., Uehling

And so, CSHB 35(Rls) passed the House on reconsideration.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 35(Rls) was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Clocksin moved and asked unanimous consent that the House approve the citations on the calendar. There

ENGROSSMENT

CSHB 35(Rls)

CSHB 35(Rls) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 284(Rls)am

CSHB 284(Rls)am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 418

HB 418 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 494(Jud)

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

CSHB 494(Jud)
Relating to liens for labor or material furnished.

ANNOUNCEMENTS

Labor & Commerce Time changed		On adjournment
Judiciary Time changed		2:30 p.m., 4/24
Finance Time changed		2:15 p.m., 4/24
Minority Caucus	Court 603	3:00 p.m., 4/24
Majority Caucus	Majority Room	9:00 a.m., 4/25

NOTES TO DECISIONS

This section represents an erroneous belief that cities are not liable in tort for negligence connected with fire-fighting activities. City of Fairbanks v. Schaible, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962).

As a city which maintains a fire department may be held liable for injuries resulting from negligence connected with the department's firefighting activities. City of Fairbanks v. Schaible, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962). See contra: City of Fairbanks v. Gilbertson, 16 Alaska 590 (1957), aff'd. 262 F.2d 734 (9th Cir. 1959), where § 56-2-2 ACLA 1949 (now AS 09.65.070) was ignored by both the district court and the Court of Appeals.

Collateral references. — Fire departments as pertaining to the governmental or to the proprietary branch of municipality. 9 ALR 143; 33 ALR 688; 84 ALR 514.

Sec. 18.70.160. Agreement not to affect insurance rates or liability. An agreement made under AS 18.70.150 and 18.70.160 shall be carried out in a manner which does not raise insurance rates. An agreement may not reduce the liability of an insurance company in case of loss during the absence of men and equipment. (§ 1 ch 92 SLA 1957)

Article 4. General Provisions.

Section
300. Definition of building

Sec. 18.70.300. Definition of building. In this chapter "building" means a structure, installation, facility, or edifice erected or in the process of being erected and which is used or intended for use as a commercial, industrial, business, institutional, other public building, or residential building containing four or more dwelling units. (§ 4 ch 176 SLA 1968; am § 27 ch 32 SLA 1971)

Revisor's notes. — In ch. 176, SLA 1968, this section was numbered 18.70.165.

Chapter 72. State Regulation of Fireworks.

Section
10. Regulation of sale of dangerous fireworks
20. Regulation of sale of salable fireworks
30. Fireworks wholesaler's license
40. Violation
50. Definitions
60. Application of chapter

Collateral references. — 31 Am. Jur. 2d, Explosions and Explosives, §§ 1-3, 48-52.

35 C.J.S., Explosives, §§ 1-3, 12, 13.

Bond conditioned for payment of damages for injury to person or damage to property, given as condition of permission by public for fireworks display or other exhibition or entertainment, as covering non-negligent injury or damage. 138 ALR 936.

Sec. 18.72.010. Regulation of sale of dangerous fireworks. (a) The sale or offer to sell dangerous fireworks at wholesale or retail for any purpose other than industrial, agricultural, wildlife control or public display is prohibited.

(b) A person desiring to use dangerous fireworks for industrial, agricultural, wildlife control or public display purposes shall first comply with the permit requirements of the fire safety code.

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. No fireworks wholesaler may sell dangerous fireworks to anyone, unless he has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the fireworks wholesaler, and maintained as a permanent record of the sale. (§ 1 ch 116 SLA 1969)

Sec. 18.72.020. Regulation of sale of salable fireworks. (a) A person holding a permit required by the fire safety code may sell or offer for sale salable fireworks, if

(1) the person has submitted to the state fire marshal a policy, or a certified true copy of a policy, of public liability and products liability insurance, including both accident and occurrence coverage, provided by the wholesale company selling fireworks to the person, in the amount of at least $200,000 for bodily injury or death and at least $50,000 property damage and the person is named as an insured party upon the policy and the policy is continuously in force while the person is engaged in the retail sale of fireworks, and

(2) an endorsement fee of $5 is paid to the state fire marshal for each year or fraction of year during which the permit holder is engaged in the retail sale of fireworks.

(b) Upon approval of the insurance required in (a) of this section, the permit of the holder shall be endorsed by the state fire marshal to indicate the holder's right to sell fireworks at retail, and shall indicate an expiration of the authority. The expiration date shall coincide with the expiration date of the permit holder's liability insurance. (§ 1 ch 116 SLA 1969; am § 1 ch 24 SLA 1981)

Effect of amendments. — The 1981 amendment deleted "to the" preceding "fireworks," substituted "to the person" for "retailer" following "fireworks," substituted "$200,000" for "$300,000" preceding "for bodily injury," substituted "$50,000" for "$100,000" preceding "property damage," deleted "upon which policy the state

and all governmental subdivisions of the state" preceding "and the," substituted "person is" for "permit holder shall be" preceding "named as," substituted "an insured party upon the policy" for "additional insureds," following "named as," substituted "the policy is" for "which shall be" preceding "continuously in force," and substituted "person" for "permit holder" preceding "is engaged" in subsection (a) (1).

NOTES TO DECISIONS

Injunction to halt enforcement of section. — See State v. Norene, Sup. Ct. Op. No. 572 (File No. 1167), 457 P.2d 926 (1969).

Sec. 18.72.030. Fireworks wholesaler's license. (a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by him. The application shall be accompanied by an annual license fee of $50.

(b) The license required under (a) of this section is valid until December 31 of the year during which it is issued, and is renewable upon the payment of each subsequent annual license fee and affirmation that the information contained in the wholesaler's original application for a fireworks wholesaler's license is currently accurate. (§ 1 ch 116 SLA 1969; am § 2 ch 24 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "$50" for "$500" following "annual license fee of" in subsection (a).

Sec. 18.72.040. Violation. A person who knowingly and wilfully fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $500, or by imprisonment for not more than six months, or by both. Each day of noncompliance constitutes a separate offense. (§ 1 ch 116 SLA 1969)

Sec. 18.72.050. Definitions. In this chapter and fireworks regulations adopted in the state fire safety code

(1) "dangerous fireworks" includes all fireworks which are not defined as salable fireworks;

(2) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(3) "fireworks" means salable fireworks or dangerous fireworks;

(4) "salable fireworks" are ICC Class C Common Fireworks and shall include only those fireworks enumerated as ICC Class C Common Fireworks in the regulations of the Interstate Commerce Commission, as the regulations are presently constructed, and, more specifically, shall include and be limited to the following:

(A) roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter not to exceed $^3/_8$ inch;

(B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed ½ inch, with the rocket sticks being securely fastened to the tubes;

(C) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed ½ inch;

(D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed ¾ inch;

(E) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;

(F) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel, and the inside tube diameter of driver units not to exceed ½ unit;

(G) illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight;

(H) dipped sticks, the pyrotechnic composition of which contains chlorate or perchlorate which do not exceed five grams, and sparklers, the composition of which does not exceed 100 grams each and which contains no magnesium or magnesium and a chlorate or perchlorate;

(I) mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight;

(J) firecrackers with soft casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight;

(K) novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives. (§ 1 ch 116 SLA 1969)

Sec. 18.72.060. Application of chapter. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, which are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks. (§ 1 ch 116 SLA 1969)

each side or end of such package shall be not less than ⅛-inch in height. The number of caps in these inside packages shall be limited so that not more than 10 grains of explosives composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 173.109.

(q) Explosive rivets, each containing not more than 375 milligrams of explosive composition, are exempt from specification packaging and labeling requirements when packed in pasteboard or other inside boxes in securely closed strong wooden boxes, fiberboard boxes or metal containers. Each outside container must be marked "EXPLOSIVE RIVETS". No other restrictions apply in this part.

(r) **Common fireworks are fireworks** devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which produces or is intended to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight; nor shall such device or component, upon functioning, project or disperse any metal, glass or brittle plastic fragments. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects). Any new device, not enumerated in this paragraph, must be examined by the Bureau of Explosives and approved by the Director, OHMT, before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, except articles defined in paragraphs (s) through (y) inclusive, of this section, other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 173.51, are classed as Special Fireworks (see § 173.88(d)).

(1) **Roman candles**, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ⅜ inch.

(2) **Sky-rockets** with sticks, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ½ inch. The rocket sticks must be securely fastened to the tubes.

(3) **Helicopter type rockets**, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ½ inch.

(4) **Cylindrical fountains**, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter shall not exceed ¾ inch.

(5) **Cone fountains** total pyrotechnic composition not to exceed fifty grams each in weight.

(6) **Wheels**, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred and forty grams for each complete wheel. The inside tube diameter of driver units shall not exceed ½ inch.

(7) **Illuminating** torches and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.

(8) **Dipped sticks**, the pyrotechnic composition of which contains any chlorate or perchlorate shall not exceed 5 grams. Sparklers, the composition of which does not exceed 100 grams each and which contain no magnesium or magnesium and a chlorate or perchlorate, are not subject to the regulations in Parts 170-189 and 397 of this title.

(9) **Mines and shells** of which the mortar is an integral part, total pyrotechnic composition not to exceed forty grams each in weight.

(10) **Firecrackers and salutes with casings**, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic compos-

tion not to exceed two grains each in weight.

(11) Novelties consisting of two or more devices enumerated in this paragraph when examined by the Bureau of Explosives and approved by the Director, OHMT.

(s) Igniter cord consists of textile yarns and/or a wire uniformly covered with a combustible chemical mixture, with or without additional textile or wire counterings, waterproofing or finishing coatings which, when ignited burns externally at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal containers plainly marked "IGNITER CORD."

(t) Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark. These devices must be so designed that they will neither burst nor cause external flame on functioning.

(u) Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning. Ignition elements, if attached, must be of a design examined by the Bureau of Explosives and approved by the Director, OHMT.

(v) Oil well cartridges are tubular devices each containing not more than 350 grains of propellant powder and having no ignition device or element. Cartridges must be constructed and packed so that they will be incapable of functioning en masse as a result of exposure to external flame.

(w) Actuating cartridges, explosive, fire extinguisher or valve consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate valves on remotely controlled fire extinguishers or other apparatus.

(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of type examined by the Bureau of Explosives and approved by the Director, OHMT and are described as follows:

(1) Cigarette loads consist of wooden pegs to which are affixed a small amount of explosive composition.

(2) Trick matches consist of book matches, strike anywhere matches, or strike-on-box matches which have small amounts of explosive or pyrotechnic composition affixed to the match stem just below the match head.

(3) Trick noise makers, explosive, consist of spheres containing a small amount of explosive composition.

(y) Smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and very signal cartridges are devices designed to produce visible effects for signal purposes. These devices must contain no bursting charges and no more than 200 grams of pyrotechnic composition each (see Note 1); exclusive of smoke composition (see Note 2), unless greater weight of composition is examined by the Bureau of Explosives and approved by the Director, OHMT.

NOTE 1: Pyrotechnic compositions (other than smoke compositions) are defined as chemical mixtures which on burning and without explosion, produce visible or brilliant displays or bright lights.

NOTE 2: Pyrotechnic smoke compositions are defined as chemical smoke producing mixtures, which on ignition burn at a controlled rate, without the production of flame and without the build-up of internal pressure that would rupture or burst the end product.

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning. These devices must be so designed that they will not function other explosive devices in the package sympathetically.

(aa) Explosive power devices, Class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives. Class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a type examined by the Bureau of Explosives and ap-

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Sec.

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AUTHORITY: Secs. 2-5, 10, 14, 74 Stat. 372-76, 378-79, as amended, 80 Stat. 1303-05, 83 Stat. 187-89, 84 Stat. 1673 (15 U.S.C. 1261 and note, 1262-64, 1269, 1273) unless otherwise noted.

SOURCE: 38 FR 27012, Sept. 27, 1973, unless otherwise noted.

§ 1500.1 Scope of subchapter.

Set forth in this Subchapter C are the regulations of the Consumer Product Safety Commission issued pursuant to and for the implementation of the Federal Hazardous Substances Act as amended (see § 1500.3(a)(1)).

§ 1500.2 Authority.

Authority under the Federal Hazardous Substances Act is vested in the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)).

§ 1500.3 Definitions.

(a) *Certain terms used in this part.* As used in this part:

(1) "Act" means the Federal Hazardous Substances Act (Pub. L. 86-613, 74 Stat. 372-81 (15 U.S.C. 1261-74)) as amended by:

(i) The Child Protection Act of 1966 (Pub. L. 89-756, 80 Stat. 1303-05).

(ii) The Child Protection and Toy Safety Act of 1969 (Pub. L. 91-113, 83 Stat. 187-90).

(iii) The Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 1670-74).

(2) "Commission" means the Consumer Product Safety Commission established May 14, 1973, pursuant to provisions of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1207-33 (15 U.S.C. 2051-81)).

(b) *Statutory definitions.* Except for the definitions given in section 2 (c) and (d) of the act, which are obsolete, the definitions set forth in section 2 of the act are applicable to this part and are repeated for convenience as follows (some of these statutory definitions are interpreted, supplemented, or provided with alternatives in paragraph (c) of this section):

(1) "Territory" means any territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico but excluding the Canal Zone.

(2) "Interstate commerce" means (i) commerce between any State or territory and any place outside thereof and (ii) commerce within the District of Columbia or within any territory not organized with a legislative body.

(3) "Person" includes an individual, partnership, corporation, and association.

(4)(i) "Hazardous substance" means:

(A) Any substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substance which the Commission by regulation finds, pursuant to the provisions of section 3(a) of the act, meet the requirements of section 2(f)(1)(A) of the act (restated in (A) above).

(C) Any radioactive substance if, with respect to such substance as used in a particular class of article or as packaged, the Commission determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with the act in order to protect the public health.

(D) Any toy or other article intended for use by children which the Commission by regulation determines, in accordance with section 3(e) of the act, presents an electrical, mechanical, or thermal hazard.

(ii) "Hazardous substance" shall not apply to pesticides subject to the Federal Insecticide, Fungicide, and Rodenticide Act, to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house. "Hazardous substance" shall apply, however, to any article which is not itself a pesticide within the mean-

WARNING (OR CAUTION)

FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive).
Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on level surface.
Light fuse and get away.

(ii) *California candles.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand at bottom of tube.
Point away from body so that neither end points toward body.

(iii) *Spike and handle cylindrical fountains.*

(A) *Spike fountains.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Stick firmly in ground in an upright position.
Do not hold in hand.
Light fuse and get away.

(B) *Handle fountains.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand—point away from body.
Light fuse.

(iv) *Roman Candles.*

WARNING (OR CAUTION) SHOOTS FLAMING BALLS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Stick butt end in ground.
Do not hold in hand.
Light fuse and get away.

(v) *Rockets with sticks.*

WARNING (OR CAUTION) FLAMMABLE

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place in wooden trough or iron pipe at 75° angle, pointing away from people or flammable material.
Do not hold in hand.
Light fuse and get away.

(vi) *Wheels.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Attach securely by means of a nail through the hole (or place on hard flat surface, for ground spinners).
Light fuse and get away.

(vii) *Illuminating torches.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand—point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive).
Light fuse (or light fuse and get away, if more descriptive).

(viii) *Sparklers.*

On the front and back panels:

WARNING (OR CAUTION) FLAMMABLE

On the side, front, back, top, or bottom panel.

CAUTION

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not touch glowing wire (or do not touch hot plastic, wood, etc., if more descriptive).
Hold in hand with arm extended away from body.
Keep burning end or sparks away from wearing apparel or other flammable material.

(ix) *Mines and shells.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS (OR SHOOTS FLAMING BALLS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard smooth surface (or place upright on level ground, if more descriptive).
Do not hold in hand.
Light fuse and get away.

(x) *Whistles without report.*

WARNING (OR CAUTION) FLAMMABLE

SHOOTS WHISTLE IN AIR (if applicable)
Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

(xi) *Toy smoke devices and flitter devices.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

(xii) *Helicopter-type rockets.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard, open surface.
Light fuse and get away.

(xiii) *Party poppers.*

WARNING (OR CAUTION) FLAMMABLE

Use only under [close] adult supervision. (Use of the word close is optional.)
Do not point either end toward face or other person.
Hold in hand—jerk string.

(xiv) *Missile-type rockets.*

WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard, open surface.
Light fuse and get away.

(xv) *Labeling—General.* Any fireworks device not required to have a specific label as indicated above shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed. All labels required under this section shall comply with the requirements of § 1500.121 of these regulations. (See also 1500.17(a)(3), (8) and (9); 1500.83(a)(27); 1500.85(a)(2); and Part 1507).

[38 FR 27012, Sept. 27, 1973, as amended at 41 FR 22934, June 8, 1976; 48 FR 16, Jan. 3, 1983]

§ 1500.15 Labeling of fire extinguishers.

When a substance or mixture of substances labeled for use in or as a fire extinguisher produces substances that are toxic within the meaning of § 1500.3(c) (1) and (2) when used according to label directions to extinguish a fire, the containers for such substances shall bear the following labeling:

(a) When substances are produced that meet the definition of highly toxic in § 1500.3(c)(1), the signal word "Danger" and the statement of hazard "Poisonous gases formed when used to extinguish flame or on contact with heat" are required labeling.

(b) When substances are produced that meet the definition of toxic in § 1500.3(c)(2), the signal word "Caution" or "Warning" and the statement of hazard "Dangerous gas formed when used to extinguish flame or on contact with heat" are required labeling.

(c) Regardless of whether paragraph (a) or (b) of this section applies, any substance or mixture of substances labeled for use as a fire extinguisher that, if applied to an electrical fire, would subject the user to the likelihood of electrical shock shall be conspicuously labeled "Caution: Do not use on electrical wires."

(d) The statements specified in paragraphs (a), (b), and (c) of this section shall be in addition to any other that may be required under the act. All such substances or mixtures of substances shall also bear the additional statements "Use in an enclosed place may be fatal" and "Do not enter area until well ventilated and all odor of chemical has disappeared."

§ 1500.17 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

(1) Mixtures that are intended primarily for application to interior ma-

soiled walls, floors, etc., as a water repellant treatment and that are "extremely flammable" within the meaning of section 2(l) of the act (repeated in § 1500.3(b)(10)).

(2) Carbon tetrachloride and mixtures containing it (including carbon tetrachloride and mixtures containing it used in fire extinguishers), excluding unavoidable manufacturing residues of carbon tetrachloride in other chemicals that under reasonably foreseeable conditions of use do not result in an atmospheric concentration of carbon tetrachloride greater than 10 parts per million.

(3) Fireworks devices intended to produce audible effects (including but not limited to cherry bombs, M-80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition; except that this provision shall not apply to such fireworks devices if all of the following conditions are met:

(i) Such fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate. (See also 1500.14(b)(7); 1500.17(a) (8) and (9); 1500.83(a)(27); 1500.85(a)(2); and Part 1507).

(4) Liquid drain cleaners containing 10 percent or more by weight of sodium and/or potassium hydroxide; except that this subparagraph shall not apply to such liquid drain cleaners if packaged in accordance with a standard for special packaging of such articles promulgated under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 1670-74 (15 U.S.C. 1471-76)).

(5) Products containing soluble cyanide salts, excluding unavoidable manufacturing residues of cyanide salts in other chemicals that under reasonable and foreseeable conditions of use will not result in a concentration of cyanide greater than 25 parts per million.

(6)(i) Any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around the household that:

(A) Is shipped in interstate commerce after December 31, 1973, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce after December 31, 1972, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

(C) [Reserved]

(D) The provisions of paragraph (a)(6)(i) of this section do not apply to artists' paints and related materials.

(ii) Any toy or other article intended for use by children that:

(A) Is shipped in interstate commerce after December 31, 1973, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce after December 31, 1972, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

(iii) Since the Commission has issued comprehensive regulations for lead-containing paint and certain consumer products bearing such paint at the 0.06 percent level under the Consumer Product Safety Act (see 16 CFR Part 1303), subparagraphs (i) and (ii) of section 1500.17(a)(6) are revoked as to the subject products manufactured after February 27, 1978.

NOTE: The effective date of paragraphs (a)(6)(i)(A) and (a)(6)(ii)(A) was stayed by an order published in the FEDERAL REGISTER of August 10, 1972 (37 FR 16078).

(7) General-use garments containing asbestos (other than garments having a bona fide application for personal protection against thermal injury and so constructed that the asbestos fibers will not become airborne under reasonably foreseeable conditions of use).

(8) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of more than 50 milligrams (.772 grains) of pyrotechnic composition (not including firecrackers included as components of a rocket), aerial bombs, and devices that may be confused with candy or other foods, such as "dragon eggs," and "cracker balls" (also known as "ball-type caps"), and including kits and components intended to produce such fireworks except such devices which meet all of the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of Interior (or by equivalent State or local governmental agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate. (See also 1500.17(a) (3) and (9)).

(9) All fireworks devices, other than firecrackers, including kits and components intended to produce such fireworks, not otherwise banned under the act, that do not comply with the applicable requirements of Part 1507 of this chapter, except fireworks devices which meet all the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate. (See also 1500.17(a) (3) and (8)).

(10) Self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant manufactured or imported on or after October 7, 1974. (See also 1500.17(a) (3) and (8)).

(Secs. 2(f)(1), (A), (B), (g), (q)(1)(B), 3(a), 74 Stat. 372, 374, as amended 80 Stat. 1304-05, 83 Stat. 187-189, 90 Stat. 503 (15 U.S.C. 1261, 1262); sec. 701 (e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948 (21 U.S.C. 371 (e), (f), (g)), sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)))

[38 FR 27012, Sept. 27, 1973, as amended at 38 FR 27514, Oct. 4, 1973; 38 FR 31520, Nov. 15, 1973; 39 FR 30114, Aug. 21, 1974; 39 FR 42903, Dec. 9, 1974; 41 FR 22935, June 9, 1976; 42 FR 44202, Sept. 1, 1977; 43 FR 12310, Mar. 24, 1978; 48 FR 18, Jan. 3, 1983]

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

(1) Any toy rattle containing, either internally or externally, rigid wires, sharp protrusions, or loose small objects that have the potential for causing lacerations, puncture wound injury, aspiration, ingestion, or other injury. (But see 1500.86(a)(1)).

(2) Any toy having noisemaking components or attachments capable of being dislodged by the operating features of the toy or capable of being deliberately removed by a child, which toy has the potential for causing lacer-

ing instrument or cartridge does not exceed 3 grams.

[38 FR 27012, Sept. 27, 1973; 42 FR 33026, June 29, 1977, as amended at 43 FR 32745, July 28, 1978; 43 FR 47178, Oct. 13, 1978; 44 FR 42678, July 20, 1979; 46 FR 11513, Feb. 9, 1981; 48 FR 16, Jan. 3, 1983]

§ 1500.85 Exemptions from classification as banned hazardous substances.

(a) The term "banned hazardous substances" as used in section 2(q)(1)(A) of the act shall not apply to the following articles provided that these articles bear labeling giving adequate directions and warnings for safe use:

(1) Chemistry sets and other science education sets intended primarily for juveniles, and replacement components for such sets, when labeled in accordance with § 1500.83(a)(23).

(2) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of not more than 50 milligrams (.772 grains) of pyrotechnic composition. (See also 1500.14(b)(7); 1500.17(a) (3), (8) and (9); and Part 1507).

(3) [Reserved]

(4) Educational materials such as art materials, preserved biological specimens, laboratory chemicals, and other articles intended and used for educational purposes.

(5) Liquid fuels containing more than 4 percent by weight of methyl alcohol that are intended and used for operation of miniature engines for model airplanes, boats, cars, etc.

(6) Novelties consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and not more than 25 percent by weight of acetone, and intended for blowing plastic balloons.

(7) Games containing, as the sole hazardous component, a self-pressurized container of soap solution or similar foam-generating mixture provided that the foam-generating component has no hazards other than being in a self pressurized container.

(8) Model rocket propellant devices designed for use in light-weight, recoverable, and reflyable model rockets, provided such devices:

(i) Are designed to be ignited by electrical means.

(ii) Contain no more than 62.5 grams (2.2 ounces) of propellant material and produce less than 80 newton-seconds (17.92 pound seconds) of total impulse with thrust duration not less than 0.050 second.

(iii) Are constructed such that all the chemical ingredients are preloaded into a cylindrical paper or similarly constructed nonmetallic tube that will not fragment into sharp, hard pieces.

(iv) Are designed so that they will not burst under normal conditions of use, are incapable of spontaneous ignition, and do not contain any type of explosive or pyrotechnic warhead other than a small parachute or recovery-system activation charge.

(9) Separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines wherein all of the chemical ingredients are preloaded so the user does not handle any chemical ingredient and are so designed that the main casing or container does not rupture during operation.

(10) Solid fuel pellets intended for use in miniature jet engines for propelling model jet airplanes, speed boats, racing cars, and similar models, provided such solid fuel pellets:

(i) Weigh not more than 11.5 grams each.

(ii) Are coated with a protective resinous film.

(iii) Contain not more than 35 percent potassium dichromate.

(iv) Produce a maximum thrust of not more than 7¼ ounces when used as directed.

(v) Burn not longer than 12 seconds each when used as directed.

(11) Fuses intended for igniting fuel pellets exempt under subparagraph (10) of this paragraph.

(12) Kits intended for construction of model rockets and jet propelled model airplanes requiring the use of difluorodichloromethane as a propellant, provided the outer carton bears on the main panel in conspicuous type size the statement "WARNING—Carefully read instructions and cautions before use."

(13) Flammable wire materials intended for electro-mechanical actuation and release devices for model kits described in paragraph (12) of this section, provided each wire does not exceed 15 milligrams in weight.

[38 FR 27012, Sept. 27, 1973, as amended at 41 FR 22935, June 8, 1976; 42 FR 43391, Aug. 29, 1977; 48 FR 16, Jan. 3, 1983]

§ 1500.86 Exemptions from classification as a banned toy or other banned article for use by children.

(a) The term "banned hazardous substance" as used in section 2(q)(1)(A) of the act (repeated in § 1500.3(b)(15)(i)(A)) of the act shall not apply to the following articles:

(1) Toy rattles described in § 1500.18(a)(1) in which the rigid wires, sharp protrusions, or loose small objects are internal and provided that such rattles are constructed so that they will not break or deform to expose or release the contents either in normal use or when subjected to reasonably foreseeable damage or abuse.

(2) Dolls and stuffed animals and other similar toys described in § 1500.18(a)(3) in which the components that have the potential for causing laceration, puncture wound injury, or other similar injury are internal, provided such dolls, stuffed animals, and other similar toys are constructed so that they will not break or deform to expose such components either in normal use or when subjected to reasonably foreseeable damage or abuse.

(3) Lawn darts and similar sharp-pointed articles not intended for toy use and marketed solely as a game of skill for adults, provided such articles:

(i) Bear the following statement on the front of the panel of the carton and on any accompanying literature:

> WARNING: Not a toy for use by children. May cause serious or fatal injury. Read instructions carefully. Keep out of reach of children.

Such statement shall be printed in sharply contrasting color within a borderline and in letters at least one-quarter inch high on the main panel of the container and at least one-eighth inch high on all accompanying literature.

(ii) Include in the instructions and rules clear and adequate directions and warnings for safe use including a warning against use when any person or animal is in the vicinity of the intended play or target area.

(iii) Are not sold by toy stores or store departments dealing predominantly in toys and other children's articles.

(4) Any article known as a "baby-bouncer," "walker-jumper," or "baby-walker" and any other similar article (referred to in this subparagraph as "article(s)") described in § 1500.18(a)(6) provided:

(i) The frames are designed and constructed in a manner to prevent injury from any scissoring, shearing, or pinching when the members of the frame or other components rotate about a common axis or fastening point or otherwise move relative to one another; and

(ii) Any coil springs which expand when the article is subjected to a force that will extend the spring to its maximum distance so that a space between successive coils is greater than one-eighth inch (0.125 inch) are covered or otherwise designed to prevent injuries; and

(iii) All holes larger than one-eighth inch (0.125 inch) in diameter and slots, cracks, or hinged components in any portion of the article through which a child could insert, in whole or in part a finger, toe, or any other part of the anatomy are guarded or otherwise designed to prevent injuries; and

(iv) The articles are designed and constructed to prevent accidental collapse while in use; and

(v) The articles are designed and constructed in a manner that eliminates from any portion of the article the possibility of presenting a mechanical hazard through pinching, bruising, lacerating, crushing, breaking, amputating, or otherwise injuring portions of the human body when in normal use or when subjected to reasonably foreseeable damage or abuse; and

(vi) Any article which is introduced into interstate commerce after the effective date of this subparagraph is labeled:

(A) With a conspicuous statement of the name and address of the manufac-

§ 1507.1 Scope.

This Part 1507 prescribes requirements for those fireworks devices (other than firecrackers) not otherwise banned under the act. Any fireworks device (other than firecrackers) which fails to conform to applicable requirements is a banned hazardous substance and is prohibited from the channels of interstate commerce. Any fireworks device not otherwise banned under the act shall not be a banned hazardous substance by virtue of the fact that there are no applicable requirements prescribed herein.

§ 1507.2 Prohibited chemicals.

Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

(b) Boron.

(c) Chlorates, except:

(1) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included.

(2) In caps and party poppers.

(3) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.

(d) Gallates or gallic acid.

(e) Magnesium (magnesium/aluminum alloys, called magnalium, are permitted).

(f) Mercury salts.

(g) Phosphorus (red or white). Except that red phosphorus is permissible in caps and party poppers.

(h) Picrates or picric acid.

(i) Thiocyanates.

(j) Titanium, except in particle size greater than 100-mesh.

(k) Zirconium.

§ 1507.3 Fuses.

(a) Fireworks devices that require a fuse shall:

(1) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempted from § 1507.3(a)(1).

(2) Utilize only a fuse which will burn at least 3 seconds but not more than 6 seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus 8 ounces of dead weight or double the weight of the device, whether is less, without separation from the fireworks device.

§ 1507.4 Bases.

The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.

§ 1507.5 Pyrotechnic leakage.

The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation.

§ 1507.6 Burnout and blowout.

The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

§ 1507.7 Handles and spikes.

(a) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length (see § 1500.14(b)(7)). Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber.

(b) Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than ⅛-inch in diameter of ⅛-inch square.

§ 1507.8 Wheel devices.

Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

§ 1507.9 Toy smoke devices and flitter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and firstfire upon ignition) during normal operation.

(b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M-80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition comes in direct contact with the plastic.

§ 1507.10 Rockets with sticks.

Rockets with sticks (including skyrockets and bottle rockets) shall utilize a straight and rigid stick to provide a direct and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, and normal operation.

§ 1507.11 Party poppers.

Party poppers (also known by other names such as "Champagne Party Poppers," and "Party Surprise Poppers,") shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

PART 1508—REQUIREMENTS FOR FULL-SIZE BABY CRIBS

Sec.

1508.1 Definitions.
1508.2 Scope of part.
1508.3 Dimensions.
1508.4 Spacing of crib components.
1508.5 Component spacing test method for § 1508.4(b).
1508.6 Hardware.
1508.7 Construction and finishing.
1508.8 Assembly instructions.
1508.9 Identifying marks, warning statement, and compliance declaration.
1508.10 Recordkeeping.
1508.11 Requirements for cutouts.
Figures 1-3

Authority: Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262).

Source: 38 FR 32129, Nov. 21, 1973, unless otherwise noted.

§ 1508.1 Definitions.

For the purposes of this part:

(a) "Full-size baby crib" means a bed (1) that is designed to provide sleeping accommodations for an infant, (2) that is intended for use in the home, and (3) that is within a range of ±5.1 centimeters (±2 inches) of the interior length or width dimensions specified for full size baby cribs in § 1508.3.

§ 1508.2 Scope of part.

This part sets forth the requirements whereby full-size baby cribs (as defined in § 1508.1(a)) are not banned articles under § 1500.18(a)(13) of this chapter.

§ 1508.3 Dimensions.

Full-size baby cribs shall have dimensions as follows:

(a) *Interior.* The interior dimensions shall be 71±1.3 centimeters (28±½ inches) wide as measured between the innermost surfaces of the crib sides and 133±1.6 centimeters (52⅜±⅝ inches) long as measured between the innermost surfaces of the crib end panels, slats, rods, or spindles. Both measurements are to be made at the level of the mattress support spring in each of its adjustable positions and no more than 5 centimeters (2 inches) from the crib corner posts or from the first spindle to the corresponding point of the first spindle at the other end of the crib. If a crib has contoured or decorative spindles, in either or both of the sides or ends, the measurement shall be determined from the largest diameter of the first turned spindle within a range of 10 centimeters (4 inches) above the mattress sup-

ANCHORAGE TIMES EDITORIAL - July 15, 1985

A ban on fireworks

ONE OF THESE days all local governments in Alaska will do what most of the cities already have done, and that's ban the private use of fireworks. Maybe the state will have to do the job through a simple bit of legislation that makes the old-fashioned pyrotechnics illegal.

Fireworks have been a part of America's heritage for a couple hundred years. But the fact is they've become too dangerous to be allowed, outside of professionally staged events. Those should be enough.

IN ANCHORAGE, fireworks have been banned for many years and their absence hasn't been all that hard to live with. But they're still permitted in other areas close by. The Kenai Peninsula is a ready example. It was there, near Seward, that a fireworks explosion in a camper took the life of a little girl on the Fourth of July weekend.

Every year, it seems, someone is badly burned or disfigured or fatally injured while playing with fireworks. They just aren't worth the pain and suffering and grief.

THERE ARE THOSE who will argue that making fireworks illegal would be just one more erosion of the rights and liberties of individual citizens. Maybe it would be, but sometimes the greater public good must prevail.

We could still have fireworks — in all the public displays and exhibitions anybody would be willing to pay for. The job could be handled by professionals who know the perils involved.

But for the safety of other little girls -- and little boys and their parents and friends — our Independence Day celebrations can do without people tossing firecrackers around.

ANCHORAGE TIMES July 5, 1986

Seward boy dies after fireworks explode in truck cab on road

by Earl Swift
and Christopher Jarvis
Times Writers

A Seward boy died at an Anchorage hospital Friday after fireworks he and his family were carrying in a truck exploded and set the pickup afire.

Wesley Jones, 5, was declared dead at Providence Hospital at 2:08 p.m. Friday, about 23 hours after he suffered severe burns in the accident on Seward's Bear Creek Road.

Alaska State Trooper spokesman Paul Edscorn said the boy was apparently injured as he, his two siblings, his parents and a family friend rode in a 1979 Ford Club Cab truck after buying fireworks at a stand on the town's outskirts.

Edscorn said Wesley, his 4-year-old stepsister, Camille Castillo, and his 6-year-old brother, Louis, were riding in the truck's back seat while their father, 41-year-old Kenneth Jones, rode up front with their mother, Linda Jones, and the driver, Seward resident Michael Corcoran.

As the vehicle traveled down Bear Creek Road, Edscorn said, the newly-purchased fireworks ignited.

"They have determined that there was a fairly large quantity of firewalks both in the front and rear seats — actually on the floor in the front and rear," Edscorn said.

While the pyrotechnics exploded and flames swept through the truck's large cab, Corcoran and the elder Jones jumped from the truck and pulled the children from the pickup, Edscorn said.

Both men suffered burns to their hands and arms in the process, Edscorn said, and Jones was still hospitalized at Providence late Friday in serious, but stable, condition.

Louis Jones and Camille Castillo — airlifted to Providence with their father and Wesley after they were initially treated at Seward General Hospital — were listed in serious condition late Friday, hospital officials said.

Linda Jones was not injured, he said.

Edscorn said details of the incident remained sketchy Friday, because there were few witnesses to the fire besides its victims.

Still unknown, he said, was the cause of the fireworks' ignition.

"They're all gone," he said. "At this point, we just don't know."

Bear Creek Volunteer Fire Department Chief Len Weimar said his men found the truck burning after the blaze was reported about 4 p.m.

ANCHORAGE TIMES EDITORIAL - December 5, 1985

A deaf ear

IT'S ALMOST unpatriotic to be concerned about the hazards inherent in the use of fireworks. After all, they're part of the nation's heritage — Fourth of July celebrations, state fairs, big festivals, carnivals and so on. Anyone who opposes the unrestricted use of fireworks finds himself in an uncomfortable position.

Yet the nagging thought persists that fireworks are dangerous and, as population increases, it makes more and more sense to limit fireworks to exhibitions staged by professional handlers.

THAT'S OUR VIEW from Anchorage. The view from Soldotna, where the Kenai Peninsula Borough sits, is quite different. Despite an overwhelming October advisory vote to the contrary, the borough assembly decided this week to allow continued public sale and use of fireworks.

In that same election, Kenai voters rejected a compromise that would have imposed a seasonal ban on fireworks — opting, instead, for the year-round prohibition.

THE BOROUGH assembly now has proposed an ordinance calling for a seasonal ban. It will be voted on Dec. 17.

The assembly could wind up doing exactly the opposite of what the people said in those advisory votes two months ago. If nothing else, that may ensure that the fireworks issue on the Kenai Peninsula will remain an explosive one for some time to come.

ANCHORAGE TIMES EDITORIAL - December 21, 1985

Cease-fire on the Peninsula

WITH A FIZZLE rather than a bang, the great fireworks controversy on the Kenai Peninsula apparently has ended. Let's commend those involved for taking final action in a dispute that has been smoldering for years.

The members of the Kenai Peninsula Borough Assembly get the kudos for reversing an earlier decision and voting last week to ban the sale and private use of fireworks, effective Jan. 15.

The issue has been argued for years. Opponents said unrestricted fireworks in the hands of a growing population would bring increasing threat to life and limb. The danger of summer forest fires resulting from careless use of fireworks was seen as another peril.

ON THE OTHER side, the free-spirited mood that treasures liberty and freedom from government regulation makes Peninsula residents, old and new, oppose bans of any kind. Those who fit this mold favored continued permission for the private sale and use of fireworks.

In an advisory referendum last fall, a majority of voters cast ballots in favor of outlawing fireworks. The borough assembly still balked and two weeks ago it voted to continue legalizing them.

IN A DELUGE of complaints, the public bombarded assemblymen by mail and telephone demanding that they reverse their action. The assembly capitulated.

But the new law doesn't mean there will be no fireworks at all next Fourth of July at Seward and elsewhere on the Peninsula. Public displays sponsored by cities, fair associations, amusement parks, charities, churches and civic organizations will be allowed.

That sounds, from this distance at least, like a proper way to go.

ANCHORAGE DAILY NEWS - December 18, 1985

Kenai Peninsula Assembly reverses stand, bans fireworks

By RONNIE CHAPPELL
Daily News reporter

SOLDOTNA — After years of debate, the Kenai Peninsula Borough Assembly Tuesday voted to outlaw the sale and use of fireworks on the Kenai Peninsula.

The year-round ban, which will take effect Jan. 15, was a reversal of an assembly vote two weeks ago, when an almost identical ordinance was defeated despite a borough referendum this fall calling for a total fireworks ban.

The assembly had been expected Tuesday to consider only a substitute ordinance allowing the sale and use of fireworks between Nov. 1 and April 1.

A deluge of phone calls and letters from angry voters appears to have salvaged the year-round ban.

"I received 26 letters and postcards," said Assemblywoman Marie Walli. "Phone calls, I couldn't begin to tell you." At one point, she said, the phone in her Anchor Point home was ringing so often she started referring callers to the borough clerk.

"I was leaning toward seasonal" restrictions, Walli said. But because of the calls and letters she changed her mind.

Other assembly members also said they were swamped with calls and letters.

Public fireworks displays sponsored by cities, fair associations, amusement parks, charities, churches and civic organizations will be allowed.

TUNDRA DRUMS - July 11, 1985

Firecracker sets van afire on Ridgecrest

A 1975 Chevy suburban was the only Bethel victim of fire cracker related incidents over the Fourth of July holiday.

Police said the vehicle caught fire in the post office parking lot after a 17-year-old juvenile tossed a fire cracker bottle rocket into a puddle near the car. The puddle apparently had some sort of flammable liquid in it, and the fire cracker explosion caused it to catch fire.

The car, which belonged to the juvenile's parents, caught fire as well and officials estimated damage at at least $2,500.

The incident, which happened on Saturday, is still under investigation but no charges have been filed, police said.

ANCHORAGE DAILY NEWS - July 6, 1985

Doctors busy with victims of fireworks

By ROBERT FURLOW
The Associated Press

WASHINGTON — As traditional as July Fourth fireworks, day-after reports of firecracker injuries spread Friday as doctors who try to repair the damage sought greater awareness of dangers involved — and perhaps a national ban.

Dr. Sloane Wilson, a Little Rock, Ark., opthalmologist, commenting during a break in a day of surgery on several accident victims, said: "When children lose their eyes it's a tragedy, and most of them simply aren't aware of the risk."

Wilson said he doubted a federal ban would be forthcoming. But he has begun a national survey on behalf of the American Academy of Opthalmology, hoping to get a better idea of just how many injuries fireworks do cause and whether there is much difference between states that do and don't have laws limiting or banning sales and use.

Estimates by his and other medical groups now put the yearly injury toll at between 14,000 and 20,000, many of them around the Fourth of July.

Dr. Joe Greensher, a Long Island, N.Y., pediatrician who is head of an accident prevention committee of the American Academy of Pediatrics, said, "There should be federal involvement," including a ban on general use of all but the smallest fireworks.

But he, too, said congressional action was unlikely, especially "with the present climate of letting business do things voluntarily."

"It's been a national problem for quite a number of years," he said in a telephone interview. "Here's another July Fourth gone by, and you see the reports," he added, noting in particular a news account he'd just heard of a 4-year-old Yonkers, N.Y., boy who'd lost parts of two fingers when a firecracker exploded in his hand.

Wilson, also speaking by telephone, said he had just been working on a 16-year-old boy who almost surely had lost his sight in one eye after being injured in a playful "fireworks war" in which teen-agers fire little firecracker rockets at each other.

Such little firecrackers, legal in many states, can reach a speed of 50 mph in a few feet, and erratic construction makes aim a guessing game, Wilson said.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : 4/22/86

REQUEST

Bill/Resolution No. : CSHB 35(rls)
Title : State Regulation of Fireworks

Sponsor : Representative Pourchot
Requestor : House Rules
Date of Request : 4/22/86

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Fire Prevention

Components :

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Gordon E. Brunton
Division : Fire Prevention
Phone : 465-4331
Date : 4/22/86

Approved by Commissioner : [signature]
Agency : Public Safety
Date : 4/22/86

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 35

Title: State Regulation of Fireworks

Sponsor: Representative Pourchot

Requestor: House State Affairs

Date of Request: 1-28-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected: Fire Prevention

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-					
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: G.E. Brunton Phone: 465-4331

Division: Fire Prevention Date: 1/23/85

Approved by: Commissioner: Date: 1-28-85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS HB 35 (Rules)
Title : An Act Relating to State Regulation of Fireworks...

Sponsor : Rep. Pourchot
Requestor :
Date of Request : 5/5/86

FISCAL DETAIL

Agency Affected : Health & Social Services
BRU : State Health Services, Adm. Services, Emergency Medical Services

Components :

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Elizabeth Ward, M.N. E. Ward Phone : 465-3090
Division : Public Health Date : May 5, 1986

Approved by Commissioner : Jan R. Ong Date : 5/5/86
Agency : Dept. of Health & Social Services

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CS HB 35

Title: An Act Relating to State regulation of fireworks...

Sponsor: Representative Pourchot

Requestor:

Date of Request: 3/18/85

FISCAL DETAIL

Agency Affected: Health & Social Services

Program Category Affected: Public Health

BRU, Program or Subprogram(s) Affected: State Health Services BRU, Adm. Services, Emergency Medical Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

RIF/DJ

Prepared By: Robert I. Fraser, M.D. Phone: 465-3090

Division: Public Health Date: March 18, 1985

Approved by Commissioner: Date: 3/19/85 cc

Agency: Health and Social Services

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: FEB 1 1985

REQUEST

Bill/Resolution No.: HB 35

Title: "An Act relating to state regulation of fireworks..."

Sponsor: Repr. Pourchot

Requestor: House State Affairs

Date of Request: 1/28/85

FISCAL DETAIL

Agency Affected: Department of Law

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		-				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

This bill amends AS 18.72.010(a) by changing the definition of "salable fireworks" and making some minor changes to the existing statute that regulates the sale of fireworks. There are currently 7 wholesale dealers and about 130 retail dealers licensed to sell fireworks in the state. During the past several years there have been about 12 fireworks sales violations by licensed dealers. By further restricting the types of fireworks that may be sold, most of those that go bang will no longer be salable, this bill could result

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: 1/30/85

Approved by Commissioner: Richard I. Pegues /for Norman O. Gorsuch Date: 1/30/85

Agency: Department of Law

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

ANALYSIS (Cont'd.)

in some additional misdemeanor prosecutions for violation of fireworks sales regulations. Based upon past experience, however, it does not appear that the increase in prosecution will be significant enough to warrant fiscal note costs. This is the type of bill that, when taken by itself, will not result in a fiscal impact. However, when taken in conjunction with other similar measures, bills of this nature divert prosecution resources from other more serious offenses because of their cummulative effect.

Original Contributions

JAMA
THE JOURNAL of the American Medical Association
June 22/29, 1984 Vol 251, No. 24

Risk Factors for Fireworks-Related Injury in Washington State

Lynne V. McFarland, MS; Jeffrey R. Harris, MD; John M. Kobayashi, MD, MPH; Richard C. Dicker, MD, MPH

• To determine the frequency and effects of and risk factors for fireworks-related injury, we identified all 146 persons who were injured by fireworks and sought emergency care during the 1983 July 4 holiday in the Seattle area. The mean charge for medical care for the injuries received was $562; 7.1% of those injured required hospitalization. In a matched-pair case-control study, use of either of two fireworks types—firecrackers or aerial devices—was significantly associated with injury (odds ratios [ORs], 3.3 and 2.9, respectively; 95% confidence intervals [CI], 1.2, 8.5, and 1.2, 6.6, respectively). Also associated with injury were several fireworks misuse behaviors, including lack of adult supervision of children (OR, 11.5; CI, 2.8, 100.6). We conclude that fireworks cause serious injuries that theoretically could be prevented by behavioral changes or decreased availability of high-risk fireworks devices.

(*JAMA* 1984;251:3251-3254)

IN 1982, Washington State changed its law governing the sale of fireworks. Under federal law, fireworks are categorized into three classes: class A and B devices contain more than 50 mg of gunpowder and are illegal for sale to the general public, and class C devices contain 50 mg of gunpowder or less. The sale of individual types of class C fireworks is under state control. Previously, Washington State allowed only the sale of class C ground-display devices (devices that stay on the ground, often emitting sparks). However, in 1982, the sale of class C firecrackers (devices that explode and make noise) and some class C aerial devices (devices that either fly or shoot projectiles into the air) was legalized, but skyrockets and missile rockets remained illegal. During the July 4 holiday that followed the law change, we reported a doubling, from the previous year, in the number of fireworks-related injuries reported by 11 hospitals, from 39 injuries in 1981 to 88 injuries in 1982.[1] In response to this increase, in 1983, we conducted active surveillance to determine the number, circumstances, and costs of these injuries and a case-control study to determine risk factors for injury.

METHODS

Surveillance

We identified all fireworks-related injuries in King County (metropolitan Seattle, population, 1.3 million) by active surveillance of all emergency rooms and emergency clinics open during the legal days of fireworks sale (June 25 to July 6, 1983). A designated contact person, usually the emergency room supervisor, collected demographic and injury information on all patients. Injured persons were counted as cases if they had been admitted to an emergency facility with an injury related to fireworks and the injury they received had occurred during the legal days of fireworks sale. We designated two types of cases: those in active users (persons who were using fireworks at the time of injury) and those in innocent bystanders (persons who were not using fireworks themselves at the time of injury).

After the patients were identified, we mailed each a letter that explained our study and included a picture of fireworks types (for determining which device caused their injury). After one week, we called the patients, verified the age, sex, and injury information, and administered a standard questionnaire about the circumstances and costs of injury, fireworks exposure, and fireworks use behaviors. In most cases, charges for medical care were ascertained directly from medical bills. We interviewed only the parents of children aged 5 years or younger but interviewed all other injured persons directly.

Case-Control Study

We conducted a matched-pair case-control study by telephone. For each active user who was a King County resident, we obtained a control who was a King County resident, had used fireworks during the 1983 July 4 holiday but remained uninjured, and who was matched by sex and age plus or minus two years. Controls were contacted by a modified random-digit dialing technique.[1] The first five numbers of the injured person's telephone number were fixed, then combined with two other numbers obtained successively from a random number table, until a proper match was found. Each control was interviewed immediately after completion of the corresponding injured person's interview. As with the injured persons, we interviewed only the parents of children aged 5 years or younger but interviewed all other controls directly. We obtained informed verbal consent from both the injured persons and controls before administering the questionnaire. When children were interviewed, we obtained consent from both the child and a parent. Injured persons and

From the Department of Epidemiology, University of Washington (Ms McFarland), and the Department of Social and Health Services, Division of Health, Office of Public Health Laboratories and Epidemiology (Dr Kobayashi), Seattle, and the Divisions of Field Services (Dr Harris) and Surveillance and Epidemiologic Studies (Dr Dicker), Epidemiology Program Office, Centers for Disease Control, Atlanta.

Reprint requests to Division of Field Services, Epidemiology Program Office, Centers for Disease Control, Atlanta, GA 30333 (Dr Harris).

controls were asked identical questions regarding exposure to fireworks and their methods of fireworks use. The questions on fireworks use were designed to reflect the "customary" use of fireworks and not the circumstance that led to injury. All interviews were performed by one person (L.V.M.), and all interview questions were read in a standard manner.

Data Analysis

Differences in means for the surveillance data were analyzed by Student's *t* test for unpaired data. The matched-pair data were analyzed in matched fashion, and McNemar χ^2, odds ratios (ORs), and exact 95% confidence intervals (CI) were calculated,[7] and conditional logistic regression analysis was carried out.[8] Differences between the means of matched-pair groups were analyzed with Student's *t* test for paired data. A significance level of .05 was used for all tests.

RESULTS

A total of 146 persons with fireworks-related injuries were identified in King County during the study period. All 22 hospitals and ten emergency clinics open during the July 4 holiday participated. Of the 146 injured persons, 126 (86%) were initially treated in hospital emergency rooms, and 20 (14%) were initially treated in emergency clinics.

The site and type of injury (Table 1) were available for all 146 persons, while age and sex were available for all but one person. Most common were multiple injuries, followed by single-site burns, eye injuries, lacerations, and ear injuries (usually perforated eardrums). Isolated eye injuries made up 16% of the total injuries; however, nine of the multiple injuries involved the eye, so that overall, 32 (22%) of the 146 injuries involved the eye. Two of the multiple injuries resulted in amputation (one of a finger and one of a complete hand). Injured persons were from 2 to 64 years old; 72 (50%) were younger than 16 years. One hundred six (73%) of the injured were males, and 39 (27%) were females.

We were able to interview by telephone 113 (77%) of the 146 injured persons. Of those not interviewed, 12 refused participation and 21 were lost due to unavailable or incorrect telephone numbers. These persons interviewed did *not* differ significantly by age or sex from those persons not interviewed. For the persons interviewed, the mean time from injury to interview was 25 days. From the telephone interviews, we obtained information on the race of the injured persons, their county of residence, the charges for medical care they received for their injury, the type of fireworks that caused their injury, and the circumstances of injury. The race of those interviewed reflected the racial composition of King County: 101 (89%) were white and 12 (11%) were nonwhite.[9]

The county of residence information allowed a population-based estimate of the incidence of fireworks-related injury during the July 4 holiday in King County. Of the 113 persons interviewed, 98 (87%) were King County residents. Applied to the total of 146 injured persons, this provided an estimated total of 126 King County residents injured by fireworks. The incidence of fireworks-related injury, therefore, was 126 per 1.3 million King County residents, or 9.7 per 100,000 persons for the nine-day interval from June 28 through July 6. The information obtained on medical care charges included both dollars spent and the type and amount of treatment required. The mean dollar charge for care for all injured persons was $562 (median, $132), and 14% of those interviewed required care that cost more than $500. Eight (7%) of those interviewed required hospitalization, for an average of seven days. For these, the average charge for medical care was $5,431 (median, $4,688). The other 105 (93%) injured persons were not hospitalized but required an average of 2.4 outpatient visits, at a mean charge of $191 (median, $130). Twenty percent of those injured remained under medical care a month after injury.

The type of fireworks device responsible for injury was also determined for all 113 persons interviewed (Table 2). Ground display devices caused 36% of all injuries, 47% of burns, 43% of multiple injuries, and 25% of eye injuries. Firecrackers caused 34% of all injuries, 75% of ear injuries, 42% of lacerations, and 35% of multiple injuries. Aerial devices caused 23% of all injuries, 44% of eye injuries, and 42% of lacerations. Homemade devices, such as lead pipe bombs, caused 5% of all injuries. Hospitalization rates differed by device type, ranging from 0% for injuries caused by public display devices to 33% for injuries caused by homemade devices (Table 2).

We were able to determine the legal status of 88 (78%) of the fireworks devices causing injury (Table 3). If the devices are classified according to the 1982 Washington law, 58 (66%) of the 88 classifiable injuries were caused by legal fireworks and 30 (34%) by illegal fireworks. Nineteen (22%) of the injuries were caused by devices "newly legalized" in 1982. If the devices are classified according to federal law, 66 (75%) of the 88 classifiable injuries were caused by legal devices. The hospitalization rate for persons injured by devices illegal

Table 1.—Fireworks-Related Injuries, by Site and Type, King County, Washington, July 4 Holiday, 1983

Injury Site	No. Injured (%)
Multiple sites	57 (39)
Single site	
Burns	41 (28)
Eye	23 (16)
Lacerations	17 (12)
Ear	6 (4)
Other	2 (1)
Total	146 (100)

Table 2.—Fireworks-Related Injuries and Hospitalization Rates, by Responsible Device, King County, Washington, July 4 Holiday, 1983

Fireworks Type	No. Injured (%)	No. Hospitalized (%)*
Ground display	41 (36)	1 (2)
Firecrackers	38 (34)	3 (8)
Aerial	26 (23)	2 (8)
Homemade	6 (5)	2 (33)
Public display	1 (1)	0 (0)
Other	1 (1)	0 (0)
Total	113 (100)	8 (7)

*Percent is number hospitalized divided by number injured times 100, for a given fireworks type.

Table 3.—Fireworks-Related Injuries and Hospitalization Rates, by Federal Legal Status of Device Causing Injury, King County, Washington, July 4 Holiday, 1983

	No. Injured (%)	No. Hospitalized (%)*
Federally legal	66 (58)	2 (3)
Illegal	22 (19)	4 (18)
Unknown status	25 (22)	2 (8)
Total	113 (99)	8 (7)

*Percent is number hospitalized divided by number injured times 100, for a given fireworks type.

Table 4.—Fireworks-Related Injuries, by Circumstances at Time of Injury, King County, Washington, July 4 Holiday, 1983

Circumstance	No. Injured (%)
Misuse of devices	
Holding in hand	36 (31)
Altered device	12 (11)
Relighting	9 (8)
Hit by thrown device	6 (5)
Exploding inside container	5 (4)
Misused aerial devices	4 (4)
Horseplay	3 (3)
Carried in pocket	1 (1)
Malfunctioning devices	17 (15)
Other	
Hit by sparks	16 (14)
Hit by car while avoiding fireworks, etc	5 (4)
Total	113 (100)

Table 5.—Risk of Fireworks-Related Injury, by Device Used, King County, Washington, July 4 Holiday, 1983*

Fireworks Type	Discordant Matched Pairs†	Odds Ratio‡ (Confidence Intervals§)
Firecrackers	18/6	3.0 (1.2, 8.6)
Aerial	23/8	2.9 (1.2, 8.4)
Ground display	13/13	0.9 (0.4, 2.0)

*n=168.
†Case exposed, control not exposed/case not exposed, control exposed.
‡Odds ratio from conditional logistic regression model.
§95% confidence intervals, precision-based.

Table 6.—Risk Factors for Fireworks-Related Injuries, King County, Washington, July 4 Holiday, 1983*

Behavior	Discordant Matched Pairs†	Odds Ratio (95% Confidence Interval)
Not usually supervised by adult‖	23/8	11.5 (2.8, 100.6)§
Drinking¶	11/13	0.8 (0.3, 2.0)§
Relighting	27/3	8.5 (1.8, 43.0)§
Throwing	30/4	5.8 (1.2, 28.2)§
Holding in hand	24/8	4.7 (1.2, 18.0)§
Bending over to light	36/9	4.0 (1.3, 12.0)§
Carrying in pocket	22/3	1.9 (0.4, 8.3)§
Others throwing	24/13	1.8 (0.8, 4.8)§
Exploding inside containers	24/12	0.8 (0.2, 2.5)§
Others drinking	16/26	0.3 (0.1, 0.9)§

*n=168 unless otherwise indicated.
†Case exposed, control not exposed/case not exposed, control exposed.
‡If aged 15 years or younger, n=62.
§McNemar odds ratio, with exact 95% confidence intervals.
‖If aged 16 years or older, n=82.
¶Odds ratio from conditional logistic regression model with precision-based 95% confidence intervals.

under federal law (18%) was six times higher than that for persons injured by devices legal under federal law.

Information on the circumstances of injury included the date and time of day of injury, the fireworks use behavior at the time of injury, and whether the person injured was actively using fireworks at the time of injury. Seventy-nine (70%) of the injuries occurred over the three-day July 4 holiday weekend. Of the 113 injuries, 81 (72%) occurred before dark and only 32 (28%) occurred after dark. The fireworks use behaviors at the time of injury are given in Table 4. Misuse or mishandling of fireworks was the cause of 75 (66%) of the injuries, while malfunctioning fireworks caused only 17 (15%) of the injuries. Holding fireworks in the hand was the most common misuse behavior.

Of the 113 persons interviewed, 97 (86%) were actively using fireworks at the time of their injury, and 16 (14%) were innocent bystanders. The active users were predominantly male (78%) and older (mean age, 19.1 years), while the innocent bystanders were more commonly female (62%) and younger (mean age, 14.2 years).

Eighty-four of the injured persons were active users from King County and thus were eligible for the case-control study. Injured persons were compared with controls for both their quantity of exposure to fireworks and their fireworks use behaviors. The quantity of exposure to fireworks over the entire July 4 holiday season, as measured by dollars spent and number of days used, was not significantly different for injured persons and controls. Injured persons spent a mean of $41 (median, $24) on fireworks, and controls spent $31 (median, $20). Injured persons used fireworks for a mean of 3.0 days, and controls used fireworks for a mean of 2.7 days.

Injured persons and controls did differ significantly in their use of specific fireworks types (Table 5). Use of firecrackers had the highest risk of injury, and use of aerial devices also carried a significant risk. Use of ground display devices, however, was not associated with injury. A conditional logistic regression model that included all three of these variables yielded similar results (Table 5).

The risks of injury associated with various fireworks use behaviors are given in Table 6. The highest risk was associated with lack of adult supervision (asked only of those aged 15 years or younger). Other behaviors with significantly elevated risk in a univariate analysis were relighting fireworks that do not ignite at first, throwing fireworks, carrying fireworks in one's pocket, bending over fireworks to light them (instead of approaching them from the side), and holding fireworks in the hand. Behaviors that were not found to carry a significantly elevated risk of injury were exploding fireworks inside of containers, accompanying persons who were throwing fireworks, drinking alcohol while using fireworks (asked only of those aged 16 years or older), or accompanying persons who were drinking alcohol while using fireworks. A conditional logistic regression model included the eight behavior questions that were asked of persons of all ages and excluded the parental supervision and alcohol use questions. Results were similar to those of the univariate analysis; however, carrying fireworks in one's pocket was no longer significantly associated with injury in this model.

COMMENT

We carried out active surveillance of fireworks-related injuries via emergency facilities in the metropolitan Seattle area during the 1983 July 4 holiday and found a substantial number of expensive injuries. Our

surveillance identified 148 persons who were injured during the nine-day sales period and provided an estimated incidence of 9.7 fireworks-related injuries per 100,000 persons. This incidence is three times as high as the 3.1 injuries per 100,000 persons estimated by the National Electronic Injury Surveillance System (NEISS) during the 1981 July 4 holiday.[5] Although most of the difference between our estimate and the NEISS estimate can probably be accounted for by the fact that some other states have more restrictive fireworks laws than Washington, some of the difference may be due to our more complete case ascertainment. The NEISS reporting network includes only hospital emergency rooms. In our study, 14% of the fireworks-related injuries were reported by nonhospital emergency clinics.

The average charge for medical care required for the injured persons we interviewed was quite high—$562. Even higher was the average cost for hospitalized injured persons—$5,431. If we accept the NEISS estimate of 11,400 fireworks-related injuries in the United States in 1981,[5] then the direct costs of fireworks-related injuries in that year approximated $6.5 million. This estimate includes only immediate direct costs but does not include lifetime medical care costs, or indirect costs, such as time lost from work and decreased productivity. These other costs may be large. Twenty-two percent of the injuries in our study involved the eye. While we did not systematically determine the long-term sequelae of these injuries, Wilson found that 30% of fireworks-related eye injuries in Arkansas resulted in irreversible visual loss.[7]

Our study showed that most persons injured by fireworks were young males. Half of the injured persons were younger than 16 years, and almost three fourths were male. These findings agree with those of earlier studies.[6-9] Our study design did not allow us to determine, however, whether young males are truly at greater risk for fireworks-related injury or whether they are simply more frequent users of fireworks.

As in other studies, most (75%) of the injuries we identified resulted from use of fireworks that are legal under federal law. The NEISS[5] found that 80% of fireworks-related injuries were caused by federally legal class C devices, while McPheeters and Strachley[10] in Hawaii found that 90% were caused by federally legal devices. Injuries caused by legal devices were not as likely to result in hospitalization, however, as those caused by illegal devices.

Our case-control study determined that it was not greater exposure to fireworks in general, but exposure to firecrackers and aerial devices in particular, that was associated with increased risk of injury. The case-control method differentiated between the popularity of devices (ground-display devices caused the most injuries) and the relative danger of the devices (firecrackers and aerial devices had significantly elevated risk associated with their use).

Several fireworks use behaviors were associated with increased risk of injury. Paramount among these was the use of fireworks by children without adult supervision. A surprising result was the lack of association between alcohol use and fireworks-related injury. This is inconsistent with the association between alcohol use and other types of injury.[11] The apparent protective effect of being accompanied by a person using alcohol was a result of confounding by parental supervision.

The combined results of our surveillance and case-control studies suggest legislative and educational strategies for prevention of fireworks related injury. Most of the injuries we found were caused by legal fireworks. In addition, we identified two types of fireworks—firecrackers and aerial devices—that place their users at increased risk of injury. Legislation, on either a federal or state level, to decrease the availability of these two device types may result in a decrease in the number of fireworks-related injuries. The other prevention strategy is education. Most of the injuries we identified were caused by misuse of fireworks, and most occurred in children. The high risk associated with lack of parental supervision of children indicates that increased parental supervision and a consequent reduction in general fireworks misuse might decrease the number of injuries among children. Washington State's recent experience suggests that legislation is the more effective of these two strategies. Sale of firecrackers and some aerial devices was legalized in 1982, and the number of injuries in 1982 was twice that in 1981.[1] Between the 1982 and 1983 seasons, no further law changes were made, but a large fireworks safety educational campaign was undertaken, and the number of injuries did not decrease but increased slightly (authors' unpublished observations).

We will have the opportunity to evaluate further the effect of legislation. In March 1984, Washington's Governor John Spellman signed into law Engrossed Substitute House Bill 1652, which will again make the sale of firecrackers and some exploding aerial devices illegal.

We are grateful to the emergency facility supervisors who helped with data collection, to Joy Herndon, MS, Division of Surveillance and Epidemiologic Studies, Epidemiology Program Office, Centers for Disease Control, Atlanta, for statistical assistance, to Bette Lebens for manuscript preparation, and to Elizabeth Hatfield, MPH, National Society to Prevent Blindness, for guidance in study design.

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BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

Pouch 7-005
Anchorage, Alaska 99510
PHONE: (907) 276-2653

9-1111

January 17, 1985

JAN 23 1985

Representative Pat Pourchot
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Attention: Mr. Richard Ramsey

Dear Mr. Ramsey:

You recently requested that my office provide you with statistics for wildland fires caused by fireworks. We have consolidated the available data from both the State and federal fire protection agencies for the past three years. This should provide a representative picture of fireworks inpact on the fire suppression effort. Please realize that the data presented cannot be 100 percent accurate because of the difficulty of accurately determining the exact cause of all fires to which these agencies respond. Associated acreages burned and suppression cost data is also supplied for your information.

Sincerely,

Leon E. Hallett

for John L. Sturgeon
State Forester

WILDLAND FIRES CAUSED BY FIREWORKS
ALASKA DIVISION OF FORESTRY
1982-1984

YEAR	NUMBER OF FIREWKS FIRES	TOTAL HUMAN CAUSED FIRES	PERCENT FIREWORKS	ACRES BURNED BY FIREWORKS	ACRES BURNED TOTAL	FIREWORKS FIRES SUPPRESSION COST	TOTAL FIRE SUPPRESSION COST
Area Protected by Alaska Division of Forestry							
1982	13	149	8%	5.25	1,295	26,386	2,300,000
1983	19	366	5%	3.15	32,276	5,477	6,400,000
1984	27	436	6%	369.0	8,167	31,924	5,800,000
Area Protected by the USDA Forest Service							
1982	1	25	4%	.1	4	400	DNA
1983	2	26	8%	.2	37.6	800	DNA
1984	4	20	20%	7.2	13	7,600	DNA
Area Protected by the USDI - BLM Alaska Fires Service							
1982	DNA						
1983	3	117	2.5%	0.0	98,154	942	9,200,000
1984	4	99	4%	5.0	115,871	DNA	DNA

DNA = Data Not Available

FIREWKS = fireworks

YEAR	NUMBER OF FIREWKS FIRES	TOTAL HUMAN CAUSED FIRES	PERCENT FIREWORKS	ACRES BURNED BY FIREWORKS	ACRES BURNED TOTAL	FIREWORKS FIRES SUPPRESSION COST	TOTAL FIRE SUPPRESSION COST
Area Protected by Alaska Division of Forestry							
1982	13	149	8%	5.25	1,295	26,386	2,300,000
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Area Protected by the USDA Forest Service							
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1984	4	20	20%	7.2	13	7,600	DNA
Area Protected by the USDI - BLM Alaska Fires Service							
1982	DNA						
1983	3	117	2.5%	0.0	98,154	942	9,200,000
1984	4	99	4%	5.0	115,871	DNA	DNA

DNA = Data Not Available

National Safety Council

National Safety Council Policy
on
USE OF FIREWORKS

POLICY

The National Safety Council opposes the use of fireworks by adults and children, except by professional pyrotechnicians under controlled conditions.

BASIS

The misuse of fireworks by adults and children continues to cause several thousand needless injuries and deaths each year. Such accidents occur in spite of legislation banning the sale of certain types of fireworks in many states, as well as recently enacted federal regulations.

Enforcement of these regulations is exceedingly difficult, or lax, and use of fireworks continues to be a common practice.

IMPLEMENTATION

The National Safety Council supports in principle the public displays of fireworks under controlled conditions, but advocates more stringent regulations prohibiting the sale and indiscriminate use by adults and children. It is very evident that present regulations have not achieved the predicted reduction in fires and in deaths and injuries to children and adults from fireworks.

The National Safety Council strongly urges appropriate federal and state agencies to rigidly enforce existing regulations prohibiting sales of fireworks or their ingredients.

And it encourages local and state authorities to more diligently enforce existing legislation banning the sale and use of fireworks by the general public.

The National Safety Council calls upon all organizations and agencies concerned with the safety of the American public to intensify their educational efforts to inform adults and children regarding the hazards inherent in the use of fireworks.

FIREWORKS INJURIES

1981

Deborah Kale

Beatrice Harwood

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Directorate for Epidemiology

Division of Hazard Analysis

FIREWORKS

Summary

Firework-related injuries have increased, albeit irregularly, since 1974. The 1981 estimate, 11,400 injuries, equals the previous high of 11,100 estimated for the Bicentennial year.

An annual study conducted during the Independence Day holidays indicates that firecrackers continue to account for a major portion of firework-related injuries. Injuries attributed to the more powerful devices, the federally banned Class B firecrackers, appear to have decreased somewhat in recent years. However, injuries identified with Class C firecrackers, a category which since December 1976 has included both legal and illegal devices, have demonstrated an increase over the last couple of years to a point above that estimated for 1976. (In 1976 CPSC reduced the amount of permissible pyrotechnic charge in Class C firecrackers from 130 to 50 milligrams, but their physical dimensions, historically about 1½ by ⅞ inch diameter, do not necessarily identify the amount of charge). Injuries associated with fireworks other than firecrackers have also increased over their previous high reported during the Bicentennial year.

Fire department data, which was reviewed from four states for years 1977 through 1980 indicates an increase in firework-related fires during this time period. Unlike personal injury cases, which involved firecrackers more frequently than other kinds of fireworks, house fire incidents most frequently involved rocket-type fireworks, which usually ignited roofing materials.

Data from previous years have indicated that most injuries associated with both (federally) legal and illegal fireworks involved misuse rather than product malfunction. Moreover, injuries attributed to permissible fireworks, from either misuse or malfunction, were generally minor, and did not often require hospitalization.

Nevertheless, the upward trend in injuries and fires over the last several years is discomforting. Even if the increase merely reflects production and sales trends, the fact that fireworks continue to be associated with a large number of preventable injuries each year is a problem of continuing concern.

Offered: 4/21/86
Referred: Rules

Original sponsor: Pourchot

IN THE HOUSE BY THE RULES COMMITTEE

CS FOR HOUSE BILL NO. 35 (Rules)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

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

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

* Section 1. AS 18.72.010(a) is amended to read:

(a) The sale, [OR] offer to sell, possession with intent to sell, or manufacture of dangerous fireworks at wholesale or retail for a [ANY] purpose other than industrial, agricultural, wildlife control or public display purposes is prohibited.

* Sec. 2. AS 18.72.010(c) is amended to read:

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. A [NO] fireworks wholesaler may not sell dangerous fireworks to anyone, unless the wholesaler [HE] has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the [FIREWORKS] wholesaler, and maintained as a permanent record of the sale.

* Sec. 3. AS 18.72 is amended by adding a new section to read:

Sec. 18.72.025. PURCHASE AND SALE OF FIREWORKS BY MINORS. The sale of fireworks to a person under 16 years of age is prohibited. A person under 18 years of age may not sell fireworks unless supervised by a person 18 years of age or older.

* Sec. 4. AS 18.72.030(a) is amended to read:

(a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state

fire marshal on forms provided by the state fire marshal [HIM]. The application shall be accompanied by an annual license fee of $50.

* Sec. 5. AS 18.72.040 is amended to read:

Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly [KNOWINGLY AND WILFULLY] fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN $500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate offense.

* Sec. 6. AS 18.72.050 is repealed and reenacted to read:

Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks regulations adopted in the state fire safety code

(1) "bottle rocket" means a type of skyrocket consisting of a tube, not exceeding one-half inch (12.5 mm) inside diameter and two and one-half inches in length, and a stick fastened to or contained in the tube for guidance and stability;

(2) "dangerous fireworks" includes all fireworks that are not defined as salable fireworks;

(3) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(4) "firecracker" has the meaning given in 49 C.F.R. 173.-100(r);

(5) "fireworks" means a composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "common" or "special" fireworks as set out in the hazardous materials regulations of the United States Department of Transportation, but does not include

ORIGINAL COMMITTEE COPY

(A) toy pistols, toy canes, toy guns, or other devices in which are used paper or plastic caps manufactured, packed, and shipped in accordance with United States Department of Transportation regulations; and

(B) model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(6) "manufacture" means the preparation of fireworks mixes and the loading and assembly of all fireworks;

(7) "recklessly" has the meaning given in AS 11.81.900(a)-(3);

(8) "salable fireworks" means common fireworks, as described in 49 C.F.R. 173.100(r), other than

(A) firecrackers; and

(B) skyrockets that meet the definition of bottle rockets under this section.

* Sec. 7. AS 18.72.060 is amended to read:

Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, that [WHICH] are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks.

* Sec. 8. AS 18.72.060 is amended by adding a new subsection to read:

(b) This chapter does not apply to

(1) the sale of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use;

(2) the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry;

(3) gold star producing sparklers that contain no magnesium or chlorate;

(4) toy snakes that contain no mercury;

(5) smoke novelties and party novelties that contain less than 0.25 grain of explosive mixture;

(6) shells or cartridges used as ammunition in firearms;

(7) blank cartridges used for a theatrical or other entertainment production, or for signal or ceremonial purposes in sporting events or by military organizations.

* Sec. 9. This Act takes effect December 31, 1986.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB35(JUD)
Title : State regulation of fireworks

Sponsor : House Judiciary
Requestor : House Rules
Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Fire Prevention

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE		0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Gordon E. Brunton
Division : Fire Prevention
Phone : 465-4331
Date : 2/5/86

Approved by Commissioner : _____
Agency : Public Safety
Date : 2/6/86

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

HB

50

COMMITTEE REPORT

SENATE

FURTHER:

3/21/85

Date APR 23, 1985

Mr. President

The Committee on STATE AFFAIRS considered CSHB 50(Fin)

relating to Alaska bidder preference.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for CSHB 50 (SA)

[ ] new title

[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edna DeVries

V. Fischer

Bill Ray

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

AMENDMENT NO. 2

Add a new section 4 and renumber other sections accordingly:

* Section 4. AS 37.05.230(7) is amended to read:

(7) the provisions of this section relative to an "Alaska bidder" do not apply to contracts estimated to exceed $500,000 [of the Department of Transportation and Public Facilities which are authorized under AS 35.15 or AS 19.10.] Notwithstanding this subsection, an "Alaska bidder" preference may be waived by the Commissioner of AND Comm admin Transportation and Public Facilities in cases of competitive bids where mandatory federal guidelines would apply which restrict such a preference.

SEC 6.

AMENDMENT

Offered in the HOUSE By _____

TO: COMMITTEE SUBSTITUTE TO HOUSE BILL 50 (Finance)

Page __, line __:

Add the following new material to read:

* Sec. __. AS 37.05.230(5) is repealed and reenacted to read:

(5) In this section, "Alaska bidder" means a person who

(A) holds a current Alaska Business license;

Business activity sales

(B) has more than $1,000,000 worth of annual sales in the state or performs more than 20 percent of the person's annual business in the state, whichever is less;

(C) certifies under penalty of perjury that the bidder will employ Alaska residents in the performance of the contract unless resident laborers are unqualified or unavailable; and

(D) maintains a permanent place of business in the state for a period of six months immediately preceding the date of the bid.

E,

ANCHORAGE
SCHOOL DISTRICT
4600 DeBarr Avenue
P.O. Box 6-614
Anchorage, Alaska 99502-0614
[907] 333-9561

SCHOOL BOARD

Jim Robinson
President

Bettye Davis
Vice-President

Jean Buchanan
Clerk
Immediate Past President

Martha Roderick
Clerk Pro Tem

Lee Gorsuch
Treasurer
Past President

Carol Stolpe
Assistant Treasurer

William Frick
Parliamentarian

SUPERINTENDENT

E.E.(Gene) Davis, Ed.D.

March 29, 1985

HB 50

The Honorable Mitch Abood
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

Subject: House Bill #50 - "An Act Relating to Alaska Bidder's Preference"

We recommend that this bill not pass.

The primary reason for opposing this bill is that no preference dollar limit is contained in the bill. On a $10 million dollar project the 10 percent preference could amount to $1 million dollars.

Current Anchorage School District Policy contains a 5 percent local bidder's preference for firms maintaining offices within the boundaries of the Municipality of Anchorage. The maximum dollar preference allowed is $5,000.

Bidder's preferences tend to limit competition in the market-place and therefore, the usual result is higher costs to the taxpayers.

Sincerely,

E. E. (Gene) Davis, Ed.D.
SUPERINTENDENT

jlm

cc L. T. Freeman, Assistant Superintendent for Business Management
Bill Miles, School District Lobbyist

RECEIVED
APR 2 1985

CONFERENCE COMMITTEE SUBSTITUTE
House Bill No. 106

For an Act entitled: "An Act relating to Alaska bidder preference."

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

* Section 1. AS 37.05 is amended by adding a new section to read:
Sec. 37.05.225. PURPOSE. The legislature finds that there exists in the state continuing high unemployment, underutliization of resident construction and supply firms, and high costs unfavorable to the welfare of Alaskans and to the economic health of the state. The purpose of bidder preference for resident firms when the state acts as a market participant using state funds is to encourage local industry, strengthen and stabilize the economy, decrease unemployment, and enhance the tax and revenue base of the state.

* Section 2. AS 37.05.230(1)(B) is amended to read:
(B) a bid shall be awarded to an Alaska bidder if the [HIS] bid is not more than five percent higher than the lowest nonresident bidder's, except that a contract bid of $100,000 or less shall be awarded to an Alaska bidder if the bid is not more than 15 percent higher than the lowest nonresident bidder's; and

* Section 3. AS 37.05.230 (5)(A) is amended to read: (HOLDS) has held a current Alaska Business License for a period of six months immediately preceeding the date of the bid.

* Section 4. AS 37.05.230(5) is amended by adding a new subparagraph to read: (D) if a joint venture, is composed entirely of venturers that qualify under this paragraph;

* Section 5. AS 37.05.230(7) is amended to read: (7) the provisions of this section relative to an "Alaska bidder" do not apply to a contract (CONTRACTS) estimated to exceed $100,000 ($5,000), of (EITHER) the Department of Transportation and Public Facilities, which is (ARE) authorized under AS 35.15 and the provisions of this section do not apply to a contract of less than $100,000 of that department if their application would result in loss of federal funds (AS 35.15.010 - 35.15.120, OR THE DEPARTMENT OF HIGHWAYS, WHICH ARE AUTHORIZED UNDER AS 19.10.010 - 19.10.280);

(LAST YEARS BILL)

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CSHB 50 (FIN)
Title: An act relating to Alaska bidders preference
Sponsor: Grussendorf and Sund
Requestor: House Finance Committee
Date of Request: March 14, 1985

FISCAL DETAIL

Agency Affected: none
Program Category Affected: none
BRU, Program or Subprogram(s) Affected: none

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS: Attach a separate page if necessary

Prepared By: Al Adams, Chair APA
Division: House Finance Committee
Phone: 465-3706
Date: 3/14/85

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

REPRESENTATIVE
BEN GRUSSENDORF

P. O. Box 828
SITKA, ALASKA 99835
(907) 747-8458

RULES COMMITTEE
LEGISLATIVE COUNCIL

DISTRICT 3
ELFIN COVE
PELICAN
PORT ALEXANDER
SITKA
TENAKEE

Alaska State Legislature

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3824
(907) 465-3720

House of Representatives

SPEAKER OF THE HOUSE

SECTIONAL ANALYSIS OF CS HB 50 (Finance):

This bill adds two sections and amends one section of existing law (AS 37.05) as follows:

Section 1. Adds a new section (AS 37.05.225. PURPOSE) to establish in statute a legislative purpose for bidders preference. The purpose is based on economic conditions in Alaska, including continuous high unemployment, underutilization of resident construction and supply firms, and unfavorably high costs which impact the economic health of the State.

Section 2. Amends AS 37.05.230(1)(a), increasing the existing bidders preference from "not more than five percent" to "not more than 10 percent higher than the lowest nonresident bidder's."

Section 3. Adds a new subsection (e) to AS 37.05.315, providing that municipalities using state grant funds, in part or whole, for competitively bid contracts or projects may utilize the bidders preference set out in Section 2.

Except for the three sections above, the other provisions of AS 37.05 would remain as is in existing statutes.

AIECA

ALAS
INDEPENDI
ELECTRI
CONTRACTO
ASSOCIAT

Charter Members: ALL PHASE ELECTRIC, B & E ELECTRIC, DINOBAT ELECTRIC, FUCIS ELECTRIC, HUSKY ELECTRIC, INDEPENDENT ELECTRIC, RAINBOW ELECTRIC, RAVEN ELECTRIC, RICHCREEK ELECTRIC, TANNER & SONS ELECTRIC, YELLOW ELECTRIC, LTD.

RECEIVED
3/4/85

The Honorable BEI GRUSSENDORF
Speaker of the House
Pouch V
Juneau, Alaska 99811

Dear Speaker Grussendorf, 21 February 1985

We write in support of HB 50, relating to Alaska Bidder's Preference.

Our organization represents the largest segment of the State's electrical contractors; the Independents. Most of us are long term Alaskans, who have been here winter after winter, surviving the crash after the pipeline completion and the like. We hire Alaskans, pay our Alaskan taxes, are licensed, bonded and insured in concert with State law.

In the past several years we have seen great quantities of "contractors" come up here from areas of dismal fiscal outlook, attempting to make a grab for some big construction money. Many do not bother to apply for registration, licensing or bonding, and numerous are the horror stories associated with their work.

Not only are they injuring Alaskans, both in the residential markets and in the commercial markets, but they are giving a bad name to a trade in which we take pride and try to support. We know of several parallels to the contractor difficulties noted above, involving suppliers doing business here from the states.

We support the increase in the Alaska Bidder Preference as a logical way to attempt to protect the people, companies and industries who are ALWAYS HERE, in bad winters, miserable breakups and poor economic climates.

We would be pleased to work with you during passage of this amendment; thank you in advance,

DON TANNER
President

3605 Arctic Boulevard, Suite 1888, Anchorage, Alaska 99503

ALASKA CHAPTER

ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

POSITION STATEMENT

ON LEGISLATION INCREASING

THE

ALASKA BIDDER PREFERENCE (HB 50)

HB 50

POSITION PAPER ON HB 50

The Alaska Chapter, Associated General Contractors of America, Inc. (A.G.C.) represents more than 900 member companies, including most of the general contracting companies engaged in Alaska's commercial construction.

A.G.C. is opposed to HB 50 which proposes to raise the Alaska bidder preference percentage, contained in AS 37.05.230, from 5% to 10%. Primarily, A.G.C. opposes any local preference for the construction industry including the existing 5% preference. A.G.C.'s opposition is founded on both practical and philosophical considerations.

From a practical perspective, a preference for local contractors:

- inflates the cost to the owner
- increases the uncertainty in the bidding process
- increases construction bidding requirements
- increases the potential for litigation
- delays the awarding of projects

Further, there is a strong likelihood that such a scheme is unconstitutional. In Attorney Robert Goldberg's recent study submitted to the Department of Labor, pages 50 and 51 state in part:

> ". . . While that court has not decided the constitutionality of the five percent bidder preference in AS 37.05.230, two of the five justices (Rabinowitz and Burke) have already announced that they regard the preference as manifestly unconstitutional because: 'A discrimination between residents and non residents solely on the object of assisting the one class over the other economically cannot be upheld under either the privileges and immunities or equal protection clauses.' Irby-Northface v. Commonwealth Electric Co., 664 P.2d 557, 562 (Alaska 1983) (Rabinowitz, J., concurring), quoting Lynden Transport, Inc. v. State, 532 P.2d 700, 710 (Alaska 1975)"

From a philosophical perspective, A.G.C. opposes government regulations of the construction industry. A.G.C. supports the free market, competitive bidding system for awarding construction contracts. This system has stood the test of time as the most economical system for the owner and a fair system for the contractors. Consistency dictates that A.G.C. not seek special regulatory favor for Alaska contractors. Further, a local preference is not consistent with the competition free market system.

Although this legislation has no effect on projects awarded by the Department of Transportation and Public Facilities, it would affect such State agencies as: The Alaska Power Authority, University of Alaska, Department of Corrections, Department of Administration, Pioneer Homes and the Court System. The Alaska Power Authority has experienced bidder preference law suits, including a case that had to be settled by the Supreme Court before the bid could be let. Litigation prior to project award increases the cost and is not in the best interest of the construction industry or the general public.

A 10% bidder preference will unnecessarily and substantially increase the cost of building Alaska's infrastructure. At a time of dwindling oil revenues we suggest that the 10% bidder preference not be approved.

D. Statutory Provisions Governing Public Contracts

Title 36 of the Alaska Statutes, which governs public contracts, includes three chapters granting preferences to Alaskan individuals and businesses. AS 36.10, discussed above, requires preferential hiring of Alaska residents for the performance of public works contracts. AS 36.15 requires the use, wherever practicable, of Alaska forest products in state-funded construction. AS 36.20.010 provides that: "In making purchases or awarding contracts for supplies, commodities or material for an office or institution of this state preference shall be given, whenever practicable, to producers and dealers in the state, price and quality being equal." This provision is implemented in AS 37.05.230(1) which establishes competitive building requirements but provides that "a bid shall be awarded to an Alaska bidder if the bid is not more than five percent higher than the lowest nonresident bidder's..."

The future of these preferences, however, appears uncertain at best. The Superior Court has recently ruled AS 36.10.010 to be violative of the privileges and immunities clause in Francis v. Robison, et al., 3AN 83-9969 Civil, a decision the state is currently appealing to the Alaska Supreme Court. While that court has not decided the constitutionality of the five percent bidder preference in AS 37.05.230, two of the five

justices (Rabinowitz and Burke) have already announced that they regard the preference as manifestly unconstitutional because: "A discrimination between residents and non residents solely on the object of assisting the one class over the other economically cannot be upheld under either the privileges and immunities or equal protection clauses." Irby-Northface v. Commonwealth Electric Co., 664 P.2d 557, 562 (Alaska 1983) (Rabinowitz, J., concurring), quoting Lynden Transport, Inc. v. State, 532 P.2d 700, 710 (Alaska 1975).

Conspicuous by their absence from Alaska's public contract statutes are provisions in effect in some jurisdictions permitting or requiring bidding preferences or set-asides for small business and/or minority business enterprises. Nor does Alaska have a statutory requirement that contractors have affirmative action programs, although such requirements are in practice included in some state contracts. As discussed below, measures such as these could serve as constitutionally permissible means of fighting unemployment in Alaska.

E. DOT & PF Affirmative Action Program

One major state agency has made commitments to increase contracting opportunities for minority business enterprises. In 1980, the Department of Transportation and Public Facilities (DOT & PF) entered into a settlement agreement

HB

81

Municipality of Anchorage

POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4431

TONY KNOWLES,
MAYOR

OFFICE OF THE MAYOR

Dear Senator:

House Bill 81, relating to motor vehicle inspections, is essential for the Municipality's new vehicle Inspection and Maintenance (I/M) Program, scheduled to begin July 1. The legislation clarifies the authority of the state Division of Motor Vehicles to provide the enforcement mechanism for the I/M Program, as part of the regular license renewal system. It is a simple and effective method.

HB 81 is one of the final pieces necessary for timely and efficient start-up of the I/M Program. Legislation is needed because current statutes are not absolutely clear about the State's authority to withhold vehicle registration for non-compliance with an emissions control program. It would be to no one's advantage to see the I/M Program halted in its first days by a legal challenge.

Failure to pass HB 81 could seriously jeopardize federal highway and sewer funding. The Environmental Protection Agency has already demonstrated its willingness to impose economic sanctions on state or local governments which fail to implement emission reduction programs and show appreciable improvements in air quality.

Anchorage would be vulnerable to such sanctions this year if the vehicle inspection program does not begin July 1, as scheduled. Approximately $50 million of federal highway funds are spent on critical transportation improvements in the Anchorage area each year. Projects from South Anchorage to Eagle River could be affected. In addition, this year the Municipality received an $18 million grant from the EPA for construction of the Pt. Woronzof Sewage Treatment Plant. We anticipate receiving more EPA funds for subsequent phases of the project. We cannot afford to jeopardize that funding, in any way.

Anchorage's I/M Program has been developed through a cooperative effort between the State and the Municipality and adopted by ordinance. But the State does have a responsibility. Anchorage's program is a required part of the State implementation plan (SIP) to improve air quality in certain areas. In turn, SIP is a mandated part of the State's certification for the use of federal highway funds in Anchorage.

Anchorage wants clean air. We want an improved transportation system. We can have both. At the municipal level, we have responded to our challenges

by crafting an efficient and effective I/M Program. We seek from you the tool of simple enforcement through an existing system. Without this tool, all of our efforts will have been wasted. The program will not work. Rather than a productive partnership, the Municipality will have no alternative but to leave the program, and the problem, on your doorstep.

I look forward to your support and the passage of HB 81. Together we can help Anchorage continue to make the progress which has made us an All-American City.

Sincerely,

Tony Knowles
Mayor

Municipality of Anchorage

POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4111

TONY KNOWLES
MAYOR

DEPARTMENT OF HEALTH AND ENVIRONMENTAL PROTECTION

Anchorage Vehicle Inspection Program
Information Sheet

NEED FOR A VEHICLE INSPECTION PROGRAM

Since 1977, the Environmental Protection Agency has been after the Municipality of Anchorage (MOA) to reduce carbon monoxide levels. In 1984, CO levels in Anchorage exceeded federal standards (9 ppm) 39 times. Since about 90% of the CO comes from vehicles, the most effective means of reducing CO is to reduce vehicle emissions of CO.

The EPA has the power to impose economic sanctions if Anchorage does not demonstrate a good-faith effort to implement an I/M Program and reduce CO levels significantly by the end of 1987.

Under those sanctions, the EPA could cut off federal funding for highways and sewer projects. Anchorage currently receives $50 million a year in federal highway funds. In addition, failure to implement the I/M Program could jeopardize federal payments for construction of the Pt. Woronzoff Sewage Treatment Plant.

WHICH VEHICLES PARTICIPATE

Cars and trucks, up to 12,000 pounds unladen, registered for street use in Anchorage, 15 years old or newer and gasoline-powered must be inspected. Diesel vehicles will not need emissions inspections but they will require a one-time inspection to verify and record that they are diesel.

Vehicle owners will be notified of the need for an emissions inspection when they receive their annual vehicle registration forms from the state Division of Motor Vehicles. The DMV will not re-register a vehicle without a certificate of inspection.

THE STATE'S ROLE

The DMV plays an essential role in the I/M Program by providing the enforcement mechanism. Some states and urban areas in other parts of the country have used a sticker program instead of the registration system. However, the sticker programs have been much more difficult to enforce and much less successful than the programs tied to vehicle registration.

The problems with a sticker system are so serious that, should the state withdraw from participation in the I/M Program, it might be dropped altogether. At the very least, a change at this point would result in lengthy delays, which could jeopardize federal funding.

PROGRAM FUNDING

Source	Received		
	ADEC	Anchorage	Fairbanks
EPA	$120,000 (start up, 50% to DMV)	$230,000 (start-up)	$180,000 (start-up)
State	No direct funds, staff support from ADEC only		
MOA	N/A	$2 million ('85) $297,000 ('84) 18,000 ('83)	N/A

INSPECTION PROCESS** (Should take 20-30 minutes)

The Anchorage Assembly opted for a decentralized program, in which private service stations, dealers and garages become certified to either perform the inspection only, or to perform both inspections and repairs.

The inspection process for vehicles 1975 and newer includes a visual and functional under-hood check of emission control devices, and a tailpipe test of the actual emissions. Earlier models (1970-74) will only be tested for the tailpipe emissions, since emission control devices came into wide usage only after 1974.

The emission standards vary according to make and year; the newer the car, the tougher the standard.

**The administration is considering recommending the elimination of two components from the program in order to streamline the process. One is a "safety inspection," a walk-around check of lights, windshield, etc. In its present form, the safety inspection is mandatory but repairs are voluntary. The other component that may be eliminated is the "Plumbtesmo" test, which checks for presence of leaded gas in vehicles designed to use unleaded gas. For further information about these components, contact Ken Lauzen or Patty Ginsburg, at the I/M Administration Office (264-4975).

CERTIFICATION

In order to participate in the I/M Program, mechanics and stations must be certified. Certification of mechanics requires either: 1) Passing a challenge test and successful completion of an 8-hour course on the I/M Program, or 2) Successful completion of a 40-hour course offered by the Alaska Vocational Technical Center.

Service stations, car dealers and garages are required to obtain an Alaska certified Test Analyzer System (the computer which actually tests the car) and any additional equipment required. Some facilities are certified to inspect only; others are certified to perform both inspections and repairs.

PG/ra/dI/M2
4/3/85

Fairbanks
North
Star
Borough

Mayor: B.B. Allen

M E M O R A N D U M

TO: Linda Anderson, Legislative Liaison

FROM: Lee Husson, Vehicle I/M Program Administrator

SUBJ: VEHICLE INSPECTION AND MAINTENANCE I/M PROGRAM

DATE: March 21, 1985

Enclosed are the copes of Ordinance 84-24, Resolution 84-39, and the I/M Program Design that you have requested.

Also enclosed is a copy of the script from the slide presentation that has been developed for our public education program that highlights some of the background and focal points of the program.

Please feel free to contact me in regards to any further questions that may arise concerning any portion of the program.

LH/cmg

Attachments

LH/HOLD

P.O. Box 1267 Fairbanks, Alaska 99707 (907) 452-4761

Section 1

SUMMARY

This document contains the requirements, specifications, and procedures for a motor vehicle inspection and maintenance (I/M) Program which has been designed for Fairbanks North Star Borough. The information this document contains is relatively technical in nature and is principally intended for use by the operators of Certified I/M Stations and the staff of the Borough's I/M Program Administration Office. Separate publications are available from the I/M Program Administration Office which more concisely describe the requirements of the program for the general public.

Under the I/M Program, owners of model year 1975 and newer cars and trucks are required to have their vehicles inspected for emissions problems each year, or upon initial registration in the State. The model year of vehicles subject to the program changes over time because inspections are not required for vehicles that are more than fifteen years old. Vehicles determined to have excessive pollution levels are required to be repaired prior to renewal of registration by the Alaska Division of Motor Vehicles (DMV).

Inspections required under the I/M Program must be made at a Certified I/M Station, except under special circumstances. A fee may be charged for the inspections, and vehicles which fail the inspection because of defects in their emission control system must be repaired and then retested by a Certified I/M Station.

Repairs required under the I/M Program may be performed by anyone, including vehicle owners. However, incentives are provided for the repair of vehicles by Certified I/M Mechanics working at Certified I/M Stations. Except for certain Fleet Operator owned vehicles, vehicle owners are guaranteed of either passing the retest or receiving a waiver if they have repairs performed at a Certified I/M Station. In addition, there is a ceiling on the cost of repairs required for all work done by Certified I/M Stations (except for vehicles owned by Fleet Operators who also own or operate Certified I/M Stations). Work done or parts purchased and installed by vehicle owners or at uncertified facilities will not count toward this cost ceiling.

The following sections of this document describe in detail how the I/M Program is to be conducted. Section 2 describes the general requirements of the program and defines terms which are frequently used in the program.

Section 3 describes the organization and responsibilities of the I/M Program Administration Office. Included in this section are the procedures to be used for dispute resolution, program enforcement, public information, program evaluation, and quality control.

Section 4 describes the requirements and procedures used by the I/M Program Administration Office for the certification of I/M Stations, mechanics, equipment, and training courses required under the I/M Program.

Section 5 contains the detailed requirements which must be met by Certified I/M Stations.

Section 6 describes the content of the training course which will be available for mechanics who wish to become Certified I/M Mechanics.

Section 7 describes all of the vehicle inspection, quality control, and repair procedures which are to be used at Certified I/M Stations.

Section 8 contains the standards which are to be used during the inspection of vehicles at Certified I/M Stations.

Modification to the information and requirements contained herein may be periodically made by the I/M Program Administration Office to the extent that such changes are necessary to reflect changes in the specifications of available instrumentation or vehicles, and improvements in inspection and repair procedures that are developed based on I/M program experience. In the event that instrumentation specifications are changed so as to effect the hardware that is acceptable for use, stations owning previously certified instruments shall be allowed to use such instruments for a period of at least three years. Software changes to instrumentation may be required upon 90 days notice.

-- end of section --

Official Business

COMMITTEE:

DATE: 4/9/85

SIGN IN

Subject of meeting:

HB 81, HCR 13 & 14,
HB 50

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY? WHICH BILL?
S W HUNGERFORD	ADEC Dept Env Conser. ~~PO Box~~ Pouch O Juneau	465-2666	ADEC	yes, if questions (No HB 81)
Bill Brown	Pouch N	465-4335	DMV	HB 81 If Questions
Resa King	134 No. Franklin	586-1740	Alaska Chapter Associated General Contractors	HB 50
Mayor Knowles	6-650 ANCHORAGE 99501	264-4430	ANCHORAGE	HB81 Yes ✓
Bob Link	Dept of Admin	465-2250	Dept of Admin	HB 50
MARY HALLORAN	POUCH V	-3720	REP. GRUSSENDORF	HB 50
LISA NELSON	POUCH KC	3428	LAW	yes HB 81 ✓

CC
Sig #05

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 81 No 1

Title: An Act relating to an emission control program

Sponsor:

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Life and Property Protection

BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE		200.0	216.0	233.3	252.0	272.2

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary Covers Revenue Only

The emission control inspection program will begin on July 1, 1985, in both Ancorage and Fairbanks. The division of motor vehicles has been tasked with enforcement of the program. The Department of Law has decided the current statutes do give us the authority to enforce the program if we adopt regulations, but the regulatory process does not allow the division to recover any funds expended in the enforcement of the program. This proposed statute would

(cont')

Prepared By: Charles R. Hosack CRH 1/16/85 Phone: 269-5561

Division: Motor Vehicles Date: 1-15-85

Approved by Commissioner: [signature] Date: 1-16-85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

MOTOR VEHICLES

ANALYSIS (continued)

allow the division to collect a prescribed fee in addition to the registration fee for those vehicles required to be inspected. These fees would be used to reimburse the General Fund for the expenditures incurred to enforce this program.

This type of approach places the cost of the program only on those affected by the program, and is similar in the approach used by the local governments to recover their costs. The goal at both the state and local levels is to make the program self-supporting from user fees. Between Anchorage and Fairbanks, approximately 180,000 to 200,000 vehicles will be inspected the first year. Together with the $80,000 start-up grant, the $1.00 fee imposed on these vehicles will allow the State to recover its costs.

Sup #4

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: HB 81 No.2
Title: An Act Relating to Motor Vehicle Emission Inspection
Sponsor:
Requestor: by request of Governor
Date of Request: January 10, 1985

FISCAL DETAIL
Agency Affected: Dept. of Env. Conservation
Program Category Affected: NRMEC
BRU, Program or Subprogram(s) Affected: Division of Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	None					
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Leonard D. Verrelli Phone: 465-2666
Division: Environmental Quality Date: Jan. 15, 1985

Approved by Commissioner: Richard A. Neve' Date: 1-16-85
Agency: ADEC

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

ENVIRONMENTAL QUALITY

BILL SHEFFIELD
GOVERNOR

HB 81

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 18, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that gives the Department of Public Safety explicit authority to refuse to register a motor vehicle if the vehicle does not meet the standards of a state-operated emission control program or a state-approved local emission inspection program. The bill would also impose a $1 administrative fee, in addition to the annual registration fee, to compensate the state for the cost of this enforcement program.

To implement the state's Air Quality Control Plan, the Municipality of Anchorage and the Fairbanks North Star Borough have recently adopted local vehicle inspection and maintenance (I/M) programs. The most effective way to ensure compliance with local inspection programs is through the state motor vehicle registration process. Before a person can obtain or renew a vehicle registration, the person must show evidence of compliance with the I/M program. This method has been chosen in preference to a "sticker" enforcement program, in which the owners or operators of all cars inspected and found to be in compliance would be required to display a sticker on their cars. National statistics have shown that the sticker enforcement method is 30 percent less effective than the registration method.

The $1 fee is imposed to compensate the state for the costs of the additional administrative burden placed upon the Department of Public Safety. Proceeds from the fee will be placed in the state's general fund.

The quality and cleanliness of the air in Alaska's two largest cities are obviously of utmost importance to the health and well-being of the residents. Strict enforcement of motor vehicle emission standards is a crucial part of our

overall efforts to control air pollution. Since this bill will allow more effective enforcement of these standards, I urge prompt passage of the bill.

Sincerely,

Bill Sheffield
Governor

Proposed Amendment to Section 1 of HB 81

On page 2, lines 1-4, amend existing language to read:

(a) the vehicle is subject to [AN EMISSION INSPECTION PROGRAM UNDER AS 46.03.190 OR] a state-approved local emission inspection program adopted by municipal ordinance under AS 46.03.210, and the vehicle does not meet the standards of that program. Unless the Veh uses a fuel source that does not emit CO or primary

Proposed Amendment to Section 2 of HB 81

Sec. 28.10.423. EMISSION CONTROL INSPECTION PROGRAM FEES. In addition to the annual registration fee specified in AS 28.10.421, a $1 fee is imposed upon every vehicle required to be inspected under an emission control program established under [AS 46.03.190 OR] AS 46.03.210. This fee must be collected at the same time and in the same manner as the registration fee.

HB 81

Municipality of Anchorage

POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4111

TONY KNOWLES,
MAYOR

DEPARTMENT OF HEALTH AND ENVIRONMENTAL PROTECTION

Date: March 1, 1985

To: State Legislators

From: Chip Dennerlein, Manager of Intergovernmental Affairs, Municipality of Anchorage

Re: House Bill 81 - Motor Vehicle Emission Inspections

On July 1, 1985, the Municipality of Anchorage will begin a Vehicle Inspection and Maintenance (I&M) Program to reduce excessive levels of carbon monoxide. HB 81 will enable the State Division of Motor Vehicles to cooperate with Anchorage and other local governments implementing such programs.

HB 81 will do two things: 1) Clarify DMV's authority to withhold registration for non-compliance with a state-approved local I&M program; and 2) add $1 to the annual vehicle registration fee, to recover state costs incurred for cooperating in local I&M programs. Only local governments with I&M programs will be affected by the legislation.

Back-up materials attached:

I&M Program Summary
Municipality of Anchorage ordinance No. 84-110
DMV paper (outline of role, page 2)

POSITION PAPER
MUNICIPALITY OF ANCH

VEHICLE INSPECTION & MAINTENANCE PROGRAM

On July 1, 1985, the Municipality of Anchorage will begin a Vehicle Inspection and Maintenance (I/M) Program to monitor and reduce the level of carbon monoxide emissions from Anchorage vehicles.

HOW IT WORKS

If your vehicle requires inspection, you will receive a notice from the State Division of Motor Vehicles along with the annual vehicle registration form. Inspections will be required for vehicles which are all of the following:

* gasoline powered
* registered for street use
* weigh less than 12,000 pounds, unladen
* 15 years old or newer (1970-1985 models)

Under certain circumstances, some vehicles may qualify for waivers. Diesel-powered vehicles will require a one-time I/M registration. About 70% of the vehicles tested are expected to pass the initial inspection. Those that fail must be repaired and retested. Inspection certificates will be issued when either the vehicle passes inspection or when it qualifies for a waiver.

VEHICLES REQUIRING AN INSPECTION CERTIFICATE WILL NOT BE REGISTERED BY THE DMV WITHOUT THE CERTIFICATE.

WHERE TO GO

Inspections must be performed at a certified I/M facility. Look for an official I/M emblem:

Repairs required to reduce emissions may be performed by anyone. However, a free retest and a ceiling on repair costs apply only when repairs are performed at a certified I/M facility.

WHAT IT COSTS

$10	Inspection Certificate
$40 Maximum	Inspection
$150 Maximum	Repairs, if needed, in 1985

Cost repair ceilings in subsequent years depend on whether the vehicle's emission control devices have been removed or altered. Ceilings are higher if removal or alterations have occurred.

All 1986 and later models must meet emission standards, regardless of cost.

FOR ADDITIONAL INFORMATION OR TO ARRANGE FOR A SPEAKER, CONTACT THE I/M HOTLINE.
264-4975

PG1/dPR1

Submitted by: Chairman of the Assembly at the request of the Mayor
Prepared by: Department of Law
For Reading: May 22, 1984

ADOPTED AS AMENDED
DATE 6-19-84

ANCHORAGE, ALASKA
AO No. 84-110

AN ORDINANCE ADDING A NEW CHAPTER 15.80 TO THE ANCHORAGE MUNICIPAL CODE ESTABLISHING A VEHICLE INSPECTION AND MAINTENANCE PROGRAM

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. A new Section 15.80.010 of the Anchorage Municipal Code is enacted to read as follows:

15.80.010 Inspection and Maintenance of Motor Vehicles.

A. Every owner of a vehicle registered within the Municipality of Anchorage shall have each such vehicle inspected and maintained in accordance with the requirements specified in the document entitled "I/M Program Design, Municipality of Anchorage, Private Garage Option" dated May 3, 1984 and referred to as the "I/M Program Design." The I/M Program Design is adopted by reference as part of this ordinance, as are measures adopted by the Program Administrator pursuant to Paragraph I of this section.

B. Every owner of more than ten (10) vehicles which are primarily used in the Municipality of Anchorage shall have such vehicles inspected and maintained in accordance with the requirements of the I/M Program Design regardless of whether such vehicles are registered with the Municipality of Anchorage.

C. A Certificate of Inspection issued in accordance with the procedures specified in the I/M Program Design shall be required prior to vehicle registration or vehicle registration renewal with the Alaska Division of Motor Vehicles for all vehicles subject to the requirements of the I/M Program Design.

D. The Director of the Department of Health and Environmental Protection shall have principal responsibility for the implementation and enforcement of the I/M Program and shall designate one employee of the Department as the I/M Program Administrator.

AM 742-84

E. The I/M Program Administrator shall certify mechanics, vehicle test or service facilities (stations), equipment and training courses meeting all certification requirements specified in Section 4 of the I/M Program Design.

F. All inspections, ~~repair and maintenance~~ required under the I/M Program Design shall be done in a manner consistent with the requirements of Section 7 of the I/M Program Design when performed by certified I/M stations.

G. Certifications shall be suspended or revoked by the I/M Program Administrator for repeated or serious violations of procedures or requirements specified in the I/M Program Design.

H. No facility may advertise itself as a Certified I/M Station unless it is certified as such by the I/M Program Administrator.

I. Upon ~~thirty (30)~~ sixty (60) days' advance notice to certified I/M stations and the public, the I/M Program Administrator shall make such changes to the I/M Program Design as are necessary to:

1. maintain an overall failure rate of 30 percent or less; and

2. require the use of inspection and repair procedures which are cost-effective and which reflect changes in the motor vehicle fleet.

J. The Program Administrator shall sell blank Certificates of Inspection to certified I/M stations for a fee not to exceed $10.00. The same fee shall be charged for Certificates of Inspection issued by the Program Administrator to vehicles qualifying for a waiver under the I/M Program Design. The precise level of the Certificate of Inspection fee shall be established based on the cost of operating the Program Administrator's office and shall from time to time be modified to reflect changes in the Program Administrator's office operating costs.

K. *

** Section ~~2~~ 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 19th day of June, 1984.

Chairman

ATTEST:

Municipal Clerk

Deputy

*K. An average of four (4) random checks per year per inspection station shall occur.

** Section 2. That the referee station as anticipated in this plan shall be offered for operation by the private sector.

1. New APEA contracts call for a 5% pay increase effective July 16, 1985. This will increase first year personnel costs to $170,000.

2. The U.S. Post Office predicts a 15% postage increase in October 1984. Postage costs will be $10,200.

3. The state will begin a system of user chargeback for data processing services in FY-86. The exact amount for DP services will be difficult to assess at this point but $25,000 for programming, file storage, and machine use would be reasonable.

4. With the new computer system started in May, it is not possible to use the old computer terminals. New terminals, printers, and DP charges for the four counter employees will be $40,000.

With these changes the new estimate for the first year charges will be $288,700. Some of these costs, such as the equipment costs, must be incurred in this fiscal year prior to start-up. It will also be necessary to hire the new personnel on April 1, 1985 so they are adequately trained prior to start-up. This will incur approximately $40,000 for salaries in FY-85.

Operational Considerations

1. The mailout renewal notices will be changed from a self-contained mailer to a mail stuffer system so that information on the program will be sent only to applicable Zip Code areas.

2. Renewal notices will be sent out 90 days in advance rather than 60 days to allow more time for inspection.

→ 3. A one digit field in the vehicle record will indicate liability for inspection. Initially this will be determined by Zip Code area, vehicle class, and vehicle year for current records. The records will then be updated as vehicle transactions occur or waivers are obtained.

→ 4. Applications for registration without an inspection or waiver certificate will not be accepted. They will be refused at the counter or returned by mail. Disputes concerning liability will be referred to the municipality or borough.

→ 5. Inspection certificate numbers may be recorded on the registration but will not be placed in the data file. Inspection certificates will not be microfilmed with vehicle records but will, instead, be returned to local government offices.

6. Registration extensions or seasonal registrations will not be considered as part of this program.

File DMV

Meeting w/DMV, DEC, MOA, FNSB 1-8-

Registration Enforcement
I/M Program

Basic Concept

Municipalities will define what vehicles must be inspected under the program. DMV will not permit registration of these vehicles unless they have a valid inspection or waiver certificate. This will be essentially what has been referred to as "Option A" in previous meetings.

Time Schedule

August '84	Draft legislation for Commissioner's approval
September '84	1. Order equipment for mailing process 2. Design and order forms
October- '84 November	Initial programming effort to identify vehicles subject to inspection
January '85	Draft procedures for field offices
February '85	Mailing equipment and forms received and tested
March '85	1. Start hiring process for new positions 2. Test print and production programs
April '85	Train field personnel
May '85	Print and mail July renewal notices
July '85	Begin enforcement

Program Funding

1. DEC or EPA will provide DMV with $80,000 for start-up costs mainly for equipment.

2. Other state costs will be recovered by charging an extra fee at the time of registration for vehicles subject to registration. Legislation will authorize the charge and allow the fee to be used by DMV in the operating budget. Initial estimate is $1 per vehicle.

Cost Proposals

Earlier estimates for Option A enforcement costs totaled $224,300 annually with personnel and contractual costs being valid for the first two years. Since that time it has been necessary to make the following revisions to that estimate:

HB

1211

COMMITTEE REPORT

SENATE

FURTHER:

3/19/85

Date April 11, 1985

Mr. President

The Committee on STATE AFFAIRS considered HB 121

changing the name of the division of telecommunications systems in the Department of Administration; efd.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edward Kinsey

Secretary

Tom Keating

MEMBERS HAVING
OTHER RECOMMENDATIONS

V. Thomas NR

Chairman

Chairman recommendation

STATE OF ALASKA
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: HB 121
Title: Change name Div. Tele. Systems to Div. Tele. Operations
Sponsor: Governor
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Administration
Program Category Affected: General Government
BRU, Program or Subprogram(s) Affected: Telecommunications

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Bill will make technical amendments to AS 44.21.300-320 changing name of Division of Telecommunications Systems to Division of Telecommunications Operations. This housekeeping measure will update the statutes to reflect name change effected in June, 1984 by Commissioner Rudd. Requirements, authorities and duties of the division will not change.

Prepared By: [signature] Phone: 465-2041
Division: Telecommunications Services Date: 12/5/84

Approved by Commissioner: Lisa Rudd [signature] Date: 12/12/84
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Rev. 7/1/84

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 25, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill changing the name of the division of telecommunications systems, in the Department of Administration, to the division of telecommunications operations. The new name more clearly reflects the actual functions of the division. The bill makes technical amendments to AS 44.21 to accomplish this change.

I urge your favorable consideration of this housekeeping measure.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

HB

124

COMMITTEE REPORT

SENATE

FURTHER: HESS

2/25/85

Date APRIL 25, 1985

Mr. President

The Committee on SA considered HB 124

extending the Older Alaskans Commission; eff.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Sidna McOmber

MEMBERS HAVING
OTHER RECOMMENDATIONS

DO PASS WITH 1989 TERMINATION DATE AS IN HOUSE BILL

Tim Kelly - No Rec

Chairman

Chairman recommendation

HB 124

THE SENIOR ADVOCATE
Rose S. Palmquist
Post Office Box 294
Wasilla, Alaska 99687

RECEIVED
APR 22 1985

April 19, 1985

The Honorable Mitchell E. Abood, Jr
Chair
Senate State Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

Please read the following statement into the records of the hearing on April 24, 1985, relative to H B 124.

As a person who was a member of the legislative interim committee on concerns of Alaska's seniors, and as one who assisted in the drafting of H B 17 which gave birth to the Older Alaskans Commission, I have a vital interest in the operations of the commission.

The problems that have been and still are evident are basically two fold --

The first is that the OAC has never implemented the fundamental spirit of H B 17, namely that Alaska's elderly are to have maximum involvement in any plans considered for adoption by OAC and the manner in which any plans are carried out. Alaska's elderly deserve a great deal more than a state system which is only the tool for administering the funds, state and federal, under the Older Americans Act. We should have innovative pilot projects (as provided for in H B 17) to meet those needs not funded under the Older Americans Act. One example that comes to mind is the provision of foot care, eye glasses, hearing aids, in order that older people can remain mobile and otherwise functional. Alaska's programs should serve all elderly and not just those who happen to live in the more populated centers. Older Persons Action Group receives dozens of requests from non-urban areas for assistance because their needs are not

addressed in any organized fashion by OAC. Nor does the OAC fund OPAG to provide these services otherwise neglected.

The OAC is directed by statute to encourage and assist in the formation of local government senior citizens commissions. The thought was that OAC would address statewide concerns while the local commissions would administer the regional (boroughs or native corporation areas) and local programs. The OAC has done nothing in this area.

hat leads us to the second basic problem and involves che question as to who sets the policies -- the OAC with very rare exceptions, rubber stamps the policies and decisions of the executive director. OAC is kept busy on their six of seven meetings a year in approving grants, participating in training sessions of project directors (not the boards of elderly organizations) and, as I said, merely approving how the director runs the show. What is evident is that the OAC is neither a policy making nor an administrative body. At most, it may be advisory.

A good director knows the fine line between administering programs under the guidance of his board and being the guiding force himself in the whole operation.

In summary, that the state statute is not adhered to either in spirit or entirety, in deed: Seniors have practically nothing to say about how their concerns and needs are addressed -- they are governed by a bureaucracy that sets all the rules and makes all the decisions about what programs are funded and by how much.

Federal and state laws say that older persons shall have maximum participation and involvement in all processes of program development and administration. In Alaska, it's the bureaucracy that makes the decisions.

I recommend that the Older Alaskans Commission get a conditional extension.

I can expand on and give numerous examples of every statement I have made.

Sincerely,

Rose Palmquist

ROSE PALMQUIST
Senior Advocate

FOSTER GRANDPARENT PROGRAM
SENIOR COMPANION PROGRAM
RETIRED SENIOR VOLUNTEER PROGRAM

320 W. Willoughby, Suite 300, Juneau, AK 99801 (907) 586-6143

Joan Haffner — Juneau Foster Grandparents/Senior Companions/
Retired Senior Volunteer Programs

I wish to support the continuation of the Older Alaskan Commission.

I work with low income and in many cases, near low income seniors.

In looking at the services they receive I would say many of our seniors depend upon the network of services available, and upon the effectiveness of this network. This includes: Meal sites, Senior Center activities, transportation and volunteer activities, to name a few.

I feel the OAC, in working with service providers, makes programs accountable. This of course, means state monies spent on senior citizens is made more effective through the coordination, training, and monitoring functions of the OAC.

Our responsibility towards our seniors can be met by funding the OAC at a level which enhances, rather than detracts from the levels of service provided in our community--and throughout the state.

Alaska State Legislature

Senate

Official Business

Committee on State Affairs

AGENDA

Pouch V
State Capitol
Juneau, Alaska 998

Date: April 24, 1985

Time: 8:30 a.m., Butrovich Room 205

I. Call the Meeting to Order

A. Note the Committee Members present and welcome those observing the meeting.

B. Remind those who have no signed-in to do so that wish to testify. Remind those giving testimony to SPEAK UP and state their NAME AND AFFILIATION for the record.

II. Announce legislation before the committee under consideration:

HB 124 Extending the Older Alaskans Commission

OTHER NOTES OR REMINDERS:

DONT FORGET TO READ ROSE PALMQUIST'S LETTER FOR THE RECORD. (ATTACHED TO THIS)

Introduced: 1/25/85
Referred: State Affairs and Health,
Education & Social Services

IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 124

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act extending the Older Alaskans Commission; and providing for an effective date."

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

* Section 1. AS 44.66.010(a)(10) is amended to read:

(10) Older Alaskans Commission (AS 44.21.200) -- June 30, (1987) 1989 [1985];

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Med-Alert Inc.

2405 St. Elias Drive
Anchorage, Alaska 99503 248-0379

April 22, 1985

Senator Mitch Abood
Alaska State Legislature
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

I have enclosed a copy of the letter from The Federal Communications Commission, as you requested.

I have discovered a problem which I think is potentially dangerous and so does the FCC. I have discovered that Mable T. Caverly has been going into the homes of clients and either disconnecting my machinery (without my knowledge or permission) or installing their machinery on the same telephone line as the Med-Alert machinery. I think the latter is quite risky, if not dangerous and could lead to the non-rescue or death of a client. I urge you to help me get Mable T. Caverly Sr. Center to stop this practice. Inasmuch as the letter they received is quite similar to mine I think, I enclosed my letter. However, letter or not, it does not seem to have stopped them.

I originally requested an investigation by the FCC in January after discovering the first home where the MTC machinery was "Doubled up" with Med-Alert machinery. Since then I have personal knowledge of at least one other client they "doubled up." I am canvassing the clients right now to see if there are other instances.

An additional note of interest. I am sure that the Older Alaskans Commission is requiring MTC to report monthly on the number of clients they have "on line." It would be interesting to learn how many clients were receiving "double counts", by MTC. It seems unnecessary for the State to be paying twice for the same client., and could cast some doubt as to the credibility of their statistics.

Further, I have sent a bill to Mable T. Caverly Center for the units which they disconnected belonging to me. They were damaged, some ruined.

Thank you for your interest in this matter.

Yours truly,

Janet Moyer

Janet Moyer
Presidnet

med-alert letter

Automatic Fire and Smoke Detection
Burglary Protection
Professional Guard Services

700 West 41st Ave., Suite A
Anchorage, Alaska 99503
(907) 561-1898

Guardian Security Systems, Inc.

April 17, 1985

Senator Mitch Abood
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

My name is Esther Wehr. I am the Dispatching Supervisor for Guardian Security Systems, which monitors for Med-Alert.

I work the day shift Monday-Friday and deal with the senior citizens who call in to test their medical alarms.

Many of them are concerned and upset over the tactics used by Mable T. Caverly Center.

They feel intimidated and pressured with letters and phone calls apparently from Mable T.

Some of the seniors call just to test their units, many call to be reassured that all is well with their world and just to talk to a voice at the other end of the phone who will say, "hello," "how are you," and mean it. My dispatchers and I are always willing to talk with them if we have the time.

As for myself and my dispatchers, we are concerned. We can't help but each have our favorites and the list of favorites grows daily as we get to know them better.

Each senior is treated with concern and respect for themselves and their years of life. These people were once young productive members of our society, giving us many of our current values and of course the current generation itself.

When a company calls an older person, frightening them and making them insecure, it reflects on us all. To prey on an elderly person for monetary gain is not only distasteful but a cruel, inhumane way to "Make a Bux."

Let us not forget that if we live we must grow old, it is the nature of things. How would we like having our lives turned upside down?

If you have questions and are interested in those people and care like we do, please call and I will be glad to explain particular instances.

Thank you for your attention.

Sincerely,

Esther M. Wehr

Esther M. Wehr
Dispatching Supervisor
GUARDIAN SECURITY SYSTEMS, INC.

guardian sec. letter

FEDERAL COMMUNICATIONS COMMISSION

FIELD OPERATIONS BUREAU

March 28, 1985

ADDRESS REPLY TO:
Anchorage District Office
P O Box 102955
Anchorage, Alaska 99510

Janet Moyer
Med-Alert Inc
2405 St. Elias Drive
Anchorage, Alaska 99503

Dear Ms. Moyer:

In our investigation into the matter of the potential danger of connecting the equipment of both Med-Alert and the Mabel T Caverly Senior Center to the same phone line, we have been unable to find any confirmed instance of harm to the patient. However, we feel that there may indeed be a possible danger in doing so. Since we know of no regulation that requires units of different manufacturers to be compatible with each other we can only request your help in making sure that such a potentially dangerous situation does not occur.

We request that when someone makes arrangements to take your service you ask them if they already have service with another company. If so, arrangements should be made through the client to have the other unit removed from the line at the same time that the new one is installed. Your cooperation in this matter is greatly appreciated.

Sincerely,

Dennis E Stoneberg

Dennis E. Stoneberg
Acting Engineer in Charge

cc:
Senator Stevens

federal communications latter

A PERFORMANCE REPORT
ON THE
DEPARTMENT OF ADMINISTRATION
OLDER ALASKANS COMMISSION

July 31, 1984

Audit Control Number

02-1182-84-R

Commissioner, Department of Administration	Lisa Rudd
Deputy Commissioners, Department of Administration	Eleanor Andrews Anselm Staack James Shea

Members of the
Older Alaskans Commission

Chairperson	Peggy A. Burgin
Member	Roland Booth
Member	Lucille Brenwick
Member	Hazel Heath
Member	Dove Kull
Member	Mellie Terwilliger
Member	Myrtle R. Thomas

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

September 6, 1984

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and 44 of the Alaska Statutes (sunset), the attached report is submitted for your review.

A PERFORMANCE REPORT
ON THE
DEPARTMENT OF ADMINISTRATION
OLDER ALASKANS COMMISSION

July 31, 1984

Audit Control Number

02-1182-84-R

Gerald L. Wilkerson

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE AND SCOPE OF THE REPORT

Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Older Alaskans Commission (OAC) for the past three fiscal years to determine if the Commission has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the OAC should be reestablished. The law now specifies that the Commission will terminate June 30, 1985, and will have one year from that date to conclude its affairs.

Scope

The major areas of our examination were program evaluation, administrative functions, and commission proceedings. We reviewed and evaluated the following:

1. Applicable statutes and regulations.

2. Tests of files and documents.

3. Interviews with program personnel.

4. Complaints filed with the Attorney General's Office and the Ombudsman's Office.

5. Discussions with Commission members.

6. Minutes of Commission meetings and correspondence files.

The policy and audit approach utilized by the Division of Legislative Audit for Performance Review can best be described as "audit by exception."

This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made and little time is devoted to reviewing well-run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

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ORGANIZATION AND FUNCTION

Pursuant to Alaska Statute 44.21, the Older Alaskans Commission was created in July of 1981 and was established within the Department of Administration. The Commission consists of seven members who are selected based upon their knowledge and demonstrated interest in the concerns of older Alaskans. Commission members serve overlapping four year terms.

The Commission is authorized to administer and coordinate State programs for the elderly and to administer Federal programs provided under the Older Americans Act of 1965. Together, the provisions of Alaska Statute 44.21 and the Older Americans Act define the purpose, scope of work, and authority of the Commission. In implementing its planning and administrative responsibilities, these legislative acts assign to the Commission four primary roles:

Allocation: To determine the appropriate distribution of state and federal funds to purchase needed programs and services for older Alaskans;

Advocacy: To advocate for the needs and interests of older Alaskans at both state and local levels;

Coordination: To increase the coordination of both state and local resources available to address the needs of older Alaskans; and

Resource and System Development: To develop or expand services to older Alaskans as well as to ensure a more systematic and thorough approach to meeting their needs.

The broad scope of this legislative mandate, opens nearly all the concerns of older Alaskans to the consideration of the Commission. However, AS 44.21 further stipulates that the Commission may not investigate, review, or undertake any responsibility for the longevity bonus program or the Alaska Pioneers' Homes.

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REPORT CONCLUSION

This report contains policy issues raised as a result of our evaluation of various Commission practices. The final policy decisions affecting these practices are not within the scope of this report, but requires legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the OAC should be reestablished. The intent of creating the Commission by the Legislature was to assure the remaining years of citizens over the age of 60 are years of good health, honor, and dignity. The OAC has implemented this mandate by:

1. Providing services in the areas of health, transportation, employment, education, home care, and housing to older Alaskans.

2. Advocating for the needs of older Alaskans in the planning and delivery of state programs.

3. Requiring the participation of senior citizens in the planning and development of programs that benefit older Alaskans.

However, the following findings describe areas where weaknesses were observed. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Commission.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Older Alaskans Commission (OAC) should improve the State Plan's objectives in order to better measure and evaluate program performance.

Alaska Statute 44.21 and federal regulations require OAC to formulate a State Plan that identifies the concerns and needs of older Alaskans. This document serves as a work plan for employees through the establishment of state and federal program goals and objectives. The objectives describe what OAC intends to accomplish within a given fiscal year.

In our review of the current state plan we found the objectives were relevant to OAC's established goals. OAC has made progress towards achieving goals and objectives. Nevertheless, it was noted that a number of the objectives were not stated in measurable and quantifiable terms. For example, an objective that is representive of many of the Plan's objectives states, "The Older Alaskans Commission will, on an ongoing basis, work with appropriate home energy agencies to annually increase the number of older Alaskan homes which have been weatherized."

The weakness in this objective is that it states how the program will conduct its business and not the number of homes that will be weatherized. Objectives should describe what the Commission intends to accomplish and be consistent with long-range goals. To be capable of measurement, objectives should be well-defined including a description of methods of measurement.

Measurable and quantifiable objectives enables management to evaluate which programs are achieving predetermined goals. When objectives are not stated in measurable terms, both management and the Legislature cannot adequately evaluate OAC's performance.

Recommendation No. 2

OAC should submit an annual report to the Legislature and Governor as required by law.

The Commission has not followed statutory reporting requirements of AS 44.21. This statute requires the Commission to submit an annual analysis and evaluation of services that are provided to older Alaskans.

To contribute to governmental effectiveness, the Commission should compile the report and forward it to the appropriate parties. The report required by AS 44.21 provides the Legislature and Governor the means to analyze the validity and necessity of OAC's funding requests for an upcoming fiscal year. In addition, the report would provide management a useful tool for analyzing and comparing each year's performance.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of the Commission's activities relate to the public need factors defined in the "sunset" law. These analyses are not intended to be all-inclusive, but address those areas we were able to cover within the scope of our review.

I. The extent to which the board, commission, or program has operated in the public interest.

A. The OAC has served the public through planning, coordinating, and providing services to persons who are 60 years of age and over in areas of employment, nutrition, transportation, information and referral, housing, health care, in-home services, legal services, long-term care, advocacy, and outreach.

B. The Commission has held an average of seven meetings a year for the past two calendar years.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

A. The Commission has developed an interagency housing task force to prepare recommendations regarding the coordination and efficient delivery of needed housing services to the elderly.

B. A Commission newsletter has been developed which describes important services that are available to older Alaskans.

III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

A. Since the establishment of the Commission, approximately three years ago, the Commission has not recommended any statutory changes.

IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

A. The Commission has solicited public input on matters affecting senior citizens. This has been demonstrated by the Commission requesting public opinion on the proposed October 1983 State Plan and designating Anchorage as a "planning and service area" for federal funding purposes.

V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

A. OAC has advertised in newspapers and distributed notices to interested associations encouraging the public to participate in senior citizen issues.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

A. In the past three years, there have been no complaints filed against the Commission with the Ombudsman Office.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

A. The OAC does not regulate any occupations or professions.

VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

A. The Equal Employment Opportunity Office has received no complaints related to the Commission's personnel practices.

IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendations.

APPENDIX A

DEPARTMENT OF ADMINISTRATION
OLDER ALASKANS COMMISSION
Schedule of Operating Appropriations and Funded Positions
For the Fiscal Years Ended June 30, 1983, 1984, and 1985

(Unaudited)

	Appropriations		
	FY 83	FY 84	FY 85
Budget Allocations			
Older Alaskans Commission	$ 369,454		
Aging Grants	7,453,400		
Administration		$1,144,800	$1,116,100
Grants and Services		7,621,800	8,261,000
Total Budget Allocations	$7,822,854	$8,766,600	$9,377,100
Appropriation Fund Sources			
General Fund	$2,867,454	$3,661,200	$4,262,900
Federal Fund	4,955,400	5,105,400	5,114,200
Total Appropriation Fund Sources	$7,822,854	$8,766,600	$9,377,100
Positions Funded			
Full time	21	21	21
Part time	8	8	8

Note 1: Source of information for fiscal years 1983 and 1984 was the authorization balance report at fiscal year end.

Note 2: Source of information was the Free Conference Committee Report for fiscal year 1985.

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BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

October 1, 1984

Mr. Gerald L. Wilkerson, C.P.A.
Legislative Auditor
Division of Legislative Audit
Legislative Budget and Audit Committee
Pouch W
Juneau, AK 99811

OCT 01 1984

LEGISLATIVE AUDIT

Dear Mr. Wilkerson:

I have received your performance report on the Older Alaskans Commission (OAC) dated July 31, 1984 in which you recommend that the OAC should be reestablished. You have completed a very thorough and complete review of the Commission and its function. We accept your recommendations with the following comments.

Recommendation No. 1

The OAC should improve the State Plan's objectives in order to better measure and evaluate program performance.

Your recommendation notes "that a number of the objectives were not stated in measurable and quantifiable terms." In reference to this observation you cite Housing Action Plan objective number 3. (page 4-28) "The OAC will "... "On an ongoing basis, work with appropriate home energy agencies to annually increase the number of older Alaskan homes which have been weatherized." We agree that this objective provides no benchmark for measuring the attainment of the objective. The OAC attempted to establish such an objective but found the housing system to be so fragmented and amorphous that the OAC was unable to determine how many weatherized homes in Alaska were owned by senior citizens. Consequently, we were not able to provide a specific number.

Objective number 1 (page 4-27) establishes a Housing Task Force for the purpose of conducting a thorough analysis and developing housing recommendations for the OAC. This work and the recommendations of this and other task forces established under the plan will enable the commission to amend and improve objective measures. The Housing Task Force is currently working and has determined that only 9% of weatherized homes are owned by Seniors. This information will enable the OAC to respond to your recommendation.

Recommendation No. 2

OAC should submit an annual report to the Legislature and Governor as required by law.

Your recommendation notes that the Commission has not followed statutory reporting requirements of A.S. 44.21. The complete statute reference in Section 44.21.230 states "(a) The Commission shall

(1) formulate a comprehensive statewide plan that identifies the concerns and needs of older Alaskans and, with reference to the plan adopted, prepare and submit to the governor and legislature an annual analysis and evaluation of the services that are provided to older Alaskans;"

The transfer of programs and staff from the Department of Health and Social Services, Division of Adult and Aging Services occurred on January 1, 1982 as specified in A.S. 44.21. The Commission assumed responsibility for a state plan on that date which had been submitted to and approved by the Federal Government in accordance with P.L. 89-73. This plan was due to end on September 30, 1983. As required under A.S. 44.21 and P.L. 89-73, the Commission commenced development of a comprehensive statewide plan which would become effective on October 1, 1983. We believe that consideration should be made for the date on which the Commission assumed administrative responsibility (January 1, 1982) and the time required for plan development (October 1, 1983). The plan forms the basis under statute for the required report. The Commission is currently developing a report in reference of the plan.

I wish to complement your Division on the professional manner in which the sunset review was conducted.

Sincerely yours,

Lisa Rudd
Commissioner

LR/JBW/dkk
7/2D2/1001-11/2
cc: Eleanor Andrews
Deputy Commissioner
Human Resources

Jon B. Wolfe
Executive Director
Older Alaskans Commission

OLDER ALASKANS COMMISSION

BOARD: OLDER ALASKANS COMMISSION

TITLE: Older Alaskans Commission

DEPT: Department of Administration

AUTHORITY: AS 44.21.200

STATUS: ACTIVE

REQUIREMENTS:

PROHIBITIONS: Cannot serve more than two consecutive terms

TERM: 4-year - overlapping

DESCRIPTION: 11 members - 7 appointed by Governor: selected on basis of knowledge and demonstrated interest in the concerns of older Alaskans, to represent minorities and urban/rural areas; 6 must be 60 years of age or older; at least 2 must be 65 or older; plus the Commissioners or their designees of the Dept. of Administration, the Dept. of Community and Regional Affairs and the Dept. of Health and Social Services; plus the Chairman of the Pioneers' Homes Advisory Board; serve at pleasure of Governor; Commission elects Chair.

SPECIAL FACTS: Quorum - majority

FUNCTION: Identify concerns and needs of older Alaskans; make recommendations to Governor/Legislature; grants funds

COMPENSATION: Standard travel/per diem

MEETINGS: At call of Chair or majority; at least 6 times each year; 20 days maximum

*FOR FURTHER INFORMATION CONTACT: Executive Director, Older Alaskans Commission, Pouch C, Juneau, AK 99811 - 465-3250

Older Alaskans Commission

MEMBER	APPT	REAPPT	TERM
Roland T. Booth P.O. Box 674 Kotzebue 99752 Public/Restricted	83/11/25		85/09/01
Peggy A. Burgin 5124 Laurel Street Anchorage 99507 Public/Over 60 - Chair	83/10/19		87/09/01
Hazel Heath P.O. Box 676 Homer 99603 Public/Over 65	81/10/09		85/09/01
Dove M. Kull 326 Fourth Street, #1010 Juneau 99801 Public/Over 60	81/10/09	84/09/01	88/09/01
Emil Notti DCRA Juneau 99811 Comm./Designee	84/01/04		
Louis Odsather 537 "M" Street Anchorage 99501 Pioneers' Homes			
John R. Pugh DHSS Juneau 99811 Comm./Designee	84/07/10		
Lisa Rudd Administration Juneau 99811 Comm./Designee	82/12/06		
Martha Sara P.O. Box 334 Bethel 99559 Public/Over 60	84/09/01		88/09/01
Mellie Terwilliger P.O. Box 206 Tok 99780 Public/Over 65	83/10/19		87/09/01
Myrtle R. Thomas 11 Margaret Street Fairbanks 99701 Public/Over 60	83/10/19		87/09/01

Article 4. Older Alaskans Commission.

Section
200. Older Alaskans Commission
210. Meetings
220. Compensation
230. Powers, duties, and limitations
240. Definitions

Sec. 44.21.200. Older Alaskans Commission. (a) The Older Alaskans Commission is established in the Department of Administration. The members of the commission include

(1) the commissioner of the Department of Administration or the commissioner's designee;

(2) the commissioner of the Department of Community and Regional Affairs or the commissioner's designee;

(3) the commissioner of the Department of Health and Social Services or the commissioner's designee;

(4) the chairman of the Pioneers' Homes Advisory Board appointed under AS 44.21.100 — 44.21.130; and

(5) seven Alaskans selected on the basis of their knowledge and demonstrated interest in the concerns of older Alaskans, appointed by the governor in accordance with (b) of this section.

(b) After requesting from senior citizens' organizations the names of persons who are qualified for and interested in serving on the commission, the governor shall appoint the members of the commission under (a)(5) of this section. Appointments shall be made by the governor to assure representation of low-income persons and minorities, and representation from rural and urban areas of the state, and to secure statewide geographical representation on the commission. At least six of the persons appointed by the governor shall be 60 years of age or older. At least two of these persons shall be 65 years of age or older. Each member appointed by the governor shall be a resident of the state.

(c) The persons appointed under (a)(5) of this section serve overlapping four-year terms, and serve at the pleasure of the governor. A member may be reappointed, but a member appointed under (a)(5) of this section may not serve more than two consecutive terms or eight consecutive years, whichever is longer.

(d) If a person appointed under (a)(5) of this section fails to attend three consecutive meetings of the commission, a majority of the members of the commission may request the governor to terminate the membership of the member and to fill the vacancy.

(e) A vacancy in the membership of persons appointed under (a)(5) of this section shall be filled by appointment by the governor. The person appointed shall serve for the unexpired portion of the term. (§ 2 ch 79 SLA 1981)

Cross references. — For provisions related to the commission's initial membership, see § 13, ch 79, SLA 1981, in the Temporary and Special Acts.

Editor's notes. — Section 13, ch. 79, SLA 1981, provides: "INITIAL MEM-

(7) administer, with the approval of the commissioner of administration, federal programs as provided under 42 U.S.C. 3001 — 3045i (Older Americans Act), as amended; and

(8) administer, with the approval of the commissioner of administration, state programs as provided under AS 47.65.010 — 47.65.060.

(b) To accomplish its duties, the commission may

(1) review, evaluate, and comment upon state programs concerned with the problems and the needs of older Alaskans;

(2) collect facts and statistics, and make studies of conditions and problems pertaining to the employment, health, financial security, social welfare, and other concerns that bear upon the well-being of older Alaskans;

(3) provide information about public programs that would be of interest or benefit to older Alaskans;

(4) appoint special committees, which may include persons who are not members of the commission, to complete necessary studies;

(5) promote community education efforts regarding the problems and concerns of older Alaskans;

(6) contract for necessary services;

(7) consult and cooperate with persons, organizations, and groups interested in or concerned with programs of assistance to older Alaskans;

(8) advocate improved programs of benefit to older Alaskans; and

(9) set standards for levels of services for older Alaskans for programs administered by the commission.

(c) The commission may not investigate, review, or undertake any responsibility for the longevity bonus program (AS 47.45.010 — 47.45.170) or the Alaska Pioneers' Homes (AS 47.25.010 — 47.25.100). (§ 2 ch 79 SLA 1981)

Editor's notes. — Section 14 of ch. 79, SLA 1981, provides: "TRANSFER OF PROGRAM RESPONSIBILITIES. The following are transferred to the Older Alaskans Commission in the Department of Administration:

(1) the programs conducted under the Older Americans Act, P.L. 89-73, as amended, and the persons who administer those programs in the division of adult and aging services, Department of Health and Social Services;

(2) the programs conducted under AS 47.65.010 — 47.65.060, and the persons who administer those programs in the division of adult and aging services, Department of Health and Social Services; and

(3) the Governor's Advisory Committee on Aging."

Section 15 of ch. 79, SLA 1981, provides: "CONTINUING RESPONSIBILITY OF THE DEPARTMENT OF ADMINISTRATION. This Act does not affect the responsibility of the Department of Administration for the Alaska longevity bonus program (AS 47.45.010 — 47.45.170) or the Alaska Pioneers' Homes (AS 47.25.010 — 47.25.110)."

Sec. 44.21.240. Definitions. In AS 44.21.200 — 44.21.240, "commission" means the Older Alaskans Commission. (§ 2 ch 79 SLA 1981)

MEMORANDUM State of Alaska

TO: Ski Olsonoski, Deputy Commissioner
Department of Administration

DATE: April 16, 1985

FILE NO:

TELEPHONE NO:

FROM: Jon B. Wolfe, Executive Director
Older Alaskans Commission
Department of Administration

SUBJECT: OAC 1985 Grant Programs

The information that you requested for current Older Alaskans Commission programs is attached. The service numbers are an approximation based on current reporting to us and last year's service delivery. Also attached are excerpts from our December staff reviews for these grants which summarize current services and program operations.

Please let me know if you have any questions.

Attachment

JBW/BM/bs

OAC 85 grant programs

OLDER ALASKANS COMMISSION
CY 1985 Grant Programs

Grantee	Federal Funds Awarded	State Funds Awarded	Services	Approx. Number Served
City of Aleknagik P.O. Box 33 Aleknagik, AK 99555	$ 10,190		Transportation	14
Alaska Legal Serv. Corp. 615 H. St., Suite 100 Anchorage, AK 99501	$155,265		Legal Services, outreach, education	425
Aleutian/Pribilof Is. 1689 "C" St. Anchorage, AK 99501		$53,108	Health education	N/A
Alzheimer's Family Support Group 6847 Jewel Lake Rd. #167 Anchorage, AK 99507		$28,838	Resources, public education for Alzheimer's Disease	N/A
Anchor-AGE Management Board Multipurpose Sr. Ctr. 1300 East 19th Ave. Anchorage, AK 99501	$ 18,889	$71,000	Physical fitness Senior Olympics	200
Anchorage Community Mental Health Ctr. 4020 Folker St. Anchorage, AK 99508		$97,072	Respite Care, Elderly Day Care	263
Foster Grandparents Senior Companion 420 M St. Anchorage, AK 99501		$67,802	Volunteer services	68
Mabel T. Caverly Senior Center, Inc. 1111 E. 5th Ave. Anchorage, AK 99501	$168,363		Transportation, escort, telephone, reassurance, counseling information/referral	829
Older Persons Action Group, Inc. Box 2240 Anchorage, AK 99510	$ 60,712	$47,952	Information/Referral and assistance Senior Voice	1817
Salvation Army OLDER ALASKANS PROGRAM Box 1459	$841,368	$176,099	Congregate and home-delivered meals	3030

	Federal	State		
Senior Citizens Ombudsman 1317 West Northern Lights Anchorage, AK 99503		$95,000	Handles complaints regarding long term care facilities and senior programs	500
North Slope Borough Health Department P.O. Box 69 Barrow, AK 99723	$126,575		Congregate and home-delivered meals, transportation, shopping assistance, escort, I&R translation	185
City of Bethel Senior Citizens Program P.O. Box 388 Bethel, AK 99559	$120,863		Congregate meals, transportation, I&R counseling, escort, translation	164
Lower Kuskokwim School District Box 305 Bethel, AK 99559	$225,000		Congregate and home-delivered meals	560
Chugiak Senior Citizens, Citizens, Inc. Star Route 1, Box 2969 Chugiak, AK 99567	$148,447	$71,007	Congregate and home-delivered meals	616
Copper River Native Association Drawer H Copper Center, AK 99573	$107,850		Congregate meals, transportation, shopping assistance, escort	92
Senior Program City of Cordova P.O. Box 1210 Cordova, AK 99574	$ 81,529		Congregate and home-delivered meals	140
Delta Seniors, Inc. P.O. Box 749 Delta Junction, AK 99737	$ 21,872	$12,500	Transportation, escort, information	15
Bristol Bay Native Association P.O. Box 189 Dillingham, AK 99576	$173,590	$50,000	Congregate and home-delivered meals	168
City of Dillingham P.O. Box 191 Dillingham, AK 99576		$169,396	Congregate and home-delivered meals, homemaker services, telephone reassurance, transportation, I&R	116

	Federal	State		
Fairbanks Native Assoc. 310½ First Avenue Fairbanks, AK 99701	$ 17,696	$10,924	Information and referral, home visits	93
Fairbanks Rehabilitation Association 804 Airport Road Fairbanks, AK 99701		$42,276	Respite	13
North Star Council on Aging, Inc. P.O. Box 73888 Fairbanks, AK 99707	$213,796	$56,201	Congregate and home-delivered meals, transportation escort, outreach, I&R, home visits, personal assistance	2600
City of Fort Yukon Box 269 Ft. Yukon, AK 99740	$63,000		Congregate and home-delivered meals, transportation, escort	30
City of Galena Trans. for Elderly P.O. Box 149 Galena, AK 99741	$ 4,032		Transportation	17
Homer Senior Citizens, Inc. P.O. Box 1137 Homer, AK 99603	$137,465		Congregate and home-delivered meals	
Juneau Women's Resource Center 110 Seward St., Rm. 6 Juneau, AK 99801		$ 2,570	Widowed persons services	97
Southeast Senior Services 419 - 6th St., CCS Wing Juneau, AK 99801	$1,032,536	$172,027	Congregate and home-delivered meals, transportation	2232
City of Kenai Senior Services 361 Senior Court Kenai, AK 99611	$125,300	$ 6,193	Congregate and home-delivered meals	764
Rendezvous Senior Day Services, Inc. P.O. Box 9382 Ketchikan, AK 99901		$62,472	Day Care	26

	Federal	State		
Senior Citizens of Kodiak, Inc. P.O. Box 315 Kodiak, AK 99615	$90,000	$53,699	Congregate and home-delivered meals	287
Maniilaq Association Senior Center Box 256 Kotzebue, AK 99752	$ 12,170	$45,590	Transportation congregate, nutrition, shopping assistance, escort	86
Metlakatla Senior Citizens Program P.O. Box 520 Metlakatla, AK 99926	$87,103		Congregate, home-delivered meals, nutrition, transportation, escort, outreach, I&R, shopping assistance	113
Minto Senior Services Minto, AK 99758	$68,211		Congregate meals	37
Nenana Tortella Council on Aging P.O. Box 209 Nenana, AK 99760	$25,661	$37,442	Transportation, escort, outreach, chore, health screen, congregate nutrition fewer than 5 days per week	81
Nome Senior Citizens Program P.O. Box 98 Nome, AK 99762	$105,000		Congregate and in-home meals	145
Palmer Senior Citizens P.O. Box 2429 Palmer, AK 99645				
Seward Senior Citizens Program P.O. Box 1195 Seward, AK 99664		$30,000	Congregate nutrition, transportation, outreach, telephone reassurance, visiting	168
City of Houston/ Mid-Valley Srs., Inc. P.O. Box 27 Houston, AK 99694		$15,140	Nutrition three days per week	
Ninilchik Sr. Citizens P.O. Box 105 Anchor Point, AK 99556	$15,000		Congregate meals once per week, home-delivered, twice per week	

	Federal	State		
Valdez Sr. Citizens Ctr. P.O. Box 1635 Valdez, AK 99686		$21,312	Congregate meals less than 5 days per week	
Tapraq, Inc. Stebbins, AK 99671	$23.258		Congregate meals less than 5 days per week	21
City of Tanana P.O. Box 181 Tanana, AK 99777	$234,000		Residential Care (Legislation Appropriation)	8
Upper Tanana Development Corp. P.O. Box 459 Tok, AK 99780	$209,047	$30,087	Congregate and in-home meals	129
Wasilla Area Seniors Inc. Floyd D. Smith St. Ctr. P.O. Box 1456 Wasilla, AK 99678	$ 99,773	$32,400	Congregate meals	347

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Alaska Legal Services Corporation STAFF: Barbara McPherson

Summary

Alaska Legal Services Corporation (ALSC) requests $151,230 in continuation funding for the Statewide Elderly Legal Services Program. The programs has been funded under AS 47.65 since July 1, 1982 and has served approximately 400 persons each year.

Under current OAC funding, staffing for the project consists of a full-time paralegal with half-time secretarial support in ALSC's Anchorage office, a half-time attorney in Fairbanks, and a half-time paralegal in Copper Center. Attorneys in other ALSC offices have occasionally provided legal services to elderly persons who would not otherwise have been served. In those instances, the attorney bills time spent on the case to the OAC project grant. The Legal Developer provides the grant administration, reporting, and backup services that are necessary. The Legal Developer as grant coordinator also cooperates with the Pro Bono project to recruit and train private attorneys who provide services on a volunteer basis.

Under their CY 1985 funding request ALSC proposes to continue current service delivery with the addition of a half-time attorney based in Juneau to serve seniors in Southeast Alaska. ALSC proposes to serve 355 older persons in CY 1985.

Analysis

ASLC's CY 1985 request represents a 57% increase over the program's current OAC funding of $96,400 although service levels are projected to be relatively the same. In the 12-month period beginning October 1, 1983 and ending September 30, 1984, ALSC served 392 persons. In CY 1985, 355 persons are expected to be served.

During CY 1984, ALSC did not keep statistics according to type of case handled. However, it appeared that the largest proportion of cases were opened for wills, public entitlements or income maintenance (pensions, SSI, Social Security, Longevity Bonus, Medicare, Medicaid). Other issues were the Valley Memory Gardens bankruptcy, housing, land ownership, estates, probate and guardianships. In Anchorage the trend appears to be away from requests for wills and toward more complex cases concerning housing, home ownership, government benefits and pensions. Statistics on case type will be collected during CY 1985 under OAC's new program reporting system.

ALSC has continued to maintain a high level of commitment to services to the elderly. This program has been well received by both clients and referring agencies and has provided leadership and expertise to the aging service network.

Recommendation

Due to extremely limited available funding for senior services Statewide, CY 1985fundi funding for Legal Services. The following special conditions of award are also recommended:

1. Services are to be provided only to persons who are 60 years of age and older.

2. Services must be targeted to persons in greatest economic and social need.

3. Revised objectives and service activities based on the award of funds shall be submitted to OAC on form F-B by February 15, 1985.

4. A revised budget shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.

5. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantee audits must comply with OAC PI-84-5 and Circular A-102, Attachment P.

6. Grantees must have an equal employment opportunity policy, as well as have implemented and affirmative action plan in all aspects of personnel administration. Discrimination on the basis of race, color, creed, national origin, sex or age handicap is prohibited both within grantee personnel administration and in the delivery of services and/or conducting of grant activities. Grantees must insure compliance by all subgrantees and subcontractors. A copy of the equal employment policy and affirmative action plan shall be submitted to OAC by March 31, 1985.

7. Out-of-state travel under this grant requires prior approval by OAC.

8. Attendance at OAC meetings is not a requirement of funding and grant funds shall not be used for this purpose.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: City of Aleknagik STAFF: Ruth G. Browne

Summary

The City of Aleknagik requests $17,355 to continue to provide transportation to the 13 local elders. The van transports the elders. The van transports the elders to Dillingham on Mondays and Fridays to access medical and shopping services. On these days the elders participate in the meal program operated by the Dillingham Senior Citizens Center.

Aleknagik is located 24 miles from Dillingham. One way air fare to Dillingham is $40 and one way taxi fare is $60. Most all the elders are unemployed and most receive Old Age Assistance.

Analysis

The applicant's request equals its CY 84 award plus 70%. The increase is due to:

- raising the drivers hourly wage from $8.50 to $9.50 (the beginning wage for a driver in the City of Dillingham is $8.21)
- the addition of another alternate driver for emergency trips
- facility expense at $3,000 and insurance at $2,000 which was previously provided by the city

As of September 30, 1984 the applicant had only expended 31% of its current award. Consideration should be given that expenditures are reported on a cash basis of accounting.

Recommendations

In view of expenditures OAC staff recommends funding at the CY 84 award of $10,190.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: Aleutian/Pribilof Islands Association STAFF: Howard DeVore

SUMMARY OF PROGRAM:

The A/P Islands Association received funding from the OAC in July 1983 for a six month's Elderly Self Care Project in selected communities at a cost of $23,550. The primary thrust was to select key persons in 11 communities for training in Anchorage and return them to their communities to promote health awareness and methods for elderly self care.

The current Health Maintenance project has taken a different approach. The intent has been to employ a professional nurse to visit the same eleven communities as an outreach and linkage persons between the elderly and local health aides. This more direct service approach provides a very brief stay of the health professional in the community and has not proven entirely satisfactory for long term health maintenance results. "The program approach has undergone continuous evaluation and a tremendous amount has been learned in regard to increasing the effectiveness of the program." The dependence upon the distant health profession in Anchorage suggested a different direction.

The CY 1985 request is to provide for the same professional nurse as coordinator and trainer but to rely again, as in the first project, more upon interested and committed volunteers in six communities, reducing the program to those with the highest number of elderly, and selecting selecting three from each community to be trained in Anchorage. With Health Maintenance Kits developed in 1984 and other training materials, including video tapes on health subjects, the newly trained representatives of each community will return home to train others in the use of the kits and educational materials. A Self-Care Manual is part of the informational program designed for older persons themselves.

Phase I - Indentification of 60 potential volunteers in six communities. Phase II - Selection and Training of 18. Phase III - Local Workshops.

ANALYSIS:

Though a 6% salary increase for the health profession is indicated, the 66.4% increase in the CY 1985 request over current year funding is due to the loss of other funds which paid 50% of the nurse's salary in 1984 with the justification that 100% of a 37.5 hour week is needed in the 1985 program. The request includes $23,550 for travel funds to bring 18 people to Anchorage while continuing to spend $13,060 in trips by the nurse to the six communities for recruiting purposes a total of $36,610 in travel, an increase of $17,234 or 89% increase over 1984 which is offset in part by a federal funds match of $14,380. Training materials found in supplies include the Health Maintenance Kits and 177 T-Shirts at $3 each for program participants totaling $3,000, plus $800 more in printing Self-Care Manuals (200). The distribution of increases is 110.2% in salary costs, 88.9% in travel, 63.5% in facilities, 500% increase in supplies, equipment is -0- in 1985 though a 1984 budget revision has provided $1,200 for video equipment.

APPLICANT: Aleutian/Pribilof Islands Association STAFF: Howard DeVore

STAFF RECOMMENDATION:	State/Federal	Match	100%
TITLE III	$ -0-	$ -0-	$ -0-
AS 47.65	$ 53,108	$ 5,317 (9.1%)	$ 58,425
TOTAL	$ 53,108	$ 5,317	$ 58,425

Staff recommends funding at this level, a 10% increase over the CY 1984 level to provide for and strengthen the Information and Referral services of the project but not at the requested funding level which would reduce the grantee's maintenance of effort and reduce the grantee's other federal funds currently employed in the project.

Staff recommends funding this type of project in CY 1985, in its third year, as a final effort to bring a self-care health program to the elderly of this region and not as an on-going program. The objectives of the project should be reached by the end of CY 1985. It would seem unnecessary to repeat or continue this project.

SPECIAL CONDITIONS:

1. Servites are to be provided only to persons who are 60 years of age and older.
2. Services must be targeted to persons in greatest economic and social need.
3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-B by February 15, 1985.
4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.
5. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantees must comply with OAC PI-84-5 and Circular A-102, Attachment P.
6. Homemaker/Chore services service shall be provided to an individual only if the services cannot be provided by the Department of Health and Social Services, Division of Family and Youth Services, under their contract with Alaska Management Technologies. Tasks performed by Title V in-home workers are not affected by this special condition.
7. Grantees must have an equal employment opportunity policy as well as have impremented an affirmative action plan in all aspectes of personnel administration. Discrimination on the basis of race, color, creed, national origin, sex, or age handicap is prohibited both within grantee personnel administra-

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OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: Alzheimer's Disease Family Support Group STAFF: Howard DeVore

SUMMARY OF PROGRAM:

The Anchorage based Alzheimer's Disease Support Group has grown out of the need of the families brought together through the programs of the Anchorage Community Mental Health Geriatric Services, particularly the Daybreak Day Care Project which has increasingly focused upon Alzheimer's Disease and related diseases. Families have come to share their resources in promoting information about Alzheimer's Disease and generating support and resources to care for their elderly relatives.

This request for CY 1985 AS 47.65 funding at $29,838 plus match and other resources will provide for one part time coordinator position officed in the new ACMH/SCCC's Daybreak facility on the southside of Anchorage, supported by volunteer's from the ADFSG Board of Directors who will carry out workshops in Unalaska, Sand Point, the Pribilofs, Kotzebue, Sitka, Valdez, Galena, and Upper Tanana. Travel funds are requested for volunteer trainers to these communities where they will organize information on suspected Alzheimer's Disease victims, related them with local agencies, and arrange for transport of the older persons to Anchorage for a period of observation and diagnosis by medically qualified persons. The project will attempt to arrange for care and follow-up.

ANALYSIS:

Linked with Anchorage Community Mental Health and Daybreak Adult Day Care, this project would appear to provide very cost effective education and training in strategic locations of the state through volunteers now experienced in the impact of Alzheimer's Disease victims upon their families and their aging relatives.

STAFF RECOMMENDATION:

Staff recommends funding the Alzheimer's Support Project at the level requested less the amount of $1,000 budgeted for a speaker at the OAC Aging Conference. The OAC Aging Conference planning and budgeting is provided by the OAC Education and Training Consortium.

RECOMMENDATION:		State/Federal	Match	100%
	TITLE III	$ -0-	$ -0-	$ -0-
	AS 47.65	$ 28,838	$ 1,906	$ 30,734
	TOTAL	$ 28,838	$ 1,906	$ 30,734

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: Anchor AGE Center, Anchorage STAFF: Howard DeVore

SUMMARY OF PROGRAM: The Anchorage Senior Center requests continue two programs. The Title III request continues the Information and Referral service through a subcontract with the Older Persons Action Group which places and supervises a full time I & R Worker at the Senior Center. In addition, the Title III request would add a new Outreach Worker on a part time basis. The request, from AS 47.65, would continue the two position health maintenance and exercise program, Active People Over 60. A third physical fitness instructor is provided by Municipality of Anchorage funding as local match. Program objectives for both I&R and APO60 continue much as in the current year.

AS 47.65 ACTIVE OVER 60

CY 1985 Program objectives are:	Compare 1984 performance:
1980 hours physical fitness to 400	331 given cardiovascular activities
24 health maintenance activities-600	358 given leisure time activities
See Pages F-B #29 & #31	393 given flexibility exercises
	1404 self care assessments
	180 daily blood pressure screening
	24 nutrition information daily
	178 stress reduction activities
	214 given health consultation & info.

TITLE III INFORMATION AND REFERRAL

CY 1985 Program objectives are;	Compare Oct 83-Sept 84 performance
800 I & R and Support to	1908 I & R and Support units to 954
350 25% follow up to check on need met	499 Follow up to check on need met
1400 contact units to monitor needs	100% confidentiality
1400 client data/awareness contacts.	100% age, sex, race data collection
80 outreach initiated to frail elderly	see page F-A #34 in grant app.

ANALYSIS: AS 47.65 ACTIVE PEOPLE OVER 60

Though goals and objectives for CY 1985 are structured differenly than in 1984, they remain much the same and provide exercise activities, special events, blood pressure monitoring and other health maintenance services and education. The coordinator works with other agencies such as the Alaska Treatment Center and the day care centers to provide services and technical assistance. See the AS 47.65 budget page for budget analysis.

TITLE III INFORMATION AND REFERRAL

The Anchor AGE Center and Older Persons Action Group proposes to add a new part time position to the subcontract serving the Anchorage Senior Center, an Outreach Worker who would visit homes reaching the frail elderly and homebound and seek to link these persons with agencies and a support system. With the Mabel T. Caverly Senior Center and the Salvation Army continuing long standing outreach programs targetted to the homebound, low income, minority, and frail elderly and the SEC Center proposing to do so, coordination should be required. if funded.

APPLICANT: AnchorAGE Senior Center, Inc. STAFF: Howard DeVore

STAFF RECOMMENDATION:	State/Federal	Match	100%
TITLE III	$ 18,889	$ 3,333 (15%)	$ 22,222
AS 47.65	$ 71,000	$ 7,889 (10%)	$ 78,889
TOTAL	$ 89,889	$ 11,222	$ 101,111

Staff recommends continuing funding under AS 47.65 for the Active People Over Sixty program at the current operating level and recommends not funding expenses requested for computer programming or software nor for a speaker at the OAC Aging Conference for the reasons listed below:

1. Computer programming and software are not necessary to provide either the financial reports or the program statistics required by the OAC for either Title III or AS 47.65.

2. Planning, budgeting, and expenses for the OAC Aging Conference will be provided through the OAC Education and Training Consortium.

Staff recommends funding the AnchorAGE Senior Center Title III Information and Referral program and I & R Coordinator position only and recommends not to fund the new outreach program requested under Title III for the reasons listed below:

1. OAC already funds three major grantees in this area to provide outreach to the elderly to access services and to add another at this time would appear to be a duplication of services and not cost effective.

2. Funds requested for outreach under Title III to fund a new program would require further cuts in the regional allocation for this area.

3. Outreach funding under Title III, as a priority, should be provided for Title III funded programs such as nutrition.

SPECIAL CONDITIONS:

1. Services are to be provided only to persons who are 60 years of age and older.

2. Services must be targeted to persons in greatest economic and social need.

3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-B by February 15, 1985.

4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.

5. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantees must comply with OAC PI-84-5 and Circular A-102, Attachment P.

6. Homemaker/Chore services service shall be provided to an individual only if the services cannot be provided by the Department of Health and Social Servi-

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OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: ANCHORAGE COMMUNITY MENTAL HEALTH STAFF: Howard DeVore

SUMMARY OF PROGRAM: ACMH submitted two grant applications, one for Title III for outreach workers and one for AS 47.65 day care services.

TITLE III/OUTREACH

The Geriatric Services of the Southcentral Counseling Center (ACMH) have been able to play an expanded and more significant role in meeting mental health needs of the elderly because of a history of special funding by the Alaska Office on Aging and its successor, the Older Alaskans Commission. The proportion of older persons served in Anchorage are twice the national average, due in large part to the peer counseling project continued since 1979 and enlarged in 1980 to focus on minority outreach by employing a minority and Alaska Native person in the two positions now OAC funded, together carrying a case load of 36-50 elderly. Though funded in the past by AS 47.65, the CY 1985 grant application seeks Title III monies on the basis of the strong outreach and referral intended. Outreach clients needing escort will be taken to the SCC Center by the two workers who will inform other Anchorage agencies of SCC services and arrange "short trips around the Municipality of Anchorage assisting the elder to find types of assistance commensurate with their needs." (page 8)

1985 Title III objectives are:	WAS UNDER AS 47.65 Performance Oct 83-Sept 84 was:
100 escort trips for 60 unduplicated	59 in home assessment of problems
60 first time outreach contacts	43 in home counseling troubled
60 referral/personal advocacy cases	25 referred to support services
14 information units to agencies	? minority elders to mental h. s.
60 accessed to mental health services	12 agencies contacted
	5 organized groups in institutions
	114 group sessions memory training
	36 van trips for lonely/low self-e.

AS 47.65/DAY CARE

The Older Alaskans Commission funded, in part and for the first time, the ACMH Day Care Project which had narrowed its focus of service to Alzheimer's type clients among the elder with a CY 1984 grant of $41,053 from the OAC and $97,400 from the Municipality of Anchorage, a total of $138,453. Daybreak was the second day care project in Anchorage started by the MOA in June 1982; Chugiak Day Care began the year before. In 1984 Chugiak served 35 elderly, Daybreak 30 Alzheimer's type clients, and the newest, Serendipity of the Salvation Army served 14 day care clients. They and other agencies meet monthly to coordinate services with the Anchorage OAC staff. With Daybreak's clients at risk of institutionalization without day care, the $35 daily cost to the state and local government compares favorably to nursing home care at $130. a day, if space were available. The respite to primary caretakers, the families, is immeasurable in maintaining their mental health. The ACMH request for CY 1985 is to fund, in part, the positions of a psychiatrist, a nurse, an occupational therapists, and a relief worker who will supplement the primary Daybreak staff now funded by the Municipality of Anchorage.

APPLICANT: ANCHORAGE COMMUNITY MENTAL HEALTH STAFF Howard DeVore

ANALYSIS: Title III- OUTREACH

Anchorage CMH Geriatric Project has been funded under AS 47.65 as peer counseling, providing elderly minority and Alaska Native persons with individual and group activities to encourage access to mental health services, increasing the numbers of elderly receiving services from the Southcentral Counseling Center, including minorities and Alaska Natives. The funding issue is not the validity of the services but the appropriate source of funding, Title III, which is proposed for 1985, or AS 47.65 where is has been for several years. "Outreach is an initial, one-time contact with a senior who has not been served by a program to inform him (or her) about services and invited him to participate or avail himself of services," according to OAC Service Definitions attached to the grant application. However, under AS 47.65 Counseling is "the use of a casework mode by a qualified individual to assist an elderly person and/or his family in resolving problems, such as mental health counseling. May be done on a one-to-one basis or on a group basis and may be conducted by paid, donated and/or volunteer staff."

As the new CY 1985 objectives provide for escort trips, first time outreach contacts, referral/personal advocacy, and information giving to agencies, Title III access funding appears appropriate. Whereas CY 1984 objectives providing home counseling, group counseling, and group sessions are absent in 1985, outreach now appears to be the new emphasis while counseling by the two workers, a minority person and an Alaska Native, is to be carried out by other staff.

The question of duplication of services must be raised. With the Mabel T. Caverly Senior Center carrying on a strong outreach and assessment program among the low income and frail elderly of the city, does the new emphasis of Anchorage Community Health in outreach constitute serious duplication of services or can the two programs be coordinated to avoid duplication? If ACMH is funded for Outreach, special conditions for both agencies should require regular meetings of staff and plans for coordination.

Duplication of services may also be the result of funding ACMH for escort which has long been provided by both the Salvation Army of Anchorage and the Mabel T. Caverly Senior Center, now coordinated within the Older Alaskans Transportation Service and OAC Policies. Since all three agencies target the economic and social needy, how much escort is really needed in Anchorage? If funded, special condition should require coordination of escort through the Older Alaskans Transportation Services.

The unknown factor is whether these three agencies are targeting the same unduplicated low income, minority and Alaska Native, frail elderly with both Outreach and Escort services proposed in 1985. If funded by the OAC, close monitoring requiring the confidential lists of outreach and escort clients in 1985 should be required as provided by Title III regulations and made a special condition of CY 1985 grants to these three agencies and any other agency funded for outreach or escort.

AS 47.65 Alzheimer's Day Care

See page 5, AS 47.65 Budget Notes for analysis.

APPLICANT: Anchorage Community Mental Health STAFF: Howard DeVore

STAFF RECOMMENDATION:	State/Federal	Match	100%
TITLE III	$ -0-	$ -0-	$ -0-
AS 47.65	$ 97,072	$ 10,786 (10%)	$ 107,858
TOTAL	$ 97,072	$ 10,786	$ 107,858

Staff recommends funding the Alzheimer's Daybreak Adult Day Care program under AS 47.65 and adding $4,516 to the request and recommends not to fund the new outreach program request under Title III but to carry out such activities as are necessary for outreach for day care under AS 47.65. For the following reasons, staff recommends not funding mental health outreach under Title III:

1. OAC already funds three major grantees in this area to provide outreach to the elderly to access services and to add another at this time would appear to be a duplication of services and not cost effective.

2. Funds requested for outreach under Title III to fund a new program would require further cuts in the regional allocation for this area.

3. Outreach funding under Title III, as a priority, should be provided for Title III funded programs such as nutrition and access services.

4. Outreach for mental health services would be more appropriately funded directly by mental health centers.

5. During this period of funding the Older Alaskans Commission will initiate efforts to develop increased mental health services provided the elderly through Community Mental Health Centers and to coordinate aging and mental health services.

SPECIAL CONDITIONS:

1. Services are to be provided only to persons who are 60 years of age and older.

2. Services must be targeted to persons in greatest economic and social need.

3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-8 by February 15, 1985.

4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.

5. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantees must comply with OAC PI-84-5 and Circular A-102, Attachment P.

6. Homemaker/Chore services service shall be provided to an individual only if the services cannot be provided by the Department of Health and Social Servi-

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OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Bristol Bay Native Association STAFF: Ruth G. Browne

SUMMARY:

Bristol Bay Native Association (BBNA) proposes to continue the provision of information, referral, outreach, homemaker, chore, home repair/maintenance/renovation, counseling, congregate and home-delivered meals to the elders of the Bristol Bay region.

According to a needs assessment conducted by BBNA there are at least 248 elders 60+ years of age in the Bristol Bay region. The average age is 70; 25% are over 75; 95% are Native; 53% male and a minimum of 25% are eligible for Old Age Assistance.

BBNA coordinates closely with the school districts, village councils, Dillingham Senior Citizens' Center, and the Village Public Safety Officers.

Letters of support are on file from Dillingham Senior Citizens Center, Bristol Bay School District, Public Assistance and Alaska Legal Services.

BBNA was funded to provide meal service in eight villages during CY 84: Koliganek, Manokotak, Naknek, South Naknek, Newhalen, New Stuyahok; Nondalton and Togiak. By using volunteer site managers, the meal service expanded to Ekwok, Kokhanok and Twin Hills during the last quarter of CY 84. BBNA proposes to begin meal service to Levelock and Portage Creek, again using volunteer site managers. All meals are served three days a week in the local school through subcontracts with the school districts. Transportation to the meal site is provided by the Bristol Bay Borough for the elders in Naknek and South Naknek. Vans were purchased in Manokotak, New Stuyohok and Newhalen through a legislature appropriation to provide elderly transportation. A dietitian travels to each meal site once a year to provide nutrition education.

BBNA proposes to provide home/repair/renovation services to 30 elders. The type of conditions to be corrected are faulty electrical wiring, faulty stoves and repairing dangerous stairs. It is proposed that 15 elders will receive homemaker/chore service. This service is intended to be a stop-gap measure "to take care of those neglected by the current system."

ANALYSIS:

The applicants' Title III requests equals its CY 84 award plus 22%; its AS 47.65 request equals its CY 84 award plus 3%.

The increase in Title III is due to:

- as $13,680 increase in personnel (No new positions were requested; the CY 84 level was reduced by a budget adjustment requested due to prolonged vacancies and late start-up dates)

- increasing the number of meals to be served from 7,500 to 13,920

BBNA has requested $30,810 in access services which is for information, forms

completion and referral. As of September 30, 1984 the applicant has not reported any expenditures in access services.

The increase in AS 47.65 funds is due to proposed expansion of home renovation services. As of 9/30/84, BBNA had expended 35% of their current AS 47.65 award.

RECOMMENDATION:

OAC staff recommends Title III funding at the level of $175,590. This equals the applicants request in congregate and home-delivered meals. Access services was decreased by $33,423. It is recommended that BBNA request Title V positions to provide information and referral services in the villages.

AS 47.65 funding is recommended at the level of $50,000. The applicant should help elders apply for Farmer Home Administration grants instead of seeking OAC funds for this purpose.

12/5/84

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Captain Cook Jaycees
Foster Grandparents/Sr. Companions

STAFF: Dinah Van Der Hyde

Summary

The Captain Cook Jaycees have submitted a continuing grant request for AS 47.65 funds of $91,454.

This program has been established for 12 years in Anchorage, with programs beginning in Fairbanks in 1980 and Juneau in 1982. The program provides employment/training services to seniors who, in turn, provide services to frail elders in the community, as well as to school children. The program benefits both groups of seniors.

For CY 85 the Captain Cook Jaycees/Senior Companions propose a program administratively supported by OAC for Juneau and Fairbanks, with Federal Action money to pay stipends for the volunteer participants. A total of 213 older persons will be benefited, 83 volunteers and 134 recipients of their volunteer services.

Analysis

The CY 85 request reflects a 40.8% increase over CY 84 awards. Increases requested in the budget for Juneau are for a $4,881 RSVP program, which would add a new component to the OAC program. Increases requested in the budget for Fairbanks are for three additional Senior Companion stipends (meals and transportation) for $14,691. OAC has not previously funded stipends for the program. Doing so at this time would set a precedent and also increase their operating level.

The Captain Cook Jaycees are operating an excellent program, with responsible reporting. The recent implementation of more appropriate reporting forms by OAC will assist in future assessment of this type of program.

Recommendation

OAC staff recommend that, with currently limited OAC funds, the program be funded at their CY 84 OAC operating level, with two separate grants. The grant for Fairbanks is recommended at the level of $31,263. The grant for Juneau is recommended at the level of $36,539.

12/5/84

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Catholic Community Services ~~Southeast Senior Services~~ STAFF: Dinah Van Der Hyde

SUMMARY

Southeast Senior Services (SESS) requests $1,239,808 in Title III funding and $205,557 in AS 47.65 funding for CY 85. The program has been funded since 1974, starting with 5 sites serving 783 persons and now serving 1,750 persons for CY 84 at 19 meal sites.

SESS provides all basic nutrition and access services under Title III. Homemaker/chore service and home maintenance and repair are currently provided under AS 47 65. In CY 85, they have requested funds for Day Care Services in Juneau. They hope to provide service to 2,100 seniors in CY 85.

ANALYSIS

SESS is current on reporting requirements and has submitted a thorough and well-documented grant application. Requested funds are 17% higher for Title III and 26% for AS 47.65. These budgeted increases are proposed:

- Salary equity for site managers, cooks and aides. SESS has implemented a salary study recommendation that would increase the lower-level positions to equity but does not affect positions in their central office. Total implementation is costly, but they will step it in with three increments over three years. A 4% increase is the overall effect.

- Skagway requests an additional day of meals, beyond their current 2 days/week.

- Haines' program is growing and needs more hours for meal preparation.

- Mt. View will receive a new (UMTA) van and the operating costs for it will be incurred.

- SESS would like to operate a day care program for frail elderly in Juneau. They operated a volunteer-run program for a short time but found that it was necessary to have more control and responsibility for this level of service. A paid staff is requested.

- The Craig site has started with local funds but can not continue operations throughout CY 85 unless SESS is able to increase its operating level.

SESS program has increased meals over projections by 10% which is consistent with its 10% increase in persons served. SESS has operated below requested operating levels and has limited expansion of services and salary increments for several years. Their program is delivering basic services, Homemaker/Chore, and home maintenance/repair at about $688 per senior per year.

Letters of support from seniors have been received from many of the SESS sites. Skagway and Haines, Sheldon Jackson Museum, and Chilkat Historical Society support the Haines Center.

RECOMMENDATIONS

OAC Staff recommends Title III funding at $1,032,536 which is 97% of the CY 84 award and $172,027 for AS 47.65 which is 5.5% above the current operating level for CY 84. This recommendation is due to limited OAC funds and may cause a reduction in services to Southeast seniors.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: MABEL T. CAVERLY SENIOR CENTER, ANCHORAGE STAFF: Howard DeVore

SUMMARY OF PROGRAM:

The Caverly Senior Center, at a downtown location near population areas of higher elderly and low income density, targets the hard to reach, low income isolated, frail, and minority elderly, providing one or more services to about 1500 older persons or 33,500 units of service in 1984. The Center coordinates transportation and escort in a single access and dispatch service with the Salvation Army, volunteer services with the Retired Senior Volunteer Program and Senior Companion/Foster Grandparents, and counseling services with the Southcentral Counseling Center of Anchorage Community Mental Health. Information and Referral is coordinated with Older Persons Action Group and special dental programs, funded by United Way, with dentists and the Neighborhood Dental Clinic. Craft, arts, and recreational activities are coordinated with the Anchorage Senior Center.

Proposed Objectives for 1985 are:	Compare with Oct 1983-September 1984
30,100 rides for 650 unduplicated	27,773 rides for 683
1,200 escort rides for 75	1,282 escort ridesfor 53
600 outreach contacts	600 outreach contacts
775 simple information units	764 simple information units
120 referral/personal advocacy	878 referral/personal advocacy
4,560 reassurance calls to 95	reassurance calls to 379
800 home visits	691 home visits
520 counseling units for 300	296 counseling units for 20
2,080 volunteer hours by 15	volunteer hours by

RSVP
20808
47754
68,562

Outreach, as described in the grant application and presently carried on, goes beyond the OAC service definition with multiple contacts for personal advocacy and counseling.

ANALYSIS:

The CY 1985 Budget and Objectives provide for an expansion of the Outreach program with a a full time headed by one with 3 years college in social work and psychology, as well as a half time outreach position. The state/federal Title III CY 1985 request of $216,122 is a 12.6% increase over the allocation in 1984 and in addition new AS 47.65 funds requested are $18,727 for a total 19.6% increase over current year funding. New salaries and increases of 9.09% in salaries add $44,189 in 1985. $6,000 is requested for parking lot paving.

STAFF RECOMMENDATIONS:

Staff recommends funding of the Title III Access, Transportation, Information and Referral/Personal Advocacy, and Outreach programs at a level 7.5% below the current funding level, the amount of available Title III funds after accommodating a reduction of total Title III funds in this region and distributing the decrease equitably.

Staff recommends not funding the proposed new AS 47.65 Social Services program due to the lack of new funding available in this region, the lack of justification for expanding the existing counseling program, the lack of job descriptions and adequate resumes of those who would carry out the program, and that the proposal moves toward case management which may be funded as a special project.

Continued next page.

APPLICANT: Mabel T. Caverly Senior Center STAFF: Howard DeVore

STAFF RECOMMENDATION: (Cont)	State/Federal	Match	100%
TITLE III	$ 168,363	$ 29,711 15%	$ 198,074
AS 47.65	$ -0-	$ -0-	$ -0-
TOTAL	$ 168,363	$ 29,711	$ 198,074

SPECIAL CONDITIONS:

1. Services are to be provided only to persons who are 60 years of age and older.
2. Services must be targeted to persons in greatest economic and social need.
3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-B by February 15, 1985.
4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.
5. Rides are to be maintained at the current level of 30,000 in CY 1985.
6. Coordinate with the Salvation Army Older Alaskans Program which will provide dispatch and scheduling services for the M.T. Caverly Senior Center which will operate an elderly supplementary transportation service in compliance with the OAC Older Alaskans Transportation Service policies and priorities.
7. Transportation shall be provided to access services in the following order or priority:
   a. access to medical appointments, prescriptions, hospital and essential (nonemergency) health services;
   b. access to nutrition and other essential support services;
   c. essential shopping, low income employment (Title V and others who document low income), and volunteers in services to older persons, disabled, and children;
   d. job training and career education;
   e. attendance at senior organization meetings; and
   f. nonessential shopping, business, beauticians, cultural, educational, recreational and social activities.
8. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantees must comply with OAC PI-84-5 and Circular A-102, Attachment P.
9. Coordinate with Anchorage Mental Health Elderly Service projects and the Anchorage Senior Center in development of male counseling and group programs.
10. Grantees must have an equal employment opportunity policy as well as have impremented an affirmative action plan in all aspectes of personnel administration. Discrimination on the basis of race, color, creed, national origin,

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OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: Chugiak Senior Citizens, Anchorage STAFF: Howard DeVore

SUMMARY OF PROGRAM:

Chugiak Senior Citizens, Inc. proposes to increase services to 784 older persons in their area in nutrition, access, geriatric day care, and transportation in a comprehensive delivery system in order to help individuals maintain their independence and promote a productive life style.

Objectives for 1985 are:	Comparison with Oct 1983-Sept 1984
19,020 congregate meals to 72.	14,981 congregate meals for 75.
2,100 home delivered meals to 8.	831 home delivered meals to 14.
nutrition education to 80.	2,632 nutrition education to 10.
15,840 rides for 30.	7,819 rides for 39.
96 escort trips to 8.	1,592 escorts for 9.
500 units of information.	8,700 units of information for 160.
10 units of outreach to 10.	outreach units for
12 units of referral/advocacy.	2,237 information/referral for 11.
208 shopping assistance for 10.	shopping assistance for
7,920 phone reassurance calls to 30.	telephone reassurance for
7,920 hours of adult day care for 30.	7,392 adult day care hours for 15.
528 hours of respite for 2.	1,056 respite care services for 4.

ANALYSIS:

Chugiak continues a unique nutrition program (three lunches/two dinners weekly), expecting the same number of persons to eat more often in 1985 both in the home delivered meals and congregate setting. The Title III requested 1985 funding level, $266,196 is 60% above the 1984 state/federal grant which includes seven new positions, once Title V but due to reduction to 20 hours are currently funded by United Way. Increases in Title III and AS 47.65 due also to salary increases of 7.5% to 16.8% provide equity with comparable positions. Proposal includes a new recreational leader under Title III which is not allowable.

STAFF RECOMMENDATION:

Staff recommends funding the Chugiak Title III Nutrition and Transportation program at 7.5% less than the current operating level due to the reduction of funds available in the Anchorage region with the decrease distributed equitably among the current grantees. The reduction in Title III funds for the Anchorage region is due, in part (63%), to the designation of Older Persons Action Group as an Anchorage Information and Referral Service which has been funded in previous years as a statewide program. The balance of the reduction (37%) came from fewer unused funds available from other regions than in the current year. Staff recommends an increase of no more than 10% in the number of meals or 15,430 congregate and 960 home delivered meals.

Staff recommends funding the Chugiak AS 47.65 Adult Day Care program at the current 1984 operating level in CY 1985.

Continued next page.

APPLICANT: Chugiak Senior Citizens, Inc. STAFF: Howard DeVore

STAFF RECOMMENDATION: (Cont)	State/Federal	Match	100%
TITLE III	$ 148,447	$ 26,197 15%	$ 174,644
AS 47.65	$ 71,007	$ 7,890 10%	$ 78,897
TOTAL	$ 219,454	$ 34,087	$ 253,541

SPECIAL CONDITIONS:

1. Services are to be provided only to persons who are 60 years of age and older.
2. Services must be targeted to persons in greatest economic and social need.
3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-8 by February 15, 1985.
4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.
5. Meals may be budgeted at not more than 16,390 meals with USDA calculated at the new rate of 58.75 cents per meal.
6. Maintain adult day care program and participate in the Anchorage Day Care Consortium.
7. Rides are to be maintained at the current level of 15,000 in CY 1985.
8. Provide dispatch and scheduling services for and coordinate with the M.T. Caverly Senior Center and operate supplementary transportation in compliance with the OAC Older Alaskans Transportation Service policies and priorities.
9. Transportation shall be provided to access services in the following order or priority:
   a. access to medical appointments, prescriptions, hospital and essential (nonemergency) health services;
   b. access to nutrition and other essential support services;
   c. essential shopping, low income employment (Title V and others who document low income), and volunteers in services to older persons, disabled, and children;
   d. job training and career education;
   e. attendance at senior organization meetings; and
   f. nonessential shopping, business, beauticians, cultural, educational, recreational and social activities.
10. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantees must comply with OAC PI-84-5 and Circular A-102, Attachment P.

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OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Copper River Native Assoc STAFF: Fran Toland

SUMMARY

Copper River Native Association is the non-profit arm of Ahtna, Inc. CRNA has been providing congregate nutrition and transportation to seniors from Cantwell to Chitina for several years. There are approximately 220 seniors in the service area with 125 males and 95 females. CRNA serves approximately 120 or 55%. Of those, 54% are Native and 46% are non-native.

CRNA has requested funding for existing services plus funding to initiate home-delivered meals.

Their request for CY 85 Title III is $107,850, a reduction of 11% in their current award of $120,713.

ANALYSIS

Copper River Native Association provides excellent reliable service to the area seniors. The need for the services is well documented. The reduction of this year's grant request is a result of an overestimation of services last year as well as a rearrangement of personnel and reduced cost per meal due to changing restaurants in Glennallen. As a result of a recommendation last year, service to Mentasta has been discontinued by CRNA and begun by Tok. This has further reduced CRNA's request. They deserve recognition for their efforts to provide the same high quality of service with the addition of a new service at a reduced cost.

In figuring cost of meal contracts (600) the total cost was listed as the Title III request with USDA and Program Income added on rather than subtracted out.

Vehicle supplies (400) were miscalculated and are actually $252 more.

CRNA has claimed a match of vehicle and radio depreciation totalling $8,763. In the past they claimed match based on the market rental value for two vehicles obtained through Alaska DOT/PF. This match was disallowed in a Region X opinion. When depreciation is claimed as match, vehicle maintenance costs cannot be charged against the grant.

RECOMMENDATIONS

Staff recommends that CRNA be awarded $107,850 in Title III.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: City of Cordova STAFF: Dinah Van Der Hyde

SUMMARY

The City of Cordova has submitted a continuing Title III grant application for $81,273, a decrease of 6% over their CY 84 award. Population of the area is estimated at 3,000 with about 150 seniors; seasonal variance is high.

Cordova provides service to approximately 130 seniors. The program began in 1979 and provides basic nutrition and access services. The Senior Adjutant position additionally provides telephone reassurance, visiting, and emergency homemaker/chore service. Contracting for transportation with a taxi company continues to be the program's choice for transportation services. There are no new services proposed for 1985; targeted clients are the frail and homebound elderly.

ANALYSIS

Cordova is responsible in submitting quarterly program and fiscal reports. Planned performance compared to actual shows a high degree of variance. Rides are much higher (142%) than planned; other measures are approximately 75% of planned. Home-delivered meals are very close to planned, but Congregate were only 70% of planned. The application does not document a clear assessment of needs other than by declaration. There has been no formal attempt to reassess needs since 1979. The current reduction in grant requests may reflect a more accurate relationship between funding and performance expectations for CY 85.

Personnel requests remain the same with no increase in salary requests.

RECOMMENDATIONS

Staff recommends funding at the level requested and suggests that a cola increase of 4% be implemented and that the "Other (600)" line item be reduced correspondingly.

DLV/bs

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Delta Seniors, Inc. STAFF: Ruth G. Browne

Summary

Delta Seniors, Inc. has requested $32,095 in Title III funds to continue to provide transportation, information, outreach, escort, and visiting to the senior citizens of the Delta region. The applicant has also requested $21,226 in AS 47.65 funds to begin providing hot meals two days a week to 20 persons. They intend to contract with a local restaurant that will charge $6.50 per meal.

Delta Seniors, Inc. has acquired a new UMTA van equipped with a wheelchair lift. They intend to expand transportation services due to the proposed meal program and a new crafts program being initiated at Fort Greely Crafts Shop.

According to a census conducted of the Delta region in September 1984, there are 160 persons eligible for Title III services. Of those, 150 are caucasian and "48 are low-income, the balance in the low to middle income range". Over 16 seniors do not own automobiles.

Analysis

The applicant's Title III request equals its CY 84 award plus 22%. This increase is due to increasing the project directors job from 25 hours per week to 37.5 and increased transportation costs due to the proposed start up of a meal program.

The AS 47.65 request is new. The number of meals budgeted assumes the attendance of 20 persons 2 days per week, 52 weeks a year.

The needs of the seniors in Delta have been seriously questioned during past years. Due to questions raised this year, the grantee was required to complete a needs survey. Commission staff developed a survey for the program to use. The grantee chose not to use the survey because it was felt the questions were "irrelevant or too probing". The grantee mailed approximately 100 surveys and received 31 responses. Of these responders, 28 had their own car. Seven needed transportation for shopping and medical visits. The letter transmitting the survey results states:

> " The role of the Senior Lounge... can best be served as ... an information and referral service, an escape from ailing spouses or grandchildren, a place to share joys and sorrows with one's peers..."
>
> The need statement in the CY 84 grant application states:
>
> "Those questioned, in surveys, feel the need for socializing, inter-relating with other people and groups and for the lack upon government for the daily wants of a person."

Following is the grantees' problem statement regarding nutrition.

> "The elderly people of the Greater Delta area feel the wish to retain the dignity of self, lack of dependence upon others, and to maintain a separate household. The OAC seems to recognize this state of mind, and it was with

this intention that the Program of Nutrition was formed to assist these person in gathering together and to present Information... and Referral..."

Prior to the needs survey conducted by the grantee in June, it had always been strongly emphasized that none of the Delta seniors were in need of a nutrition program. The survey indicates 9 persons would "like the Delta Seniors" to provide meals. The new grant does not indicate how it was determined that 20 persons would be interested in a meal program.

In summary, the applicant's need statement continues to be weak. From information submitted to date, the Delta program appears primarily recreational.

Recommendation

Due to the information outlined above, OAC staff recommends:

1. Delta Seniors, Inc. demonstrate to the Commission that the program and needs of local seniors are not primarily recreational.

2. Data and the source of data used to identify the problems of local seniors and how the proposed services will assist in solving those problems must be given.

It is recommended the above two items be satisfactorily addressed by March 1, 1984 and that $12,500 in AS 47.65 funds and $21,872 in Title III funds be reserved for possible award in March, 1985. The award of funds is contingent upon satisfying the above requirements.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: City of Dillingham STAFF: Ruth G. Browne

Summary

The legislature appropriated $157,800 to continue operations of the Dillingham Senior Citizen's Center. The city has applied for the entire $157,800 and $21,124 in AS 47.65 funds to continue to provide congregate and home-delivered meals, transportation, information, referral, homemaker services, adult day care, advocacy, education and health services. They intend to expand services to those who have not yet used them.

The senior center serves the elders in Dillingham and the village elders who are in Dillingham for shopping or medical reasons. The applicant estimates a target population of 327. Of the potential participants, 5% are non-native, 52.6% are women and 25% are 75+ years of age. 97% of the seniors currently served are below the poverty level in income.

Surveys of the community have shown 72% of Dillingham seniors do not own vehicles and most all consumed inadequate amounts of foods from the fruit/vegetable groups. Transportation is provided Monday through Friday 8:30 a.m. - 5:00 p.m., Saturdays from noon to 9:00 p.m. and Sundays from 8:00 a.m. to noon. Meals are served five days a week. The elders from Aleknagik participate in the meal service on Tuesdays and Fridays.

Analysis

The applicant's request for the entire legislative appropriation of $157,800 equals its current Title III operating level. Its AS 47.65 request equals its CY 84 award less 22%.

The major reason for the decrease in AS 47.65 funds requested is due to:

- decreasing the activities aide position, previously funded under Title III (now legislative intent), reducing AS 47.65 homemaker hours and transferring those funds to legislative intent funding to add a part-time dishwasher/janitor position.

- using money raised from fund-raising to support program costs.

Recommendation

OAC recommends funding the entire legislative appropriation of $157,800 and $11,596 in AS 47.65 funds. The AS 47.65 request was reduced by $9,528 which equals the amount requested for the relief driver under the legislative intent. This recommendation is based on the fact no other OAC program is allowed to provide weekend transportation with OAC funds. Weekend transportation is not considered needed to access essential services. Weekend transportation may be provided with other resources.

The reduction in AS 47.65 is not intended to cutback on AS 47.65 services. Legislative intent funding should be used to provide AS 47.65 services.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Fairbanks Native Association STAFF: Ruth G. Browne

Summary

Fairbanks Native Association (FNA) has requested $42,207 in AS 47.65 funds to continue to provide transportation, interpretation, telephone reassurance, information and many other supportive services to the Native elders residing in Fairbanks. Funds are also requested to help support the monthly potluck gatherings.

Studies conducted by FNA estimate there are 226 Native Elders in Fairbanks. The majority of the elders are from rural villages who have come to Fairbanks for an easier lifestyle and to access better medical care. Lack of family, transportation and an interpreter create problems for these elders.

The geriatric social worker has gained the trust and confidence of these people. She assists them with day-to-day living problems. She devotes many of her after-hours tending to a sick person in the middle of the night, bringing wood to someone, going grocery shopping, providing telephone reassurance, etc. She is known by the Native elders throughout the State. Various health clinics keep her phone number on file to assist in patient - doctor communication.

Although Native elders are referred to North Star Council on Aging, most do not avail themselves of the services for the following reasons:

- they prefer to confide in a Native
- the escort service leaves them alone to long
- congregate meals do not offer traditional Native foods
- there is no interaction with Native youth

Analysis

FNA is currently funded under Title III; they have requested AS 47.65 funding for CY 85. FNA's request equals its CY 84 award plus 93%. This increase is due:

- increasing the time worked by the community services aide to assist in the monthly potlucks
- addition of a driver/aide for the new UMTA station wagon and van
- travel to attend elders conferences
- space rental for potlucks
- gasoline for new vehicles
- supplies for potlucks

Many of the costs listed under AS 47.65 should be under Title III access services.

Recommendation

OAC staff recommends Title III funding at the level of $17,696 and AS 47.65 funding at the level of 10,924.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

Respite Care
APPLICANT: Fairbanks Rehabilitation Assn. STAFF: Ruth G. Browne

Summary

Fairbanks Rehabilitation Association (FRA) requests $45,476 in AS 47.65 funds to continue to provide respite services to families in the Fairbanks area. The respite program is designed to offer temporary support to families that provide a residence to disabled persons 60+ year of age; it gives the family relief from the responsibilities of care provision. Temporary care is from one hour to 21 days. It may be used for family emergencies, vacations, planned activities or occasional relief from the day to day responsibilities of caring for the disabled person.

The majority of the care is provided within the home of the individual being cared for. Some out-of-home care is provided in the homes of families employed by the program.

FRA coordinates primarily with North Star Council on Aging and Fairbanks Home Health Care.

Analysis

The applicant's request equals its CY 84 award plus 15%. The increase is due to increasing the number of hours of respite service to be provided.

During CY 84, FRA proposed to provide 2200 hours of respite care. As of 9/30/84, 2040 hours of service have already been provided. They propose to provide a minimum of 4,000 hours during CY 85.

Recommendation

OAC staff recommends funding at the level of $42,276 which is a 6.7% increase from CY 84 award.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: City of Ft. Yukon STAFF: Fran Toland

SUMMARY

During the past year, the City of Ft. Yukon has been serving hot meals to approximately 25 low income Native seniors through local restaurants and providing transportation with a vehicle obtained from Urban Mass Transit Act (UMTA). Their grant was written by a consultant and not developed by the city administration.

This year OAC received an application for $102,077 in Title III funds, an increase of 21% over their current award of $84,075.

ANALYSIS

The City of Fort Yukon has been plagued with reporting difficulties. In September the City itself decided to suspend the senior program. Required documents such as a food service contract were not obtained until October. In March the Nutrition Administrator and Associate Coordinator travelled to Ft. Yukon to work with the Program Coordinator. Within a month, a change of staff negated OAC's efforts. In early October the Associate Coordinator again traveled to Ft. Yukon to assist in reopening the senior program, reviewing accounts and discussing the new grant. The senior program reopened on October 8.

In reviewing the grant application as submitted by the city, most of the required information was found to be missing. In addition the detail budget pages and request did not correspond.

The need for this program is documented, though not on the grant application.

RECOMMENDATION

Staff considered this application to be unacceptable for review since so much information was missing or inaccurate. Since there is a need for Title III services in Ft. Yukon, staff recommends that OAC consider setting aside $63,000 to award at a later date if Ft. Yukon desires to submit a completed application.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: City of Galena

STAFF: Fran Toland, Assoc. Coord.

Summary

In 1982 the City of Galena allocated $7,500 in Municipal Funds for a Pilot Project for elderly transportation in Galena. Those funds provided services for 1½ years. In 1982 the City requested funds from OAC for continuation of the program but were turned down. In 1983 Galena was awarded $3,024 to provide 1,008 rides at $3.00 each to 14-16 seniors. The 20 seniors in Galena age 60 and over are primarily low-income ($300 - 500/month); 15 are Natives.

The program is administered through the city offices with transportation provided by local cab companies. Each participating senior is presented with coupons each quarter with the number of coupons evenly divided among the seniors. Cab companies return the coupons to the city offices for reimbursement. Because of city match, all the awarded funds provide direct services to seniors.

Analysis

This year's request is $1,008, or 33% over current award, reflecting an increase in cab fare from $3 to $4 per ride.

The program was originally initiated by the seniors and serves a vital function in helping to maintain their independence. The need for this transportation service is well documented.

Staff Recommendations

Staff recommends funding at the requested level of $4,032.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Homer Senior Citizens STAFF: Dinah Van Der Hyde

SUMMARY

Homer Senior Citizens requests a Title III award of $157,807 for CY 85. Homer has operated a senior program since 1972 and currently there are 452 area seniors of which 177 (39%) are low income and 38 minority. The goal for CY 1985 is to serve 500 seniors, as Homer is a high growth area and also has many seasonal visitors. In FY 84 Homer served 403 seniors at an average of $362 per person.

Homer Senior Citizens provides all basic access and nutrition services. They also provide health maintenance, physical fitness and visiting services. For CY 85 they propose a volunteer recruitment and training program to supplement their home visiting and meal delivery services.

ANALYSIS

Homer's request is 8% higher than their CY 84 award. They have complied with program and fiscal reporting requirements and have prepared a good application. Homer overestimated CY 84 planned performance. For example, planned meals were 16,000; actual meals provided were 11,294 or 71% of planned; and the number of rides were about 50% of planned. Budget increases in Homer's request were for program assistant and cooks salary increases plus increased facility expenses. Homer decreased their request for "supplies" and "other" line items.

RECOMMENDATIONS

Due to very limited OAC funds, staff recommends funding at 94.1% of the CY 84 operating level for Title III which is $137,465. This funding level will maintain services at approximately their current level.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: CITY OF HOUSTON/MID-VALLEY SENIORS, INC. STAFF: Howard DeVore

SUMMARY OF PROGRAM:

The Mid-Valley Seniors in cooperative relationship with the City of Houston join the city to apply for $20,222 to provide a new program in their area. Mid-Valley Seniors attempted to work through an agreement with the Wasilla Area Seniors, Inc, in 1984, to provide meals in the Houston-Big Lake Area at the Homesteaders' Club and though the Older Alaskans Commission did not directly approve this new nutrition site or provide a direct allocation to WASI to do so, the WASI Board of Directors found sufficient funds in their 1984 allocation to begin delivering prepackage meals to the Homesteaders' Club. A formal agreement with the OAC and with the Mid-Valley Seniors to budget funds for this purpose failed and through disagreements between WASI and MVS, the delivery of meals was discontinued. Since, the Mid-Valley Seniors have continued to meet for potluck lunches and now have chosen to attempt an independent nutrition program.

With in-kind match as administrative and secretarial services provided by City of Houston employees, MVS and the City propose to contract for a cook for six hours, three days a week, costing $9,000, half of which will be paid by voluntary participant contributions, providing an average of 20 meals three times a week or 3,000 meals @ $3.50, a cost of $10,500.

Travel for Board Members to attend the Aging Conference in May are requested as well as travel to Anchorage for the Board Chairman and Project Director.

ANALYSIS:

The Mid-Valley Seniors have explored contracting with schools and resturants in the area without satisfaction and previous attempts to associate with Wasilla were not successful. With necessary approval and clearance for use of the Homesteaders' Club facility by health officials for food services, the project would require at least $15,000 to cover minimum food and preparation costs.

STAFF RECOMMENDATION:

Staff recommends funding this new program at a level to provide for food costs, half of the food preparation costs, the other half of food costs to to be funded by participant contributions, and incidental food supplies, due to the limited AS 47.65 funds available in the Southcentral area. Staff recommends that funding begin only after special conditions of a food service permit, cook job description, and menus have been met.

Continued next page.

APPLICANT: City of Houston/Mid-Valley Seniors, Inc. STAFF: Howard DeVore

STAFF RECOMMENDATION: (Cont)	State/Federal	Match	100%
TITLE III	$ -0-	$ -0-	$ -0-
AS 47.65	$ 15,140	$ 1,682 (10%)	$ 16,822
TOTAL	$ 15,140	$ 1,682	$ 16,822

SPECIAL CONDITIONS:

1. Services are to be provided only to persons who are 60 years of age and older.
2. Services must be targeted to persons in greatest economic and social need.
3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-B by February 15, 1985.
4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.
5. Meals may be budgeted at not more than 3,000 meals.
6. Provide 20 meals, three day a week in the Houston area at a facility approved by the Department of Environmental Conservation for food service.
7. The senior meal program must meet the nutritional requirements outlined in the Older Alaskans Commission Nutritional Manual. Menus for the first month, the food service permit, and the cook job description must be subitted to and approved by the OAC prior to the award of funds.
8. Grantees must have an equal employment opportunity policy as well as have impremented an affirmative action plan in all aspectes of personnel administration. Discrimination on the basis of race, color, creed, national origin, sex, or age handicap is prohibited both within grantee personnel administration and in the delivery of services and/or conducting of grant activities. Grantees must insure compliance by all subgrantees and subcontractors. A copy of the equal employment policy and affirmative action plan shall be submitted to OAC by March 31, 1985.
9. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantees must comply with OAC PI-84-5 and Circular A-102, Attachment P.
10. Out of state travel under this grant requires prior approval of OAC.
11. Attendance at OAC meetings is not a requirement of funding and grant funds shall not be used for this purpose.
12. Funds awarded under this grant are not allowed for travel expenses of board members or expenses of board members at the OAC Aging Conference.
13. Funds may not be used to pay health benefits for Title V enrollees.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Juneau Women's Resource Center STAFF: Dinah Van Der Hyde

SUMMARY

The Juneau Women's Resource Center is requesting $6,270 in AS 47.65 funding for a continuing grant to operate the Widowed Persons Service.

The Widowed Persons Service began in December 1983 with the Title V Older Women's Specialist position coordinating the service. This service provides support to recently bereaved persons in the new situations they face. These situations are loneliness, financial and legal affairs problems, employment, housing arrangements, and even meal preparation.

JWRC proposes to provide service to 100 widowed persons in CY 85, as well as sponsor workshops about organizing a Widowed Persons Service, and to develop information and brochures.

ANALYSIS

The applicant did not provide a well-documented proposal. It is not signed and the procedures specified are not followed. Program and fiscal reporting has been tardy from this project.

The original plan was for this project to be self-sufficient after the first grant cycle. At this time it is unclear whether plans for sufficiency are underway. The application and reports do not show the status of the program's support by the JWRC. Reports do indicate that the WPS is meeting its goals. Community interest and acceptance are high. The Older Women's specialist has been devoting more than 20 hours per week to the program; and participation is higher than the expected 20 third quarter participants, as they report 33 at the third quarter.

The budget primarily requests facility costs, travel to Widowed Persons Services national conference, and a substantial amount for accounting ($1,800) which is 29% of the grant request.

RECOMMENDATIONS

OAC staff recommends funding at $2,570 AS 47.65 funds for CY 85. This funding would be for six months only for transition and to develop and present information about the project.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: City of Kenai
Kenai Senior Services

STAFF: Dinah Van Der Hyde

City of Kenai has submitted a request for Title III funds of $144,554 and AS 47.65 of $23,192. This is a continuing request for a program existing since 1971. The program provides OAC basic nutrition services, access services and community services.

The program proposes to implement a physical fitness program in CY 85 and to assess expanding meal services to Soldotna in the CY 1986 grant.

The target population of seniors for Kenai has seen rapid growth; their CY 84 projection was 282 - actual count 764. Kenai targets 900 seniors for CY 85 service. In FY 84, Kenai served 764 seniors at an average cost of $155 per person.

Analysis

This project has been responsive in reporting and is fiscally accountable.

The request for Title III funds is 22% more than CY 84, the AS 47.65 is 300% more, reflecting the request for administrative costs of a physical fitness program. Justification is provided for requested increases.

The program has received letters of support from the Kenaitze Indian Tribe; Coda C. Hompton, Social Worker, Central Penns. Mental Health; Betty Warren, Margaret Shervanick and Ruth Winteroud, Seniors.

Performance data indicate the program is on target with demand exceeding planned levels in numbers of persons served, congregate meals and emergency homemaker/chore services. The program is very efficiently administered and is one of the most cost-effective in the State.

The Title III personnel budget eliminates a CY 84 request for part-time cook but adds a request for a full-time driver and cola increases. Kenai Borough funds to support the driver position are not as high because of reduced revenue sharing to Kenai. .

Recommendation

Due to limited OAC funds, staff recommends $125,300 in Title III which is 5.7% above CY 84 operating level and $6,193 which is 18% above CY 84. Since OAC cannot use Title III funds to supplant local funds, the driver position is disallowed with funds from this grant.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Senior Citizens of Kodiak STAFF: Fran Toland, Assoc. Coord.

Summary

The Senior Citizens of Kodiak incorporated in 1973 and have been serving senior citizens since then, providing nutrition, transportation, escort, I&R, shopping assistance, outreach, health maintenance, in-home services including chore and homemaker services, and a variety of social and recreational activities. Excavation has begun for a new senior center which will hopefully be open by July, 1985.

Kodiak has requested $111,923 in Title III, a 20% increase over the current award of $92,967; and $56,109 in AS 47.65, a 1% decrease over the current award of $56,924.

Analysis

Personnel reflects a 4% COLA plus $1500 in the accrued leave account. Kodiak was given a supplemental award in July of $1,147 to open such an account.

Relocation costs to the new senior center, increased operation costs to be incurred with the opening of the center and 6-month repair and maintenance costs were requested.

Expenses relating to maintenance or repair should not be included in this grant as those should be covered under the construction grant. Also requested was $1050 for a new copier and $500 for kitchen equipment.

Program income from meals was figured at $1.00/meal. Additional program income is anticipated from donations for in-home services for a total of $17,400. That money appeared in (600) Other to pay for accounting services, insurance, printing, subscriptions, the KANA contract for meals and the nutrition consultant. Title III regulations require PI to be used for direct or supportive services to seniors. PI used for accounting, insurance, printing and subscriptions is inappropriate.

Recommendations

Staff recommends that Kodiak be funded for $90,000 in Title III, 97% current funding; and $53,699 in AS 47.65, 94% of current funding. This level of funding represents 96% of continuation.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Lower Kuskokwim School District STAFF: Fran Toland

Summary

A grant application was received from the Lower Kuskokwim School District after the deadline in 1983 requesting approximately $343,000 to serve hot meals to seniors through the village schools. Because of the merit of the proposal, the low overhead cost and the possibility of better serving an underserved area, staff recommended reserving funds for the SW region. In June a second application was submitted and the Commission awarded LKSD $75,000 to provide senior meals in 24 villages. Because of late start up, the program did not officially begin until October, 1984.

LKSD requests $336,594, on annualized increase of 50% over current funding. This proposal continues the program based on unit cost contracting. The cost per congregate meal is approximately $3.10; that of a home delivered meal is approximately $4.60. LKSD proposes to serve a total of 91,530 meals to 559 low income native Yupiit seniors during the 9 month school year.

LKSD is requesting an increase in the percentage of Home Delivered meals to 37%.

Analysis

No figures are available on participation in this program. October's figures should be available by December. The work put into this program may serve as a model for other rural school districts wishing to provide meals to senior citizens.

Recommendation

Because this program serves a here-to-fore underserved area, it is recommended that it be continued. Until figures are available for the last quarter of '84, staff recommends that the funding level not exceed $225,000, a projection based on the current award of $75,000.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Maniilaq Association STAFF: Fran Toland

Summary

Maniilaq Association has been providing services to seniors in the Kotzebue area for the past 2 years through the Kotzebue Senior Citizens Cultural Center. Title III services provided are: transportation, escort, outreach, shopping assistance. Under AS 47.65 meals 3 days per week are served. Because of the scope of funding for the KSCCC, other services are provided to community seniors beyond the seope of OAC grants.

The Title III request is $41,553, a 241% increase over the current grant of $12,170. The AS 47.65 request is for $80,990. Due to an error in indirect cost, the corrected request is $78,781, a 73% increase over the current award of $45,590. Proposed new services under OAC grants include home-delivered meals and chore services.

Analysis

OAC services to seniors are provided through the Elders Residence in Kotzebue which is funded by the Department of Health and Social Services. The facility houses up to 20 individuals, but maintains four transient beds for seniors traveling from the villages. The OAC program hires its own cook and food service worker for the three days of AS 47.65 meals each week. Food is supplemented by donations of fish and game from local hunters. The center provides a wholesome environment for seniors to congregate. Both OAC and DHSS programs are similar. When similar programs interface it is difficult to distinguish services. Yet, to maintain integrity of each, this effort is necessary.

In August a grant application was received on last year's forms. OAC didn't receive an updated application postmarked by October 15. Following a phone call to Maniilaq, an application was received dated October 22.

Adjustments made to the grant request included moving all of the cook's and food service worker's salaries to AS 47.65; establishing number of meals and subtracting program income, donations and match. Indirect cost had to be recalculated. Travel to Pt. Hope was requested by both Kotzebue and Barrow. Between the 2 programs, one or the other needs to decide which will provide services. Issues of client intake, safeguarding client information, confidential donations, food service permit were not addressed.

Accurate records of nutrition and access services under OAC grants have not been received regularly. Kotzebue plans to serve 7,800 meals. Based on their only reliable report for the third quarter of this year, a more realistic figure for meals would be 3,050. The cost per meal has risen from $3.78 to $4.01. The primary increase in the grant request is in supplies and personnel. As submitted the proposal was undermatched for both Title III and AS 47.65.

Recommendations

Staff recommends that Maniilaq Association be awarded continuation funding of $12,170 Title III. Staff recommends continuation funding of $45,590 in AS 47.65

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Metlakatla Indian Community STAFF: Dinah Van Der Hyde

Summary

The Metlakatla Indian Community requests a continuing Title III grant of $97,869 and a new AS 47.65 grant of $23,727. This program began as a Southeast Senior Services site and has operated independently since approximately 1977 and in FY 84 provided services to 96 seniors at a cost of approximately $933 per senior.

Metlakatla's goal is to provide all OAC-funded basic access and nutrition services to 83 seniors on the Metlakatla Reserve and serve senior tourists during the summer season. They provide a visiting service to 15 seniors and wish to add homemaker/chore services to 13 identified seniors in their CY 85 request for AS 47.65 funds.

Analysis

The amount requested for Title III reflects a 9% increase and the AS 47.65 would be a new grant related to the request for a homemaker/chore worker.

Project performance is difficult to document. Report data reliability is low and often numbers do not total and must be estimated. Cost per senior served is very high and at the requested level would be $1,179 per senior.

This program has submitted reports in a timely manner and complied with most application process requirements with the exception of a sanitation report and poor budget balancing.

Comparison of planned performance with actual shows a significant discrepancy (i.e., 73% of planned congregate meals were accomplished but 520% of home-delivered creating a total 89% of planned attained.) The addition of homemaker/chore services is supported by letters from Metlakatla Social Services; Steven Weems, Health Educator for Metlakatla Indian Community; and Brenda Montgomery, Nursing Student volunteer in Metlakatla Indian Community. If funded, the requested service would provide over 2.5 hrs/week per senior for 13 identified seniors on a year-round basis.

Recommendation

Performance data do not support increased funding for nutrition and access services, as meals are projected beyond what performance would indicate.

Documentation of need for Homemaker/Chores is only by declaration. A Title V request for funds is suggested for a start up and evaluation of level of need. The demand would not seem to justify a full-time staff person considering OAC's limited resources.

Staff recommends Title III funding at $87,103, 97% of the CY 84 operating level. Staff recommends no AS 47.65 grant be awarded, as Title V will support a part-time position for homemaker/chore services. This funding level is at the regional average.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Minto Village Council STAFF: Ruth G. Browne

Summary

Minto Village Council requests $77,367 in Title III funds to continue to provide congregate meals five days a week, information, referral and transportation to the elders of Minto. The applicant has also requested $9,956 in AS 47.65 funds to begin the provision of homemaker services.

Of the 275 Minto residents, 37 are eligible for Title III services. There are another 10 in Fairbanks who will return to the village when the housing project is completed. All the Minto elderly are income brackets below poverty guidelines.

A major concern of the elders is to have a reliable van for transportation to Fairbanks. The program recently purchased a new van with supplemental funding awarded by the Commission.

Analysis

The applicant's Title III requests equals its CY'84 award plus 25%. The increase is due to:

- Increase in the cost per meal from $5.00 to $7.50.
- Driver position increased by 5 hours/week.
- Elderly Services Coordinator and bookkeeper's hourly wage was raised from $8.50 to $10.00

The increase in meal costs is due to a revised menu plan prepared by the Tanana Chiefs dietitian.

Recommendation

OAC recommends funding at the level of $68,211 which is a 10% increase. It is recommended that meals be budgeted at $6.00 per meal. It is also recommended that the Elderly Services Coordinator be given a salary increase. Currently, this position earns $1.00 more per hour than the Title V enrollees yet has much more responsibility.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Nenana Tortella Council on Aging STAFF: Ruth G. Browne

Summary

Nenana Tortella Council on Aging (NTCA) requests $26,161 in Title III funds and $37,942 in AS 47.65 funds to continue to serve the senior citizens of Nenana. NTCA proposes to continue to provide transportation, escort, information, visiting, shopping assistance and congregate meals twice a week.

Analysis

NTCAs Title III request equals its CY 84 award plus 10%, its AS 47.65 request equals its CY 84 award less 1%. The increase in Title III is due to:

- addition of an alternate driver for trips to Fairbanks, $1,920
- purchase of a copier
- increased maintenance for the van which is in poor condition
- bookkeeping contract was increased from 1,200 to 1,800 per year

The decrease in AS 47.65 is due to deleting a chore service worker and adding a part-time janitor at a reduced hours.

Recommendation

OAC staff recommends Title III funding in the amount of $25,661 and AS 47.65 funding in the amount of $37,442.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Ninilchik Senior Citizens STAFF: Dinah Van Der Hyde

SUMMARY

The Ninilchik Senior Citizens Inc. have submitted a CY 85 request for Title III funds of $17,911 and AS 47.65 funds of $13,800. This is a new grant request for starting a senior program in Ninilchik.

The applicant wishes to operate a congregate nutrition program one day per week using the Ninilchik Fairgrounds Building until a proposed Senior Center is completed in late 1985. A two-day-per-week home-delivered meal service will be contracted with a local restaurant. Access services would be provided to meals.

Currently the organization operates a monthly potluck meal and opens a recreation area three days a week for activities.

They have contacted 100 seniors in the area, the majority are low income, and 20% are native. The goal is to serve 75 seniors.

The Fairgrounds building is centrally located and accessible. It would be open three days a week for meals and activities. Transportation services would be provided by volunteers using their own vehicles or a housing project vehicle.

ANALYSIS

The planned activities for services show 1,200 rides to 6 persons - for 200 rides per year per person and a 35-mile-per-ride average. This objective is not realistic in comparison with other projects and needs reassessment.

Congregate meals would be served to 30 persons (1,360 meals). The home-delivered meals would be contracted (3 meals for 2 days a week at a cost of $6.40 meal). Meal contributions are estimated at 37¢ per meal, less than the 50¢ per meal grant stipulation.

Total paid staff will be a 24-hour-per-week site manager position, with volunteers providing the remainder of support. OAC staff doubt that one part-time staff person can manage to do all the activities necessary to operate a nutrition project. Methods as to how the program would do outreach, coordination, access are not well documented. How the site manager would have time to perform all of the required functions, cook, and make 2 trips per month to Soldotna for supplies is unclear.

Community Support letters have been received from Kenai Senior Services Director Pat Porter; Ninilchik Chamber of Commerce; St. Peters Catholic Church. The Borough Revenue Sharing $7,000 and Tribal Council donations are primary financial support, with the Fairgrounds contributing in-kind match.

.ENDATIONS

JAC staff recommends $15,000 of Title III funds be set aside for Ninilchik to be included in the Kenai or Homer project budget as a meal site for the first year of operation. This would allow the Ninilchik seniors time to further research and evaluate their needs and still be able to provide seniors a nutrition program for CY 85.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Nome Community Center

STAFF: Eran Toland, Assoc. Coord.

Summary

The Nome Community Center has been serving approximately 200 primarily native seniors for the past 10 years, two years of that in the XYZ Senior Center. Specific services include: home-delivered and congregate nutrition, including weekly native meal; transportation, escort, shopping assistance; subsistance gathering; translation and letter writing; home visits; telephone reassurance; in-home support services. In addition, for the past two summers the center has provided chore services at subsistance fish camps.

The request for Title III funding is $130,320, a 28% increase over the current award of $101,790. The request for AS 47.65 is $51,311, a 65% increase over the current award of $31,147. The overall increase requested is 37% above continuation.

Analysis

In 1984 Nome's senior program underwent a major turnover in staff. Resultant personnel adjustments have led to late reporting. This situation is still being worked on. Both area need and service delivery are adequately documented in the grant application, indicating that service records are being kept.

New staff conducted program evaluations and assessments. The decision to discontinue fish camp chore services and was made. Standard center oriented services will be continued and expanded based on documented increases in service delivery. Meals show a projected increase of 13% and rides up 27%.

Service activities describe an ambitious program for 1985. New services requested include: counseling, physical fitness, volunteer program, a crafts shop, evening activities, intergenerational activities.

Many of these activities can be added at no additional cost to the program. Physical fitness is available through community schools and was not adequately addressed as a new program component under this grant. Operation of a craft shop is not an allowable grant expense. Through coordination of the youth and senior programs, intergenerational activities have a great potential without additional cost. Service activities were not broken into nutrition, access, or community services by funding source. Chore/repair was not well defined as a program component.

The single largest addition to the budget is $24,000 for electricity. The City of Nome has been paying both heat and electricity for the center. Funds are requested to supplant local funds. This is unallowable under requirements for maintenance of effort.

Program income was computed at $.24 but should be targeted at $.50/meal. USDA cash reimbursement was recalculated at $.5875. The program is overmatched with the bulk of match appearing in personnel as the Executive Director's and bookkeeper's salaries. Housing is no longer partial compensation for the program coordinator.

Salary request for that position has increased $12,931. Again the issue of maintenance of effort arises. The nutrition supervisor's salary has increased 15%. She was budgeted for a raise for the first time in 8 years.

Recommendations

Staff recommends funding Title III at $105,000, or 3% over current funding. No AS 47.65 funds are recommended. This recommendation represents a 21% decrease in continuation funding.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: North Slope Borough STAFF: Fran Toland

Summary

The North Slope Borough Health and Social Services Agency has been providing Title III services to Barrow's approximately 100 Inupiat Seniors for several years. These services include nutrition, transportation, and escort.

This year's request is $226,300 which represents an 81% increase over current award of $124,950.

Analysis

Since summer Barrow has had three project directors. Despite the turnover there has been no disruption in service.

As with most remote projects the Barrow senior center serves native elders who rely on the center for translating services, help with filling out forms and other services besides nutrition and transportation.

The service activities were not accurately written to reflect the number of specific services to be provided. Access services were grouped together. The number of meals to be served in the proposed service activities does not agree with the number of meals under food contracts in budget category 600.

The budget summary, cover sheet and detail budgets do not agree in terms of total Title III request. The request in personnel increased by 47%. This reflects a 20-30% salary increase for the positions of project director and Outreach worker. In the past the Borough matched salaries which reduced the Title III request. The travel request has increased by 460% over current award. Efforts to establish nutrition programs in other villages is encouraged. In (400) supplies the request for gasoline increased by 61% due to demands of a new vehicle.

Under (600) Other for meal contracts, program income was not included and USDA was incorrectly placed in another budget category. With those adjustments, the amount requested for meals, $41,300, represents a 148% increase over current award. The North Slope Borough paid for half the meals served in past grant cycles. In the new application they have not included that support.

A new senior housing project with senior center is in the early construction stages. By next grant cycle, funds for the center will probably be requested.

Recommendations

Because of shortage of funds, staff recommends Title III funding at $126,575 which includes travel for program development in Anaktuvik Pass, Point Lay, and Pt. Hope ($1,625). This represents an overall increase of 1%.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: North Star Council on Aging STAFF: Ruth G. Browne

Summary

North Star Council on Aging requests $252,980 in Title III funds and $ 59,929 in AS 47.65 to continue to provide congregate and home-delivered meals, transportation, escort, outreach, information, referral, health maintenance, physical fitness and home-visits to the seniors of the Fai nks area.

NSCA intends to improve the quality of service and expand the provision of services through increased outreach efforts. The program plans to provide services to the frail elderly by replacing an old van with a new one equipped with a wheelchair lift. Currently NSCA lacks transportation to bring handicapped seniors to the center.

The applicant has been awarded a grant to put in a physical fitness walking course on their center's site. The City of Fairbanks has included NSCA's request of $560,00 for an addition to the senior center in Programs for Progress.

It is estimated that there are 2,935 persons 60+ years of age in the North Star Borough. It is also estimated that 85% are non-minority and 20% are in economic need. Of the 2,216 seniors registered at the center, 646 are over the age of 75.

NSCA coordinates with Fairbanks Home Health Care, Fairbanks Memorial Hospital, Tanana Valley Community College, Pre-Trial Diversion Program, Foster Grandparents/ Senior Companion Program, the Homemaker Program, Alaska Legal Services, Literacy Council of Alaska and has letters of support from these programs.

Analysis

NSCAs Title III request of 252,980 is an increase of 38%. Their AS 47.65 request of $59,929 is an increase of 9%. The applicant decreased its original request by 20156 eliminating a full-time bookkeeper and contracting with a C.P.A. firm.

The increase in the CY 84 operating level is due to:

- Salary increases for the director, assistant director, community resource coordinator and secretary to bring them in line with comparable salaries in the community
- the addition of a part-time outreach worker
- an employee insurance plan
- proposed increase in transportation
- increase in meals

During the last year the number of persons and meals served has increased substantially.

Recommendation

OAC staff recommends Title III funding at the level of $213,796, an increase of 16% and AS 47.65 funding at $56,201 an increase of 2%.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Older Persons Action Group STAFF: Barbara McPherson

Summary

Older Persons Action Group requests ~~$70,448 in Title~~ III funds to continue Statewide Information, Referral and Support Services. OPAG currently receives $65,820 in Title III funds for this program. During CY 1984 OPAG was funded for a toll-free Zenith line to expand the Statewide capability of the program. Approximately 400 persons are served each month.

Analysis

OPAG's I & R program is well utilized and its staff is responsive to a wide range of information and referral requests and provides supportive services to persons who have complicated or long term problems. The support services are critically needed in the Anchorage area and work in cooperation with the local aging service network.

Although OPAG targets this program Statewide, service delivery has been predominately to Anchorage and the Southcentral area. Sixty-six long distance calls were placed to OPAG from June 1 to September 30, 1984 via the toll-free Zenith line. These calls originated from 23 Alaskan communities, 18 of which have local senior service programs. Twelve calls were received from the six communities that do not have senior programs.

The application contained omissions which must be resolved prior to expenditure of any awarded funds:

1. Goals and objectives: The proposed objectives and service activities need to be revised to incorporate the number of units of information that will be provided and the total number of persons that will be served. Several activities included in this application are not objectives of this funding and need to be deleted.

2. Matching Funds: As in the SENIOR VOICE application, OPAG addresses in-kind facility space and in-kind advertising as match. The in-kind advertising is unallowable. Ads donated to other agencies are benefits provided by OPAG to other agencies. Ads used as barter for items such as travel result in program income. All matching funds should be addressed to the facility budget category, page F-5.

3. Personnel: Costs addressed under total cost of position are not consistent with total costs addressed to funding sources, page F-3. Salaries addressed here are also not consistent with those listed in OPAG's SENIOR VOICE application or with the position costs resubmitted on November 21 which are attached. Also attached is a comparison of OPAG's 1984 salaries and requested 1985 salaries. Matching funds in the personnel line are inappropriate and should be deleted.

Recommendations

OAC staff recommends funding of $60,712 for OPAG's information, referral and support program for 1985. It is further recommended that the Statewide focus of this project be eliminated and that the project be directed entirely at Anchorage and the adjoining Southcentral area. Although the program has made a commendable attempt to desseminate information Statewide through this project that function is more appropriately addressed by SENIOR VOICE and local senior service programs. Further, OPAG's clientele is primarily local people. The caseload of persons needing more intensive supportive services is currently growing and moving the program toward case management services. This direction should be pursued more intensely by OPAG.

Due to the need to focus the program locally and to end duplication of service, it is recommended that funds be deleted for staff travel to other communities and for the Zenith line. The line is currently underutilized by communities that do not have senior programs. Its use by communities with OAC funded programs is not cost effective.

It is recommended that the CY 1985 award be contingent upon the following special conditions:

1. Grant funds shall be used for services to Anchorage and the adjoining Southcentral area.

2. Revised objectives and service activities based on the award of funds shall be submitted to OAC on form F-B by February 15, 1985.

3. A revised budget shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.

4. Staff funded under this award shall not be utilized by Older Persons Action Group for activities of the membership organization.

5. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantee audits must comply with OAC-PI-84-5 and Circular A-102, Attachment P.

6. Grantees must have an equal employment opportunity policy, as well as have implemented an affirmative action plan in all aspects of personnel administration. Discrimination on the basis or race, color, creed, national origin, sex or age handicap is prohibited both within grantee personnel administration and in the delivery of services and/or conducting of grant activities. Grantees must insure compliance by all subgrantees and subcontractors. A copy of the equal employment policy and affirmative action plan shall be submitted to OAC by March 31, 1985.

7. Out-of-state travel under this grant requires <u>prior</u> approval by OAC.

8. Attendance at OAC meeting is not a requirement of funding and grant funds shall not be used for this purpose.

Applicant: Older Persons Action Group
Information, Referral and Support

Title III Budget Revision Notes:

OPAG's budget request is attached. The budget revision for the information and referral program reflects the following:

1. Personnel: Salaries have been reduced to reflect available funds.

2. Travel: Travel funds have been deleted for travel to other communities. Local mileage may be included in the budget revision submitted by OPAG.

3. Facility Expenses: Funds for telephone expenses are reduced to $1,500 as the Zenith Line is not recommended for continuation in 1985.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Older Persons Action Group STAFF: Barbara McPherson

Summary

Older Persons Action Group requests $123,084 to continue monthly publication of SENIOR VOICE during CY 1985. The newspaper focuses on programs, legislation and issues which directly affect the elderly in the State and strives to provide a forum for seniors, senior organizations and policy-makers. SENIOR VOICE is distributed statewide to 7,500 persons each month. Although it is available without charge, 2,100 are paid subscribers.

SENIOR VOICE staff consists of three full-time positions: a media manager, a researcher/reporter and a reporter. OPAG's director, administrative assistant and secretary positions contribute 12 to 8 hours per week to the production of the paper.

Analysis

In 1984 SENIOR VOICE continued to be a high-quality, well written publication. It has earned the respect of its readers and journalists Statewide. Letters commending and supporting SENIOR VOICE during the past year are on file from Charles Mundorff, Southcentral Counseling Center; Thelma Langdon, Alzheimer's Disease Family Support Group; Mary Carey, Tex-Alaska Manuscripts; Sue McCarty, North Star Council on Aging; Randi Paquin, Home Health Care; Association of Older Alaskans Programs; Mary Johnson, the WGS Connection.

OPAG's CY 1985 funding request for SENIOR VOICE is 116% higher than their CY'1984 OAC grant award.

The budget request contains a number of omissions which must be resolved prior to expenditure of any awarded grant funds:

1. Matching Funds: OPAG addresses in-kind facility space and in-kind advertising as match. The in-kind advertising is unallowable. Ads donated to other agencies are benefits provided by OPAG to other agencies. Ads used as barter for items such as travel result in program income.

2. Program Income: OPAG projects $61,000 in program income during 1985; however, this amount is not shown in the budget summary, page F-1.

3. Personnel: Costs addressed under total cost of position are not consistent with total costs addressed to funding sources, page F-3. Salaries addressed here are also not consistent with those listed in OPAG's I&R grant or with the position costs resubmitted on November 21 which are attached. Also attached is a comparison of OPAG's 1984 salaries and requested 1985 salaries. Matching funds in the personnel line are inappropriate and should be deleted.

4. Travel: Travel funds are requested; however, OPAG was awarded legislative intent funding for travel for SENIOR VOICE staff.

5. Facility Expenses: OPAG is utilizing in-kind match for facility costs. These funds should be addressed to the facility budget category, page F-5.

6. Other: During CY 1984 OPAG provided SENIOR VOICE to OAC projects as a condition of the funding award. OPAG has included $1,000 in this grant request for distribution to OAC agencies. As the paper is produced under OAC grant funds, as well as the program income generated by those funds, and distributed statewide to the elderly, this additional charges for OAC projects is inappropriate.

Currently OPAG has approximately $8,000 in unexpended program income that could be carried forward to the 1985 grant period. It is important that OPAG develop a clearer accounting method for grant funds and program income for SENIOR VOICE. Program income must be applied exclusively to the costs of producing SENIOR VOICE. The revised personnel budget submitted on November 23 indicates that program income is utilized for the accounting technician's salary. This shall not exceed 4 percent of the total salary for this position as that is the percentage of work time allotted to SENIOR VOICE by the accounting position. It should also be noted that a student intern position is included in the revised salary schedule that does not appear in the media application. Funds for this position are also addressed to program income. OAC did not support a reporter trainee position requested by OPAG under legislative intent funding.

Recommendation

OAC staff recommends funding of $47,952 for SENIOR VOICE for CY 1985 contingent upon the following special conditions:

1. By February 15, 1985, OPAG must submit a complete revised budget for the operation of SENIOR VOICE during CY 1985 using budget detail pages F-1 through F-10. This budget must include all program income and funding from other sources for SENIOR VOICE. All revenue and expenditures for SENIOR VOICE must be reported to OAC quarterly by line item in accordance with the accepted revised budget.

2. OPAG shall carry forward any unexpended CY 1984 program income to CY 1985. OPAG shall notify OAC of the amount of this unexpended program income prior to February 15, 1984 and incorporate it into the revised CY 1985 budget.

3. Program income generated by SENIOR VOICE must be used exclusively for the operation of SENIOR VOICE and cannot be utilized for the support of any other program operated by the Older Persons Action Group.

4. SENIOR VOICE may not be utilized by the Older Persons Action Group or any other organization to solicit membership unless such solicitation is incorporated in a paid advertisement.

5. Staff funded under this award shall not be utilized by Older Persons Action Group for activities of the membership organization.

6. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantee audits must comply with OAC-PI-84-5 and Circular A-102, Attachment P.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: Palmer Senior Citizens, Inc. STAFF: Howard DeVore

SUMMARY OF PROGRAM: Palmer Seniors have submitted CY 1985 Grant Applications for both AS 47.65 and Title III funding to continue nutrition and access services, handyman and home maintenance services, and social worker services. Objectives for CY 1985 show slight increases in number of services provided.

TITLE III

CY 1985 Objectives proposed are:	Compare Oct 83-Sept 84 performance:
15000 congregate meals to 85 or an average of 60 a day.	13416 congregate meals to or an average of 54 a day.
1400 home delivered meals to 16	1813 meals to average 8 a day
nutrition education to 16 HB	nutrition education
4000 rides to 25 (17 rides a day)	3193 rides to (13 a day)
120 escort rides to 16	399 escort rides provided
40 outreach contacts/first time	outreach
80 referral/advocacy cases closed	304/294-referral/personal advocacy
220 units of information (fewer)	629 units of information

AS 47.65

CY 1985 Objectives proposed are:	Compare Oct 83-Sept 84 performance:
1330 health maintenance activities to 66	health maintenance (none)
physical fitness activities to 20	physical fitness (none)
270 telephone reassurance contacts-40	659 telephone reassurance contacts
600 hours home repair for 20 persons	117 home chores/repairs for
820 home visits to 65 persons	886 home visits provided to
	96 psychological assessments

Although the contract with an Anchorage-Mat/Su Psychologist continues in the grant for $8320, no objectives for psychological assessments was found in the grant application.

ANALYSIS:

Title III

This application requests $158,137, an increase of 26.2% ($32,856) over current funding of $125,281. The increase is accounted for, in part, by a new 32 hour Administrative Assistant position costing $16,591 and distributed equally between Title III and AS 47.65, and increase of 8 hours in the project director's position costing $5,935, and $6,000 for a computer, typewriter and adding machines.

AS 47.65

This request for a 16% increase over current year funding shares some of the the new administrative assistant and project director costs but also adds a new position, a Social Service Aide, costing $14,723, to assist the Social Worker.

See page 5, budget notes.

STAFF RECOMMENDATION:

Staff recommends funding Palmer's Title III project at 5.9% of the current funding level, the available funding after equitably distributing the decrease required in the Southcentral Region. Staff recommends an increase of no more than 10% in the number of meals provided and a continuation of the home delivered meals at the current level for homebound and frail elderly.

APPLICANT: Palmer Senior Citizens, Inc. STAFF: Howard DeVore

STAFF RECOMMENDATION: (Cont)

Staff recommends a maximum of 16,180 meals in CY 1985, 14,015 congregate and 2165 home delivered meals and recommends rides be maintained at the 1984 level of 3200.

Staff recommends funding the AS 47.65 Social Services and Handyman programs at 7.2% of the current operating level, equitably distributing the decrease in available funds for Southcentral and the cost of a new nutrition program at Houston in CY 1985. Staff recommends not funding the proposed new administrative position nor the new social service aide position.

	State/Federal	Match	100%
TITLE III	$ 117,895	$ 20,805 15%	$ 138,700
AS 47.65	$ 53,440	$ 5,938 10%	$ 59,378
TOTAL	$ 171,335	$ 26,743	$ 198,078

100.000 less

SPECIAL CONDITIONS:

1. Services are to be provided only to persons who are 60 years of age and older.

2. Services must be targeted to persons in greatest economic and social need.

3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-B by February 15, 1985.

4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.

5. Meals may be budgeted at not more than 16,180 meals with USDA calculated at the new rate of 58.75 cents per meal.

6. Rides are to be maintained at the current level of 3,200 in CY 1985. with the OAC Older Alaskans Transportation Service policies and priorities.

7. Transportation shall be provided to access services in the following order or priority:
   a. access to medical appointments, prescriptions, hospital and essential (nonemergency) health services;
   b. access to nutrition and other essential support services;
   c. essential shopping, low income employment (Title V and others who document low income), and volunteers in services to older persons, disabled, and children;
   d. job training and career education;
   e. attendance at senior organization meetings; and
   f. nonessential shopping, business, beauticians, cultural, educational, recreational and social activities.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: SALVATION ARMY, ANCHORAGE STAFF: Howard DeVore

SUMMARY OF PROGRAM:

The Salvation Army proposes to maintain the present level of services to nearly 2,000 older persons in the Anchorage, area, excluding Chugiak and Girdwood, and increase nutrition and day care services, providing nutrition out of five locations, transportation from the headquarters and transportation center at 110 East 3rd, and escort, chore maintenance, home repairs, counseling, shopping and shopping assistance, outreach, and friendly visits out of the home care center at the same headquarters building. Each nutrition site supports and provides some of these services, particularly information giving and in addition health screening. The headquarters project office provides administrative services, dietitian consultation, staff training, a newsletter, planning, and the primary information and referral service.

Objectives for 1985 are:	Compare Oct 83 - Sept 84 performance
39,900 rides for 530	40,749 rides for 1396
2,400 escorts for 60	3,022 escorts for 286
5,000 units of simple information	5,894 units of simple information giving advocacy assistance information
6 referral/personal advocacy	
60 shopping assistance for 8	78 shopping assistance for 30
43,750 congregate meals for 2100	36,235 congregate meals for 2277
27,375 home delivered meals to 200	26,552 home delivered meals for 524
1,650 nutrition education to 1,650	333 units of nutrition education
1,200 health activities to 100	1,377 health maintenance activities to
520 telephone reassurances to 20	756 telephone reassurance to 233
2,000 homemaker services to 60	1,026 homemaker services to 217
900 home repairs for 140	872 home repairs/maintenance to 229
1,100 visits to 120	1,620 visits to 485
2,500 respite hours for 50	1,970 respite hours for 197
10,000 adult day care for 25	hours adult day care for 59

ANALYSIS:

Program remains substantially the same as in current year with five nutrition sites, provides for the same number of rides as in 1984 and OATS dispatch with MT Caverly, continues escort, chore/homemaker, shopping assistance, reassurance calls, home maintenance, and outreach from the home care center, and enters the second year for a geriatric day care center. The Title III State/Federal 1985 request $213,637 is a 14% increase over 1984. Increases are in salaries (6.5%) and additional meals.

STAFF RECOMMENDATION:

Staff recommends to fund the AS 47.65 Day Care and In-Home Care at the current operating level and to fund the Title III Program at 7.5% less that the current CY 1984 level, the total funds available by distributing reductions of Title III funding in the Anchorage region equitably between all grantees.

Staff recommends the number of meals budgeted by no more than a 10% increase over current performance, 39,590 congregate and 29,340 home delivered, and rides be maintained at the current service level of 40,000 in 1985.

APPLICANT: Salvation Army of Anchorage STAFF: Howard DeVore

STAFF RECOMMENDATION: (Cont)	State/Federal	Match	100%
TITLE III	$ 841,368	$ 148,477 15%	$ 989,845
AS 47.65	$ 176,099	$ 19,567 10%	$ 195,666
TOTAL	$1,017,467	$ 168,044	$1,185,511

SPECIAL CONDITIONS:

1. Services are to be provided only to persons who are 60 years of age and older.
2. Services must be targeted to persons in greatest economic and social need.
3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-B by February 15, 1985.
4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.
5. Meals may be budgeted at not more than 68,930 meals.
6. Maintain five existing nutrition sites; move or expand only after approval of the Older Alaskans Commission.
7. Maintain adult day care program and participate in the Anchorage Day Care Consortium.
8. Rides are to be maintained at the current level of 40,000 in CY 1985.
9. Provide dispatch and scheduling services for and coordinate with the M.T. Caverly Senior Center and operate supplementary transportation in compliance with the OAC Older Alaskans Transportation Service policies and priorities.
10. Transportation shall be provided to access services in the following order or priority:
    a. access to medical appointments, prescriptions, hospital and essential (nonemergency) health services;
    b. access to nutrition and other essential support services;
    c. essential shopping, low income employment (Title V and others who document low income), and volunteers in services to older persons, disabled, and children;
    d. job training and career education;
    e. attendance at senior organization meetings; and
    f. nonessential shopping, business, beauticians, cultural, educational, recreational and social activities.
11. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantees must comply with OAC PI-84-5 and Circular A-102, Attachment P.

Continued next page.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Seward Senior Citizens STAFF: Dinah Van Der Hyde

Summary

Seward Senior Citizens is requesting Title III funds of $17,435 and AS 47.65 funds of $44,150. This is a 63% increase in OAC funding for the program and includes a new grant for Title III.

Seward has a population base of 1,800 with 255 persons over 60. This program has provided congregate meals two days a week, transportation, escort, outreach companionship, health maintenance, and telephone reassurance to 90 seniors.

The CY 85 proposal would increase meals to three days a week, provide home-delivered meals, transportation, escort, outreach, information, referral/personal advocacy, shopping assistance, health maintenance, physical fitness, telephone reassurance, home visiting, and volunteer services. Seward hopes to target the frail by increasing Title V outreach worker hours.

Analysis

Seward's application is minimally documented as to target populations and need for increased service. Program reporting has been timely, but planned versus actual performance has been noticeably varied. Actual congregate meals were 69% of planned, escort 3%, health maintenance 273%, and companionship 136%.

The budget request for CY 85 reflects more dependence on OAC support. The application does not explain the change in support required. Borough funds are $8,000 less; perhaps this reflects decreased revenue sharing. The Director's salary was paid 44% by the Borough in CY 84 and the Bookkeeper 50%. Both are 90% OAC in the CY 85 request.

This program is currently being audited. During the preliminary attempt at the audit, there was insufficient documentation available for the audit to take place. The grantee's current Bookkeeper is now trying to reconstruct the documents for the 1982 and 1983 grants in order to have a complete audit take place.

Recommendation

Due to the lack of OAC funding available and the uncertainty of fiscal accountability, staff recommends funding at the current operating level for AS 47.65 of $30,000.

This project has been encouraged to seek additional Title V funds for their proposed staffing increase for home visiting and health maintenance.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Tapraq, Inc. STAFF: Fran Toland

SUMMARY

Tapraq, Inc. is a service organization formed to help prevent alcohol and drug abuse in Stebbins. From July 1, 1982 to December 30, 1983 they provided congregate meals 3 days a week to approximately 16 senior citizens.

In July of 1984 they were awarded a 6-month AS 47.65 grant of $11,096. This year they are requesting $11,629 of AS 47.65 money for six months or $23,258 for 12 months. This represents an annualized increase of 5%.

ANALYSIS

Tapraq first requested and received funding in July, 1982. The site was not inspected by staff until March, 1983. At that time the nutrition administrator discovered that the kitchen in the community center was not certified. In July 1983 they were awarded a 6-month grant with the condition that continued funding was contingent upon their obtaining a food service permit. No money was awarded in January 1984. As efforts were made to certify the kitchen, the project director stayed in touch with OAC staff. In March, 1984 the Stebbins City Council agreed to pay for necessary renovations to the community center. Those renovations were scheduled to be completed in July.

With that information OAC granted Tapraq $11,096 with the condition that no money would be forwarded until we had a copy of the food service permit.

To date, the renovation on the building has not been done. At last correspondence, the supplies were barged to Unalakleet and would be delivered to Stebbins as soon as possible. Weather permitting, construction will begin immediately.

Tapraq's application was one of the most complete and accurate ones reviewed by this coordinator. Every issue was addressed and need was documented. It was received late in this office, having been sent first to the Department of Administration and then forwarded to OAC.

RECOMMENDATIONS

Staff recommends that OAC set aside $23,258 for award to Tapraq upon receipt of their food service permit. The award will be prorated based on when the permit is received.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Upper Tanana Development Corp. STAFF: Ruth G. Browne

Summary

Upper Tanana Development Corporation (UTDC) requests $211,897 in Title III funds and $31,087 in AS 47.65 funds to continue serving the elders residing in the region. The Upper Tanana region includes the communities of Dry Creek, Dot Lake, Tanacross, Tok, Tetlin, Mentasta, Northway, Eagle City and Eagle Village.

The program provides lunch five days a week at Tok/Tanacross, Tetlin, Dot Lake, Northway; two days per week at Mentasta and three days per week in Eagle. Responsibility for serving the elders of Mentasta was transferred from Copper River Native Association to UTDC during CY 84 for geographical reasons. UTDC did not receive additional funds to service Mentasta.

The program currently operates three vans. One van is used primarily in Northway and travels to Tok once a week for lunch. Two vans are presently located in Tok. One is used daily to transport seniors from Tok and Tanacross and to deliver home-delivered meals. The third van is used to transport seniors from Mentasta and Dot Lake to Tok or Delta Junction to shop or participate in the lunch program. UMPTA funds have been received to purchase a four wheel drive which will be used to service the elders in Eagle and Tetlin.

UTDC also provides escort, information, referral, telephone reassurance and home visits.

Of the approximately 212 persons 60+ years of age in the region, about 40% are Native. About 150 have been served by the UTDC region.

Analysis

UTDC's Title III request equals its CY 84 award plus 7%; its AS 47.65 request equals its CY 84 award plus 5%. The increase is due to:

- addition of a driver to service Tetlin twice a week
- an approximate 3% salary increase
- an 11% increase in number of meals
- equipment requests

An increase is justified due to addition of Mentasta as a meal site and the addition of two vans to expand transportation services.

Recommendation

OAC staff recommends Title III funding at the revised level of $209,047 and AS 47.65 funding at the level of $30,087.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

CY'85

APPLICANT: Valdez Senior Citizens STAFF: Fran Toland

Summary

This is a new grant application. Valdez Seniors have been active for the past 3 years, incorporating in 1981. A new senior housing and center complex was completed last year. They have applied for OAC Title III funds to sponsor a senior program to include congregate and home-delivered meals, transportation, escort, outreach, I & R, shopping assistance. Under AS 47.65 they propose to provide health maintenance information, physical fitness, telephone reassurance, and home visits. They propose to serve 48 seniors.

Requested from Title III is $101,924 and from AS 47.65 is $16,404.

Analysis

Health maintenance, information, outreach, transportation and potlucks once a week are currently provided. The city pays for a part-time project director and subsidizes operation of the home and center, which includes facility expenses, office supplies, vehicle supplies, postage. Project Director and accountant are the same person.

Recommendation

Staff recommends $21,312 in AS 47.65 funds to provide as many meals as possible fewer than five days per week.

OLDER ALASKANS COMMISSION
APPLICATION REVIEW

APPLICANT: WASILLA AREA SENIORS, INC. STAFF: Howard DeVore

SUMMARY OF PROGRAM: WASI, INC. has submitted a request for funding from both Title III and AS 47.65 funding, as in the past, to continue existing programs in nutrition at the Wasilla and Talkeetna sites, access services to older persons in this area of the Mat-Su Valley, and a handyman home maintenance and repairs service to the elderly frail unable to work on their own homes. New, in this CY 1985 funding request under AS 47.65, is the provision for a social worker who offers information, referral, and counseling services while coordinating with other agencies. The job description fails to mention educational or training requirements but the duties do not necessarily call for a BS in Social Work. New objectives on form F-B for CY 1985 speak only to one objective related to social work services, telephone reassurance to 15 older persons.

Title III services funded at the requested level would increase meals in a congregate setting by 22.5%, from 10,071 served October 1983-September 1984 to 13,000 proposed. Part of the cost is off-set by a suggested donation of $1.50 by participants which Wasilla Area Seniors have been contributing in the current year as well. Meal donations should provide $19,500 and rides $3,000 in a transportation service governed by OAC policies with three vehicles driven by one paid and two volunteer drivers.

Talkeetna will continue as the new nutrition outreach program serving 15-20 elderly at school sites providing meals under contract at $3.50 per meal averaging 25 meals a week for the year. The Upper Susitna Valley Seniors, Inc are involved in advisory management to the WASI Board and staff which includes a site manager now provided by Title V funding but proposed to be assumed in this grant under Title III. Justification for transfering the position to Title III is the need for more than 20 hours a week, according to the grant. Though the program got off to a slow beginning and meals are now served only one day a week, rotating from one school or resturant location to another to serve a widely distributed clientele, the response and appreciation was shown at a recent meal and USVS, Inc. board meeting attended by the reviewer.

ANALYSIS:

AS 47.65 HANDYMAN/SOCIAL WORK

The 81% increase in AS 47.65 funds requested for CY 1985 adds a new dimension to the WASI program and a new position of Social Worker costing $17,322 of the $26,295 increase over $42,400 funded in the current year for the Handyman and Home Maintenance Program. Except for counseling mentioned in the job description of the Social Worker, the information, referral and personal advocacy duties are not allowable under AS 47.65 and more appropriate under Title III but also found in the job description of the Coordinator/Bookkeeper position.

TITLE III NUTRITION AND ACCESS

The CY 1985 request of $151,095 is 29.5% above the 1984 allocation or $34,436 more accounted for in part by transfering the Talkeetna Title V Site Manager to Title III and adding $14,062 for a computer and outdoor exercise equipment. The current 1984 allocation of $116,659 includes excess funds of $10,630 not used at Talkeetna.

APPLICANT: Wasilla Area Seniors, Inc. STAFF: Howard DeVore

STAFF RECOMMENDATION:

Staff recommends funding the Title III Nutrition and Access program at 94.1% of the CY 1984 Wasilla allocation ($96,756) for the Wasilla site in 1985 and of the state share of the CY 1984 Talkeetna revised site budget ($9,373) for Talkeetna in 1985, a total Title III recommendation of $99,773 with $91,047 for the Wasilla site and $8,726 for the Talkeetna site. Staff recommends the continuation of a Title V site manager, 20 hour per week, position for Talkeetna and not to fund this position from Title III.

Staff recommends a maximum of 10,450 meals in CY 1985, 9,150 congregate meals at Wasilla served five days a week and 1,300 meals at a Talkeetna site served once a week. Staff recommends rides be maintained at the current 1984 level of 2400.

Staff recommends funding the AS 47.65 Handyman program at the current operating level, the amount of available funds for Southcentral after accommodating the cost of a new nutrition program at Houston in CY 1985 and distributing the balance to the programs in the Southcentral Region. Staff recommends not funding the proposed new Social Worker position, computer hardware or software, nor the outside exercise equipment proposed by the applicant.

		State/Federal	Match	100%
Wasilla	TITLE III	$ 91,047	$ 16,067 15%	$ 107,114
Talkeetna	TITLE III	$ 8,726	$ 1,540 15%	$ +10,266
Total	TITLE III	$ 99,773	$ 17,607 15%	$ =117,380
Wasilla	AS 47.65	$ 32,400	$ 3,600 10%	$ +36,000
	TOTAL	$ 132,173	$ 21,207	$ =153,380

xy hours delivered max

SPECIAL CONDITIONS:

1. Services are to be provided only to persons who are 60 years of age and older.

2. Services must be targeted to persons in greatest economic and social need.

3. Revised objectives and service activities based on the award of funds shall be submitted to the OAC on form F-B by February 15, 1985.

4. A revised budget based on the award of funds shall be submitted using budget detail pages F-1 through F-10 by February 15, 1985.

5. Meals may be budgeted at not more than 10,450 meals, including 1,300 for the Talkeetna site, with USDA calculated at the new rate of 58.75 cents per meal.

6. Provide 25 meals, one day a week in the Talkeetna area at selected school sites, and provide one site manager on part time 20 hours per week to

Continued next page.

APPLICANT: Wasilla Area Seniors, Inc. STAFF: Howard DeVore

SPECIAL CONDITIONS: (Cont)

supervise and organize activities through Title V funding. The Title III allocation to Wasilla includes $8,726 state funds for the Talkeetna site. New nutrition sites shall not be established without prior approval of the OAC.

7. Rides are to be maintained at the current level of 2,400 in CY 1985.

8. Transportation shall be provided to access services in the following order of priority:
   a. access to medical appointments, prescriptions, hospital and essential (nonemergency) health services;
   b. access to nutrition and other essential support services;
   c. essential shopping, low income employment (Title V and others who document low income), and volunteers in services to older persons, disabled, and children;
   d. job training and career education;
   e. attendance at senior organization meetings; and
   f. nonessential shopping, business, beauticians, cultural, educational, recreational and social activities.

9. Homemaker/Chore services service shall be provided to an individual only if the services cannot be provided by the Department of Health and Social Services, Division of Family and Youth Services, under their contract with Alaska Management Technologies. Tasks performed by Title V in-home workers are not affected by this special condition.

10. Home repair and renovation services shall be provided to an individual only if the service cannot be provided through another agency such as the Farmers Home Administration or Department of Community and Regional Affairs.

11. Grantees must have an equal employment opportunity policy as well as have impremented an affirmative action plan in all aspectes of personnel administration. Discrimination on the basis of race, color, creed, national origin, sex, or age handicap is prohibited both within grantee personnel administration and in the delivery of services and/or conducting of grant activities. Grantees must insure compliance by all subgrantees and subcontractors. A copy of the equal employment policy and affirmative action plan shall be submitted to OAC by March 31, 1985.

12. OAC shall be contacted prior to the schedule of an audit. OAC may contract for the provision of audits. Grantees must comply with OAC PI-84-5 and Circular A-102, Attachment P.

13. Out of state travel under this grant requires prior approval of OAC.

14. Attendance at OAC meetings is not a requirement of funding and grant funds shall not be used for this purpose.

15. Funds may not be used to pay health benefits for Title V enrollees.

16. Funds provided by this allocation shall not be used for a social worker positions, for computer hardware or software, nor for outdoor exercise equipment.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OLDER ALASKANS COMMISSION

BILL SHEFFIELD, GOVERNOR

POUCH C, M.S. 0209
JUNEAU, ALASKA 99811
PHONE: (907) 465-3250

April 1, 1985

Dear Governor Sheffield and Members of the Legislature:

It is a pleasure to submit the Older Alaskans Commission's 1983-84 Annual Report to you. This report describes the Commission's activities and details State and Federal dollars expended for services for older persons who are in need of assistance to maintain quality in their lives.

In its nearly four years of existence, the Commission has addressed the needs and concerns of Alaska's older population through programs designed to preserve their independence and productivity. These programs are critical if we are to prevent unnecessary or premature entry into long term care facilities.

During this time Alaska's older population has increased approximately 24%. Alaskans age 60 and older now number 24,000. We can expect this high rate of growth to continue as more and more Alaskans celebrate their sixtieth birthday and life spans increase.

The Commission has appreciated your dedication to protecting the independence and dignity of older Alaskans. We look forward to our continued, shared commitment to those who have shaped our heritage and our future.

Sincerely,

Peggy Burgin

Peggy Burgin
Chair

PB/BJP/ro

DAC Statement from Chair

02-825LH

HISTORY AND HIGHLIGHTS

History

The Older Alaskans Commission was created by the State Legislature in 1981 to ensure dignity and independence for Alaska's elderly and assist them in maintaining useful, quality lives. In creating the Commission, the Legislature gave older Alaskans a voice in the planning and provision of programs of benefit to them. Currently, through State and Federal grant awards, the Commission funds services for 16,000 older persons in 107 communities.

The Older Alaskans Commission plans, coordinates and provides services for the elderly in the areas of employment, nutrition, transportation, information and referral, housing, health care, in-home services, legal services, long-term care, advocacy, outreach and family support. The Commission also acts in an advisory capacity and makes recommendations to the Governor and the Legislature regarding issues that affect the State's elderly.

A New Beginning for Older Alaskans

A comprehensive statewide plan addressing the needs of Alaska's older citizens was developed during 1983. The planning process focused on identifying priority needs of older Alaskans and developing a coordinated approach to respond to those needs. Regional forums, individual interviews and community meetings were conducted in each of six planning regions. This information was combined with a review of existing needs assessments and recent research to provide the basis for the goals and objectives of the three year action plan.

The plan:

* provides basic information about the status and needs of older Alaskans and the available resources to address those needs

* offers a framework to guide the Commission's actions over a three year planning period

* indicates how the Commission will develop a comprehensive and coordinated approach to meet the needs of older Alaskans

* complies with the planning requirements of the Federal government

Alaska Remains a Single State Planning and Service Area

Historically, the entire state has been a single planning and service area under the administration of the Older Alaskans

Commission (formerly the Office on Aging) as the state unit on aging. The Older Americans Act provides for the establishment of planning and service areas (PSA) for the elderly in regions where the total population exceeds 100,000 and for administration of the Title III services in these regions by an area agency.

In response to the interest of the Municipality of Anchorage to be considered as a planning and service area, the Commission announced its intent to plan for the development of a planning and service area for Anchorage.

An ad hoc committee composed of members and staff of the Older Alaskans Commission and the Senior Citizens Advisory Commission of the Municipality of Anchorage was formed to develop guidelines for the designation and administration of a PSA for the municipality. Upon receipt of the committee's report and recommendations, the Commission designated Anchorage as a planning and service area.

The Commission advertised for letters of intent for a $30,000 planning grant to develop an area plan for Anchorage. The municipality chose to not respond to the letter of intent and the Commission rescinded its designation. The municipality gave the following reasons for turning down PSA responsibilities.

* There appeared to be less than adequate support by senior citizens city-wide;

* There was an almost total lack of support by areawide project directors of senior citizens programs;

* It was not possible to assume administrative functions without cutting funds, and thereby services, to local senior programs, and;

* Planning and service area functions would duplicate the areawide social service planning for all community residents which was taking place.

Alzheimer's Disease

Alzheimer's Disease is termed "the disease of the century". The 1984 amendments to the Older Americans Act require that an adequate proportion of Title III Part B funds be expended for the delivery of supportive services for families of elderly victims of Alzheimer's disease and other neurological and organic brain disorders. This mandate makes Alzheimer's disease a national priority and, for the first time, recognizes the family as the recipient of services.

The Older Alaskans has focused their attention on this devastating disease. In November, 1984, the Commission, Day Break Adult Day Care Center and the Anchorage Alzheimer's Disease Family Support Group cosponsored a statewide teleconference on Alzheimer's Disease to educate and inform Alaskans about the disease. Questionnaires were sent to the rural villages to identify the numbers of suspected Alzheimer's victims who may reside in remote areas.

Governor Sheffield proclaimed November as Alzheimer's Disease month and workshops were held in Anchorage, Juneau, Fairbanks and Kenai. Audioconference training sessions about the disease were held in Ketchikan, Kodiak, Dillingham, Bethel, Copper Center, Nome and Kenai.

Elder Abuse

In 1983 the Alaska State Legislature enacted a mandatory elder abuse reporting law to shield Alaska's elderly from physical and economic harm. The Older Alaskans Commission advocated for the passage of this law and for the protection and assistance of older persons who are unable to care for themselves.

Elder abuse has been encountered statewide by Commission funded senior projects and was documented in Anchorage under a 1981 study funded through the Commission by the Administration on Aging. Twenty agencies surveyed by the Anchorage Community Health Center for this study reported contacts with elder abuse cases. Seventy-five cases of elder abuse were reported in all. In 75% of the cases, the abuse had been going on for some time and only 53% of the victims sought help.

Although adult protective services are the responsibility of the Department of Health and Social Services, the Older Alaskans Commission has oversight responsibility for elder abuse services under the mandatory reporting statute. The Commission is responsible for approving regulations for the implementation of the law and for receiving statistical reports on activities related to the protection of elderly persons in the State. Additionally, the law mandates that employees of Commission funded programs report suspected harm to elderly persons

In September, 1984, the Commission conducted a coordinated training for personnel of OAC senior projects, social workers of Division of Family and Youth Services local offices, and hospital and medical personnel. Susan Tomita of Harborview Hospital in Seattle provided training in how to recognize elder abuse and how to deal with victims and their abusers. The training strengthened the ability of the aging network to coordinate effectively and promoted mutual understanding of the issues and procedures that are critical to the protection of older persons.

Older Alaskans Survey

In conjunction with the Pacific Northwest Long Term Care Center, the Commission mailed a survey to 14,300 Alaska longevity bonus recipients in October 1984. The survey will enable the Commission to best meet the needs of Alaska's elderly population. Final survey results will be available in mid-1985.

Housing Task Force

Prompted by the three year comprehensive plan, the Commission designated a task force in late SFY 1984 to study housing and housing related issues facing senior citizens in Alaska. Composed of inter-agency personnel and private citizens, the nine member task force explored public and private housing options, alternative financing, weatherization, energy assistance, institutions, in-home services and the fragmentation of senior housing services.

Through five meetings and two teleconferences, the task force solicited information on housing needs from the general public and housing professionals. After three months of investigation, the task force compiled a series of preliminary policy and legislative recommendations for the Commission's consideration. The Commission accepted these preliminary recommendations and directed the task force to conduct a statewide teleconference to encourage public comment.

Within six months of its inception the task force presented thirteen final recommendations to the Commission which they unanimously adopted. Included among the recommendations were two pieces of draft legislation designed to stretch state dollars for in-home services and housing construction. One bill would allow the Department of Health and Social Services to establish a sliding-fee schedule for recipients of homemaker, home health aide and home-nursing services.

The second piece of legislation would create an innovative builders' incentive program to encourage private contractors to construct rent-controlled senior housing.

Throughout its meetings the task force emphasized the Commission's role as a coordinating agency for senior housing-related services. All of the task force's recommendations reflect the primary goal of the Commission to keep seniors in their own homes as long as possible and to seek alternatives that would prevent or delay costly institutionalization. The task force drafted a final report to summarize its findings and offer an analysis of the recommendations.

Intergenerational Activities

As a natural outcome of visibility in communities, local senior citizen groups around the state have become involved with young people. In many areas, intergenerational activities reassert the position of elders as honored members of the community. This is particularly true in rural Alaska where seniors share their knowledge, crafts and survival skills which school-aged children.

Northwest Alaska has taken the lead in organized intergenerational programs. Kotzebue's Inupiaq Ilitquisiat movement involves seniors in curricula development and training for kindergarten through twelfth grade to supplement western education with traditional Eskimo knowledge and values. Nome's youth program frequently joins forces with the senior center to share in traditional hunting and gathering activities. The vigor of youth augments the skill and knowledge of senior citizens in such traditional activities as berry picking, ice-fishing and seal hunting.

The Foster Grandparents Program also provides intergenerational relationships in three Alaskan communities, Juneau, Anchorage, and Fairbanks. The Foster Grandparent Program assigns a senior to two children who have speical needs. The needs vary from physical handicaps to emotional and learning problems. The senior offers the child the special love and attention that teachers and staff are often too busy to give. The child offers the senior a loving response and feelings of self worth and accomplishment. This intense one on one relationship of child and senior is rarely found in our present transient society. Many Alaskan children have never seen their grandparents and the seniors are especially capable to offering warmth and wisdom. They also bring to their work the time and patience that are needed in teaching children with special needs.

EDUCATION AND TRAINING

Alaska Consortium for Education and Training in Aging

The Older Alaskans Commission is a member of the Alaska Consortium for Education and Training in Aging, a cooperative effort of the Commission, the University of Alaska and the Association of Older Alaskans Programs. The consortium evolved from mutual concerns for the development of educational resources for those who provide services to older persons. Four representatives of each member organization meet monthly via teleconference to coordinate training opportunities and address issues which affect gerontology education in the State. The Consortium, which was catalyst and steering committee for the 1982 Aging Together in Alaska Conference in Fairbanks, will also direct the development of a 1985 conference for older Alaskans.

Linkage

The U.S. Department of Health and Human Services awarded the Commission $100,000 in discretionary grant funds for the Advanced Technology Transfer of Gerontological Training: Linkage Project. Linkage was designed to examine the feasibility of using audioconferencing and video communications technologies to provide cost effective training to Commission project directors nd related aging service providers in rural Alaska.

With the Institute of Social and Economic Research (ISER) and the University of Alaska Instructional Telecommunications Center (UAITC), the Commission held two training sessions during 1984. The training sessions were broadcast via the State's teleconference network and Learn Alaska television. Sessions were held in Ketchikan, Kodiak, Dillingham, Bethel, Copper Center, Nome and Kenai. Topics of the workshops included how Alzheimer's disease affects families, the need for family support, exercises and questions for those working with Alzheimer's victims and how to develop family support in rural communities. The Linkage program will continue through part of 1985.

Board Training

All nonprofit organizations that receive funding from the Older Alaskans Commission have a board of directors and/or an advisory council. In order to increase the effectiveness of the boards and advisory councils, the Older Alaskans Commission coordinated with United Way of Anchorage to provide board training to several programs throughout the state. The trainer was provided by United Way; funds for travel, per diem and training materials were provided by the Commission. The training was provided to aging programs in Anchorage, Delta, Kodiak, Chugiak, Palmer, Tok, Juneau, Fairbanks, Kenai and Dillingham.

The Commission also developed a technical assistance packet for the board's and councils of aging programs. This packet contains a sample set of bylaws, sample job descriptions and descriptions of committees.

Project Directors Training Workshops

In July, 1983 and September, 1984 the Older Alaskans Commission conducted five-day training workshops for directors of Commission funded programs, aging service providers, the elderly and other interested persons. These workshops were funded under Federal Older Americans Act grant awards to the Commission for training and education. Under the older Americans Act, the Commission is mandated to annually provide training to program personnel and the State's aging network.

Providing training to personnel of the Older Alaskans Commission's service programs is a major priority. It is also a critical need. Aging services personnel in the State's rural communities are completely isolated from other service providers and training opportunities. The cost of attending national training conferences and workshops is prohibitive for the majority of service providers.

Topics for the training workshops were identified by project directors themselves. During the past two years the training agendas have included meal cost-control alternatives, cutback management techniques, aging service evaluation, elder abuse identification and intervention, the needs of the frail elderly, program development and management and victimization. Each workshop was attended by approximately 150 persons.

ADVOCACY ASSISTANCE

Under the Older Americans Act, states must develop systems of support and provide technical assistance to protect and advocate for older persons. The term "advocacy assistance" is used to describe these activities. Alaska's advocacy assistance program consists of three components: the Senior Citizen Ombudsman Program, Legal Services Development and Elderly Legal Services.

Senior Citizen Ombudsman Program

Alaska's Senior Citizen Ombudsman Program began in November, 1980 and is organized to serve as a resource for all Alaskans over the age of 60 with priority given to institutionalized seniors. The program's main emphasis is to ensure that the elderly get proper care in nursing homes, long term care facilities, boarding homes or residential care facilities and foster care homes. In addition, the Ombudsman investigates and resolves complaints made by and for older persons about agencies or agency actions, and provides information and referral services. An average of 50 persons are served statewide each month by the Senior Citizen Ombudsman Program.

Legal Services Development

Legal Services Development is required under the Older Americans Act to provide technical assistance and training activities which promote and assist the expansion of legal services and the ombudsman program. It does not include litigation or direct representation of clients.

Legal Services Development is provided by the Commission through a grant to Alaska Legal Services Corporation (ALSC). Under this funding legal issues which impact older citizens are addressed through training of senior service program personnel Statewide, the coordination of ALSC staff assistance to the aging network, the

provision of advocacy and legal information pertaining to the elderly and the promotion of pro-bono services from private attorneys.

Elderly Legal Services

Direct legal services for persons 60 years of age and older are also provided by the Commission through funding to Alaska Legal Services. It is estimated that approximately 30% of the State's elderly are in need of legal services. This program assists approximately 400 persons each year with legal problems concerning housing, home ownership, public entertainments, income maintenance, estates, probate and guardianships.

Nutrition Services

The Older Alaskans Commission provides funding for nutrition services for persons age 60 and over under Title III-C of the Older Americans Act and Alaska Statute 47.65. Nutrition Services include: nutritious meals which provide at least one-third of the Recommended Daily Dietary Allowances; nutrition information and education; and outreach activities to inform eligible persons about the availability of the services.

The majority of meals are served in congregate settings such as senior centers, schools, restaurants, community buildings, elderly housing facilities, and churches, so participants can benefit from the socialization and supportive services provided as part of the program. The number of congregate meals served increased from 237,498 in calendar year 1983 to 259,644 in 1984; an increase of 9.3%.

Meals are also delivered to elderly who are unable to leave their homes due to illness, handicaps, or extreme weather conditions. The number of home-delivered meals served in 1984 increased to 89,462 from the 78,701 served in 1983; an increase of 13.7%. No participant is required to pay for a meal, but all are asked to make a contribution toward the cost of the meal.

By the end of calendar 1983, there were 24 nutrition program grantees serving meals at 53 sites.

By the end of 1984 this had increased to 24 serving meals at 80 sites.

Grantees funded under Title III - C are required to provide meals at least five days per week, include spouses of persons age 60 and over as eligible participants (regardless of age), and are also eligible to receive commodities or cash-in-lieu of commodities reimbursements from the United States Department of Agriculture.

Title III - C grant recipients in 1984 were:

Grantee	Site Location(s)
The Salvation Army - Anchorage	Eight & Barrow, Mt. View, Muldoon, Spenard, Serendipity
North Slope Borough	Barrow
City of Bethel	Bethel
Lower Kuskokwim School District	Akiachuk, Akiak, Atmauthluak, Eek, Goodnews Bay, Kasigluk, Kipnuk, Kongiganek, Kwethluk, Kwigillingok, Napakiak, Napaskiak, Nightmute, Oscarville, Quinhogak, Tuluksak, Tununak, Tuntutuliak
Chugiak Senior Citizens, Inc.	Chugiak
Copper River Native Association	Glennallen, Cantwell
City of Cordova	Cordova
Bristol Bay Native Association	Naknek, South-Naknek, Newhalen, Nondalton, Kokhanok, Koliganek, Manokotak, New Stuyahok, Togiak, Twin Hills, Ekwok
City of Dillingham	Dillingham
North Star Council on Aging	Fairbanks
City of Fort Yukon	Fort Yukon
Homer Senior Citizens, Inc.	Homer
Catholic Community Services - Southeast Senior Services	Angoon, Craig, Haines, Hoonah, Hydaburg, Juneau (Mt. View, Gastineau, Valley, Douglas), Kake, Ketchikan, Klawok, Pelican, Petersburg, Sitka, Skagway, Tenakee, Wrangell, Yakutat

City of Kenai	Kenai
Senior Citizens of Kodiak	Kodiak,
Metlakatla Indian Community	Metlakatla
Minto Village Council	Minto
Nome Community Center	Nome
Palmer Senior Citizens, Inc.	Palmer
Upper Tanana Development Corp.	Tok, Dot Lake, Eagle, Mentasta, Northway, Tetlin
Wasilla Area Seniors, Inc.	Wasilla, Talkeetna

Grantees who provide meals less than five days per week are funded under AS 47.65. The recipients of AS 47.65 grants for nutrition services in 1984 were:

Grantee	Site Location(s)
Maniilaq Association	Kotzebue
Nenana Tortella Council on Aging, Inc.	Nenana
Seward Senior Citizens, Inc.	Seward

The Older Alaskans Commission also provided a wide range of nutrition program monitoring, technical assistance, and administrative support services to the nutrition program grantees. A nutrition services manual was prepared and distributed to all nutrition services providers in July 1984. Additional materials are also produced and distributed to grantees to assist them in nutrition education, sanitation, food service administration, subcontracts, purchasing, and recordkeeping. The Older Alaskans Commission's Registered Dietitian also reviews nutrition program menus to assure that the meals provide at least one-third of the Recommended Dietary Allowances as required by law.

Future Direction for Nutrition Services

The Older Alaskans Commission is committed to supporting seniors in their efforts to maintain their health and remain in their homes as long as possible. Increasing services to minority and low income seniors in rural areas is a major priority. Expanding nutrition services through contracts with local school districts has been a very successful approach. This coordinated use of existing facilities and staff is a very cost effective means of reaching these previously unserved elders in rural Alaska.

TRANSPORTATION

Transportation to get to needed services was identified as a priority item by participants at the regional forums held in developing the three year comprehensive statewide plan. Transportation is provided by the majority of Older Alaskans Commission service programs.

Vehicles used by local senior service programs have been acquired with funding from local governments, the Urban Mass Transportation Act of 1964 (UMTA), special legislative appropriations or in a few cases a supplemental award from the Commission. The majority of vehicles are received from UMTA. The Commission coordinates with the Department of Transportation and Public Facilities in the award of funds for UMTA vehicles.

A major accomplishment during 1983 was the establishment of the Older Alaskans Transportation System (OATS) which coordinates elderly transportation services in Anchorage. OATS is funded by the Commission and provides door-to-door transportation to the older persons in the Anchorage area. It is collaboratively operated by the Salvation Army and the Mabel T. Caverly Senior Center. Scheduling is through a single phone number. A computerized dispatching system is used to maximize the availability of services.

Other methods of transportation, in addition to the door-to-door system include a fixed route schedule of service. In some communities, the local taxi company is funded to provide elderly transportation services.

During SFY 1983 284,915 rides were provided to 5,017 persons. During SFY 1984 245,611 rides were provided to 4,633 persons. Each year, Commission funded transportation services transport older Alaskans approximately 1,000,000 miles.

Transportation services are provided to access services in the following order of priority:

a. Medical appointments; prescriptions, hospital and essential (non-emergency) health services;
b. Nutrition and other essential support services;
c. Essential shopping, low income development (Title V and other who document low income), and volunteers in services to older person, disabled and children;
d. Job training and career education;
e. Attendance at senior organization meetings; and
f. Nonessential shopping, business, beauticians, cultural, educational.

INFORMATION AND REFERRAL/PERSONAL ADVOCACY

Information and Referral/Personal Advocacy is a gateway for seniors to services that are available in the community. Older persons, who are unsure about where to get help or who have trouble getting it, can contact the Information and Referral service in their local senior programs to receive knowledgeable assistance. Information and Referral staff keep abreast of current information regarding available services and benefits, enabling them to given timely guidance to each individual inquirer.

The Older Americans Act requires state agencies on ongoing to assure the availability of Information and Referral programs that offer reasonably convenient access for older persons. Alaska's Information and Referral services for elderly are organized as a statewide network. Most local programs funded by the Commission serve as satellite service delivery sites, and the Commission serves as the central data collection, training, and technical assistance agency. During SFY 84, the network responded to over 41,500 information requests and handled over 2,600 referral/personal advocacy cases. These represent 27% and 97% increases over the SFY 83 levels, respectively. The Commission considers Information and Referral to be an essential link to help older Alaskans live independently.

COMMUNITY SERVICES

Homemaker/Chore Services

Homemaker services provide help with routine light housecleaning, laundry, errands, meal preparation and other tasks which a senior may require on a temporary basis due to illness or as a routine service. These services assist seniors to continue living in their own homes. Chore services cover more heavy duty, occasional or seasonal jobs such as woodchopping, heavy cleaning, yardwork, snow shoveling, or hauling water.

Home Visits

Home visits are often provided to homebound or isolated seniors to give them companionship or comfort and to see if other services may be needed.

Telephone Reassurance

Providing regular telephone contact, telephone reassurance helps projects check on the health and safety of isolated seniors. It also provides seniors with assurance that help is available if it is need.

Residential Repair/Renovation

Extending beyond the scope of chore services, residential repair/ renovation provides more specialized assistance such as plumbing, minor carpentry or electrical maintenance, weatherstripping, and replacing broken windows in the homes of senior citizens. Minor adaptations to a senior's home for handicapped accessibility are also provided.

Health Maintenance

Health maintenance activities occur in a congregate setting where space is available for such services as blood pressure checks, dental or vision care, foot care, or health education. Services are provided by nurses or other appropriate health care practitioners.

Physical Fitness

Health can be sustained or improved through physical fitness activities. These activities, provided by trained personnel, may include walking, swimming, range of motion exercises, or aerobics all are especially geared for seniors.

Counseling

Counseling is provided by caseworks, either social workers of psychologists, to help resolve personal, family, financial, or mental health problems. Counseling may occur on a one-to-one or a group basis.

Instruction/Training

Instruction/Training provides information or skills to seniors which will help them lead healthier, more independent lives. The training may occur on an individual basis or in a group setting.

Adult Day Care

Health, social, and a variety of related support services are provided in a group setting for extended periods of time to older persons who need assistance with daily living tasks. These services assist the older person to remain at home and enable his caregiver to continue caring for him.

Respite Care

Respite care services are provided in a home or congregate setting for a temporary period of time to older persons who need assistance with daily living tasks. As adult day care, respite services

prevent premature institutionalization of the older persons by giving the family relief from the responsibilities of providing care.

SENIOR EMPLOYMENT PROGRAM

The Senior Community Service Employment Program is authorized by Title V of the Older Americans Act. Originally it was designed to provide useful part-time community service employment for low income persons aged 55 years of age or older and to promote the transition of program enrollees to private or other unsubsidized employment. The focus has changed to stress employment and training opportunities with the ultimate goal being unsubsidized employment for the enrollee whenever possible. Correspondingly, the Senior Employment program has increased the emphasis on the importance of enrollees receiving training, for both specific skills and job seeking skills, and securing unsubsidized employment.

During SFY 1983 and FY 1984, 640 persons were enrolled in the Senior Employment Program. All positions were with non-profit agencies with the exception of 10 placements in the private sector. The Commission met on exceeded the Federal required goal of 15% transition to non subsidized employment each year.

Alaska was one of thirteen states in FY 1983 to receive permission to use $25,000 of the total Title V yearly allocation to develop training positions in the private sector which will to unsubsidized employment. Four persons were enrolleed in this "Experimental and Demonstration Project" in FY 1983 and six in FY 1984. These placements provided on-the-job and classroom training to eligible persons whose wages were subsidized during the training period. The participating employers hired these persons at the conclusion of training.

An annual training workshop was held for the Older Worker Specialists in December, 1983. This was a joint effort of Commission staff and the Department of Labor. An Older Worker Specialist Desk Guide was developed and distributed to all older worker specialists and their supervisors.

The Senior Employment Unit received a $23,000 Continuing Education grant from the Alaska Commission of Postsecondary Education during FY 1984 to conduct "Senior Job Preparedness" training workshops in Juneau, Anchorage and Fairbanks. Over 350 persons attended these 2-day workshops and participated in job seeking skills training. Senior Job Fairs, which match older job seekers with private sector employers, were held in Fairbanks, Anchorage, Wasilla, Seward, Valdez, Juneau and Ketchikan. These resulted in immediate employment for many participants and also brought the fact that older workers have much to offer employers to the public attention.

A manual, Older Workers' Guide to Job Seeking Skills, was prepared for the workshops and distribution to State personnel offices, JTPA programs and local job service offices. Other materials developed included a publicity flyer for employers describing the benefits of hiring mature workers and an informational flyer for older job seekers which has been mailed to public assistance recipients and distributed through job service offices and educational resource centers.

Coordination of activities between JTPA Older Worker programs and the Senior Employment Program has also included joint participation in the Job Seeking Skills workshops/Job Fairs and the Barriers to Employment Conference as well as assistance with outreach to eligible participants, cross referrals to between programs for training and employment and general older worker related information sharing.

1983-84 EXPENDITURE FROM ALL SOURCES

STATE FUNDS	FY 1983 7/1/82-6/30/83	FY 1984 7/1/83-6/30/84
Operating Expenses	$ 586,074	$ 754,125
AS 47.65	1,400,151	1,450,597
Title III match	419,100	184,903
Title V match	133,421	162,489
Nutrition Program	-0-	698,900
Medical Alarm System	144,000	117,975
Residential Care (Tanana)	-0-	225,000
Aging Network subsidy	56,346	192,621
Federal Budget Impact Funds	153,131	-0-
Special Approp. (Capital Proj.)	76,610	13,500
Long Term Care Ombudsman Title III	70,000	84,000
Post Secondary Education	-0-	23,000
Total State Funds	$3,038,833	$3,727,110
FEDERAL FUNDS		
Operating Expenses	$ 474,000	$ 505,300
Title III B (Older Americans Act)	1,355,183	1,334,728
Title III C-1 (Older Americans Act)	1,323,902	1,227,869
Title III C-2 (Older Americans Act)	517,576	489,546
Title V (Older Americans Act) (DOL)	1,039,700	1,175,363
U.S. Dept. of Agriculture	127,964	191,978
Older Americans Advocacy Assistance	22,901	81,831
Title IVa Training	8,968	30,848
Title IVa Gerontology	-0-	100,000
Total Federal Funds	$4,870,194	$5,137,463
	$7,909,027	$8,864,573

Service Delivery Under State and Federal Funding

		SFY 83	SFY 84
Transportation	No. of persons	5,017	4,633
	No. of rides	284,915	245,611
Escort	No. of persons	1,177	1,364
	No. of escorts	33,038	31,546
Outreach	No. of first-time contacts	4,130	3,894
Information	No. of requests	40,599	41,693
Referral/Personal Advocacy	No. of cases closed	1,592	3,117
Shopping Assistance	No. of persons	not counted	115
Congregate Meals	No. of persons	6,725	6,966
	No. of meals	227,329	242,827
Congregate Nutrition Education	No. of persons	1,033	1,155
Home-Delivered Meals	No. of persons	1,390	1,390
	No. of meals	73,163	83,631
In-Home Nutrition Education	No. of persons	321	275
Health Maitenance	No. of persons	2,031	1,478
Physical Fitness	No. of persons	696	633
Telephone Reassurance	No. of persons	1,394	703
Homemaker/Chore	No. of persons	157/476	242/442
Residential Repair/Renovation	No. of persons	127	74
Visiting	No. of persons	1,775	1,214
Instruction/Training	No. of persons	445	31
Counseling	No. of persons	381	207
Respite Care	No. of persons	n/a	18
Day Care	No. of persons	161	430
Legal Services	No. of persons	425	400
Long Term Care Ombudsman	No. of complaints	563	680
Total Number of of Individuals served		15,141	15,576

Older Alaskans Commission Grantees	Year	Older Americans Act Funds	State Funds
City of Aleknagik, P.O. Box 33, Aleknagik, Alaska 99555	* 1984	$ 10,190	
Alaska Legal Services Corporation, 550 West 8th Avenue, Suite 300, Anchorage, Alaska 99501	1983		$ 40,323
	1984		96,400
Aleutian/Pribilof Is. Assn., 1689 "C" St., Anchorage, Alaska 99501	1983		23,550
	1984		49,330
Anchorage Community Mental Health, 4020 Folker Street, Anchorage, Alaska 99508	1983		27,607
	1984		102,287
Anchorage Management Board, 1300 East 19th Avenue, Anchorage, Alaska 99501	1983	14,998	33,089
	1984	20,250	71,000
Legal Services Developer Program, 550 West 8th Ave., Suite 3001, Anchorage, Alaska 99501	FY 1983	50,000	
	FY 1984	50,000	
Mabel T. Caverly Senior Center, 1111 E. 5th Avenue, Anchorage, Alaska 99501	1983	129,970	
	1984	188,000	
Med-Alert, Inc., 2405 St. Elias Drive, Anchorage, Alaska 99503	FY 1983		144,000
	FY 1984		121,000
Older Persons Action Group, Inc., Box 102240, Anchorage, Alaska 99510	1983	28,562	149,253
	1984	69,180	56,990
The Salvation Army, OLDER ALASKANS PROGRAM, Box 1459, Anchorage, Alaska 99501	1983	766,495	87,375
	1984	909,799	176,099
Senior Citizens Ombudsman, 1317 West Northern Lights, Anchorage, Alaska 99503	FY 1983		74,000
	FY 1984		84,000
North Slope Borough, P.O. Box 69, Barrow, Alaska 99559	1983	119,000	
	1984	124,950	
City of Bethel, P.O. Box 388, Bethel, Alaska 99559	1983	109,875	
	1984	122,393	
Lower Kuskokwim School District, P.O. Box 305, Bethel, Alaska 99559	1984	75,000	
Chugiak Senior Center, Star Route 1, Box 2693, Chugiak, Alaska 99567	1983	150,100	28,525
	1984	166,860	71,007
Copper River Native Association, Drawer H, Copper Center, Alaska 99573	1983	125,548	
	1984	120,713	4,000

	Year	Older Americans Act Funds	State Funds
Cordova Senior Citizens, P.O. Box 1210, Cordova, Alaska 99576	1983	67,762	10,000
	1984	86,637	
Delta Seniors, Inc., P.O. Box 749, Delta Junction, Alaska 99737	1983	18,148	
	1984	26,706	
Bristol Bay Native Association, P.O. Box 189, Dillingham, Alaska 99576	1983	50,376	14,391
	1984	169,852	108,215
Senior Citizens of Dillingham, P.O. Box 191, Dillingham, Alaska 99576	1983	94,359	13,359
	1984	$ 80,150	27,000
Fairbanks Native Association, 310 1/2 First Avenue, Fairbanks, Alaska 99701	1983		10,942
	1984	21,884	2,770
North Star Council on Aging, P.O. Box 73088, Fairbanks, Alaska 99707	1983	203,230	22,964
	1984	185,449	54,957
Fairbanks Rehabilitation Association, 805 Airport Road, Fairbanks, Alaska 99701	1984		39,620
City of Ft. Yukon, Box 269, Ft. Yukon, Alaska 99740	1984	85,066	
City of Galena, P.O. Box 149, Galena, Alaska 99741	1984		3,024
Homer Senior Citizens, Inc., P.O. Box 1137, Homer, Alaska 99603	1983	21,879	59,164
	1984	149,811	
Foster Grandparents/Senior Companion, 320 Willoughby, Suite 300, Juneau, Alaska 99801	1983		22,043
	1984		23,153
Juneau Catholic Community Services, Southeast Senior Services, 419 6th Street, Juneau, Alaska 99801	1983	938,780	80,304
	1984	962,585	157,002
Juneau Women's Resource Center, 110 Seward St. Room 6, Juneau, Alaska 99801	1983		3,057
	1984		6,688
City of Kenai Senior Services, 361 Senior Court, Kenai, Alaska 99611	1983	120,300	2,611
	1984	123,282	5,222
Rendezvous Senior Day Services, P.O. Box 9382, Ketchikan, Alaska 99901	1983		24,007
	1984		64,372
Senior Citizens of Kodiak, P.O. Box 305, Kodiak, Alaska 99615	1983	94,370	28,462
	1984	94,113	56,924

	Year	Older Americans Act Funds	State Funds
Kotzebue Senior & Cultural Center, Box 260, Kotzebue, Alaska 99752	1983	10,000	
	1984	12,170	45,590
Metlakatla Senior Citizens, P.O. Box 520, Metlakatla, Alaska 99926	1983	82,758	2,553
	1984	89,538	
Minto Senior Services, P.O. Box 22, Minto, Alaska 99758	1983	53,122	
	1984	76,310	
Nenana Tortella Council on Aging, Inc., P.O. Box 209, Nenana, Alaska 99760	1983	11,103	25,060
	1984	24,126	38,317
Nome Community Center, P.O. Box 98, Nome, Alaska 99762	1983	93,788	18,775
	1984	102,410	31,147
Palmer Senior Citizens, Inc., P.O. Box 2429, Palmer, Alaska 99645	1983	127,172	28,800
	1984	130,522	57,600
Seward Senior Citizens Program, P.O. Box 195, Seward, Alaska 99664	1983		15,000
	1984		30,000
Stevens Village Council, General Delivery, Stevens Village, AK 997774	1983		12,500
Tapraq, Inc., Stebbins, Alaska 99761	1983		16,360
	1984		11,096
City Tanana Residential Care, P.O. Box 181, Tanana, Alaska 99777	FY 1983		225,000
	FY 1984		225,000
University of Alaska, Rural Education, Fairbanks, Alaska 99701	1984		25,549
Upper Tanana Development Corp., P.O. Box 459, Tok, Alaska 99780	1983	193,015	12,928
	1984	200,971	29,614
Wasilla Area Seniors, Inc., Floyd O. Smith Senior Center, P.O. Box 1456, Wasilla, Alaska 99678	1983	98,517	16,200
	1984	116,659	32,400

* Calendar Year unless otherwise indicated.

SENIOR EMPLOYMENT PROGRAM

GRANTEES	FY 1983	FY 1984
Adult Learning Center, Fairbanks	$ 33,616	$ 27,322
Agricultural Experimental Station, Palmer	51,818	33,521
Alaska Historical & Transportation Palmer	99,034	50,776
Anchor-Age Senior Center, Anchorage	15,477	39,879
Anchorage Community Mental Health	63,549	45,392
Southcentral Counseling, Anchorage		2,032
Angoon, City of		10,438
Aiding Women from Abused Rape Emergencies, Juneau	11,354	11,215
Abused Women's Aide in Crisis, Anchorage	34,475	
Bering Sea Women, Nome	32,479	31,728
Bethel, City of	148,070	18,533
Chugiak Seniors	61,985	120,603
Copper Valley Library		8,649
Cordova, City of	41,928	40,086
Crisis Line & Information Center, Wasilla		6,968
Department of Labor, Juneau	128,663	
Dillingham, City of	14,894	13,597
Displaced Homemakers, Juneau		8,907
Enep'ut Children's Center, Fairbanks	7,848	8,764
Fairbanks Arts Association	22,466	41,248
Fairbanks Native Association, Inc.		9,025
Foster Grandparents, Anchorage		7,452

GRANTEES	FY 1983	FY 1984
Fairbanks Community Mental Health	7,325	8,722
Homer Museum	$ 28,611	$ 31,122
Kenai River Runner		2,575
Ketchikan Arts and Humanities Council	1,571	
Ketchikan Museum	5,068	1,779
Kodiak Seniors	35,144	38,092
Juneau Women's Resource Center		14,025
Mabel T. Caverly Senior Center, Anchorage	45,229	43,901
Mat-Su Valley Humane Society	9,583	
City of McGrath	7,100	
Metlakatla		3,748
Minto Village	30,064	25,612
Nikolai, City of		10,025
Nome Community Center	17,913	14,115
Older Persons Action Group, Anchorage	21,479	21,146
Palmer, City of	11,415	
Palmer Seniors	27,187	38,382
Petersburg Children's Center	7,699	6,885
Salvation Army, Anchorage	286,235	241,935
Southeastern Alaska Community Action Program, Juneau	38,091	27,527
Southeast Regional Resource Center, Juneau	75,372	51,106

GRANTEES	FY 1983	FY 1984
Southeast Senior Services, Juneau	$ 98,219	$ 115,344
Seward Community Library		6,779
Seward Senior Citizens		6,772
Susitna Limited		4,404
St. Joseph Child Care, Cordova	10,439	22,987
Stevens Village		3,892
Tanana Valley Community College, Fairbanks	24,770	31,417
Tims Janitorial, Kenai		7,090
Central Council of Tlingit/Haida Indian Tribes of Alaska, Juneau	50,152	28,963
University of Alaska, Fairbanks, Center for Cross-Cultural Studies		3,432
The Upholstery Shop, Kenai		1,358
Upper Tanana Development Corporation, Tok	66,230	61,984
Wasilla, City of	9,015	8,049
Wasilla Area Seniors, Wasilla	8,165	25,539
Women In Crisis Counseling and Assistance, Fairbanks	6,091	10,976
Valley Women's Resource and Crisis Center, Kenai	17,258	10,065

(c) The Department of Natural Resources and the Department of Transportation and Public Facilities may enter into agreements under this chapter for the acquisition of rights of way, construction, reconstruction, maintenance, repair or alteration of access roads serving public airports. (§ 5 ch 2 ESLA 1955; am § 6 ch 104 SLA 1971; am Executive Order No. 39, § 11 (1977))

Sec. 44.65.060. Restriction on contracting with or employing experts on radiation hazards. (a) Except for the Department of Health and Social Services, the Department of Labor, the Department of Environmental Conservation, and the Department of Military and Veterans' Affairs, no state agency may

(1) contract, other than with the Department of Health and Social Services, to have services performed which require expertise in determining or reducing the hazards of radiation; or

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

(b) As used in this section, "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does not include the University of Alaska, a municipality, or an agency of a municipality.

(c) As used in this section, "radiation" does not mean radiation emitted from a Federal Communications Commission licensed facility emitting radiation of a wave length longer than one centimeter and an average power output not exceeding two kilowatts. (§ 2 ch 172 SLA 1978; am E.O. No. 58, § 23 (1984))

Cross references. — As to radiation protection, see AS 18.60.475.

Effect of amendments. — The 1984 amendment inserted "and Veterans'" in the introductory language of subsection (a).

Chapter 66. Review of the Activities of Agencies, Boards and Commissions.

Section		Section	
10.	Termination of state boards and commissions	30.	Program identification
20.	Agency programs	50.	Legislative oversight
		60.	Existing claims

Cross references. — As to the termination, continuation and reestablishment of regulatory boards, see AS 08.03.010.

For legislative findings related to this chapter, see § 1, ch. 149, SLA 1977.

Sec. 44.66.010. Termination of state boards and commissions. (a) Boards and commissions listed in this subsection expire on the date set out after each:

(1) Alcoholic Beverage Control Board (AS 04.06.010) — June 30, 1986;

(2) Alaska Transportation Commission (AS 42.07.011) — June 30, 1985;

(3) State Board of Parole (AS 33.15.010) — June 30, 1985;

(4) Alaska Public Utilities Commission (AS 42.05.010) — June 30, 1985;

(5) *[Repealed, § 20 ch 110 SLA 1981.]*

(6) Alaska Council on Science and Technology (AS 44.21.241) — June 30, 1983;

(7) *[Repealed, § 16 ch 161 SLA 1984.]*

(8) Alaska Code Revision Commission (AS 24.20.075) — June 30, 1985;

(9) Rural Development Council (AS 44.47.160 — 44.47.190) — June 30, 1987;

(10) Older Alaskans Commission (AS 44.21.200) — June 30, 1985;

(11) Council on Domestic Violence and Sexual Assault — June 30, 1985;

(12) Alaska Women's Commission — June 30, 1987.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under AS 44.66.010 — 44.66.060 may be continued or reestablished by the legislature for a period not to exceed four years. (§ 3 ch 149 SLA 1977; am § 3 ch 101 SLA 1978; am § 10 ch 179 SLA 1978; am § 3 ch 44 SLA 1980; am § 1 ch 115 SLA 1980; am § 11 ch 131 SLA 1980; am § 11 ch 136 SLA 1980; am § 3 ch 172 SLA 1980; am § 1 ch 32 SLA 1981; am § 1 ch 64 SLA 1981; am § 4 ch 79 SLA 1981; am § 3 ch 101 SLA 1981; am § 20 ch 110 SLA 1981; am E.O. No. 48, § 5 (1981); am § 1 ch 65 SLA 1982; am § 31 ch 142 SLA 1982; am § 3 ch 52 SLA 1983; am § 1 ch 20 SLA 1983; am § 1 ch 74 SLA 1983; am § 1 ch 76 SLA 1983; am § 16 ch 161 SLA 1984; am § 1 ch 163 SLA 1984)

Effect of amendments. — The first 1980 amendment substituted "(AS 04.06.010) — June 30, 1981" for "AS 04.05.010 — June 30, 1979" in paragraph (1) of subsection (a).

The second 1980 amendment substituted "1983" for "1979" at the end of paragraph (2) of subsection (a).

The third 1980 amendment substituted "1985" for "1980" at the end of paragraph (4) of subsection (a).

The fourth 1980 amendment added paragraph (8) of subsection (a).

The fifth 1980 amendment added paragraph (9) of subsection (a).

The first 1981 amendment substituted "1982" for "1980" in paragraph (3) of subsection (a).

The second 1981 amendment substituted "1983" for "1981" in subsection (a)(1).

The third 1981 amendment added paragraph (10) of subsection (a).

The fourth 1981 amendment added paragraph (11) of subsection (a).

The fifth 1981 amendment repealed paragraph (5) of subsection (a) which provided a termination date for the Alaska Pipeline Commission.

The sixth 1981 amendment substituted "AS 44.21.241" for "AS 44.19.181" in paragraph (6) of subsection (a).

The first 1982 amendment substituted "1985" for "1982" in paragraph (8) of subsection (a).

The second 1982 amendment deleted "Renewable" preceding "Resources Corporation" and substituted "June 30, 1992" for "June 30, 1982" in paragraph (7) of subsection (a).

The first 1983 amendment, substituted "1985" for "1982" in paragraph (a)(3).

The second 1983 amendment, added paragraph (12).

The third 1983 amendment, substituted "1985" for "1983" in paragraph (a)(2).

The fourth 1983 amendment, substituted "1984" for "1983" in paragraph (a)(1).

The first 1984 amendment repealed paragraph (a)(7), which provided a termination date for the Alaska Resources Corporation.

The second 1984 amendment substituted "1986" for "1984" in paragraph (1) of subsection (a).

Legislative history reports. — For adoption of letter of intent relating to ch. 74, SLA 1983, extending the termination date of the Alaska Transportation Commission, see 1983 Senate Journal, p. 1424, and 1983 House Journal, p. 1939.

Sec. 44.66.020. Agency programs. (a) Agency programs and activities listed in this subsection which are specifically designated as provided in AS 44.66.030 are subject to termination during the regular legislative session convening in the month and year set out after each:

(1) programs in the budget categories of general government, public protection, and administration of justice — January, 1980;

(2) programs in the budget categories of education and the University of Alaska — January, 1981;

(3) programs in the budget categories of health and social services — January, 1982;

(4) programs in the budget categories of natural resources management, development and transportation — January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening four years after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under AS 44.66.030. (§ 3 ch 149 SLA 1977)

Sec. 44.66.030. Program identification. During the legislative session preceding each of the years set out in AS 44.66.020, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year. (§ 3 ch 149 SLA 1977)

Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, or of an agency program under AS 44.66.020 and 44.66.030, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency

program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board, commission, or agency program shall be mentioned in the title of the bill. (§ 3 ch 149 SLA 1977)

Sec. 44.66.060. Existing claims. This chapter shall not cause the termination or dismissal of a claim or right of a citizen against a board, commission or program of an agency terminated under this chapter which is subject to litigation. Claims and rights shall be assumed by the department to which the board or commission terminated under this chapter was attached for administrative purposes. (§ 3 ch 149 SLA 1977)

Part 6. State Property.

Chapter

68. State-Owned Vehicles (§§ 44.68.010 — 44.68.040)
71. Surplus Property (§§ 44.71.010 — 44.71.040)
74. Management and Disposition (§§ 44.74.010 — 44.74.090)

Chapter 68. State-Owned Vehicles.

Section

10. Use of state-owned vehicles
20. Regulations regarding the use of state-owned vehicles
30. Exemptions
40. Violations

Sec. 44.68.010. Use of state-owned vehicles. State-owned vehicles may be used only in the conduct of state business. A state officer or employee may not use or permit the use of a state-owned vehicle except in the conduct of state business. (§ 1 ch 178 SLA 1959)

Collateral references. — 72 Am. Jur. 2d States, Territories and Dependencies, § 66.

Responsibility of public officer for negligence of subordinate in operation of vehicle, 3 ALR 149.

Applicability to public officials or employees of motor vehicle regulations, 19 ALR 459; 23 ALR 418.

Sec. 44.68.020. Regulations regarding the use of state-owned vehicles. The Department of Transportation and Public Facilities shall adopt regulations that

(1) define what is the use of state-owned automotive and mechanical vehicles in the conduct of state business and distinguish this use from misappropriation for private use;

(2) prescribe use governing the storage of state-owned vehicles in those locations where storage space, under the jurisdiction of the Department of Transportation and Public Facilities, is available for storage of state-owned vehicles;

answered 4/11/85

RECEIVED
MAR 5 1985

%%%

Assigned 4/11/85

Dear Mitch Abood,

As a senior Citizen, I use many activities and services funded by the Older Alaskans Commission. Please pass HB 124, so that the seniors of Alaska can continue to lead active lives.

Marguerite A. L. Adam

RECEIVED
APR 8 1985

1025 E. 11 apt 1
Anch Ak 99501

Answered 4/11/85

April 3, 1985

Mitch Abood. Chairman.

I need the OAC to continue providing services for seniors. I urge you to move the Sunset Legislation Bill # HB-124 out of committee.

Age 76. Sincerely

Mrs. Rosella I. Diethrich
1260 E. 17th Ave #309
Anchorage Alaska
99501

RECEIVED
APR 10 1985

Mrs M

H-Room Anch.

RECEIVED
APR 22 1985

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**********************************************************
*                                                        *
* DELIVER TO: JPOM                                       *
*                                                        *
*                                                        *
* ORIGINAL                                               *
* SENT:          04/17/85  TIME: 15:06                   *
* FROM:          TERESA SALAZAR                          *
* SUBJECT:       POM MAT-S43                             *
* PRINT DATE:    04/17/85  TIME: 15:07                   *
*                                                        *
**********************************************************
```

TO: SENATORS ABOOD AND DEVRIES

#B 124

FROM: MILLIE TAPSCOTT
PO BOX 871276
WASILLA 99687

PHONE: 376-5571

RE: HB 124, EXTENTING THE OLDER ALASKANS COMMISSION

I WOULD LIKE TO REQUEST THAT THE COMMITTEE INSISTS ON NEW DIRECTION FOR CLOSER ADHERENCE TO THE STATUTE AS A CONDITION OF EXTENTING OAC. WHAT ARE THE RESULTS OF THE PERFORMANCE AUDIT?

Re SB 5
HB 48

WHAT BILL
REALLY
DOES!

HB

140

COMMITTEE REPORT

SENATE

FURTHER: FINANCED

4/29/85

Date APRIL 30, 1984

Mr. President

The Committee on State Affairs considered CSHB 140(Rls)

use of teleconferencing under the Administrative Procedure Act.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Esther DeVries

Tom Kelly

Bill Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CSHB 140 (Rules)

Title: Relating to use of teleconferencing under Administrative Procedures Act

Sponsor: Governor

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Administration

Program Category Affected:

BRU, Program or Subprogram(s) Affected: Telecommunications Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared By: Sioux Plummer, Director Phone: 465-2041
Division: Telecommunications Services Date: April 16, 1985

Approved by Commissioner: Lisa Rudd Date: 4/24/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CSHB 140 (Rules)
Fiscal Note Analysis
Prepared by Division of Telecommunications Services
Department of Administration
April 16, 1985

This bill will clarify the legitimate use of teleconferencing for meetings and hearings held under the Administrative Procedures Act (AS 44.62). Specifically it will permit teleconference use by publically funded bodies for presentations, discussions and testimony at public hearings, and for counting quorum and voting.

The legal clarification of teleconference use will have no direct fiscal impact. Indirectly, however, some fiscal impact may be felt as increased use of teleconferencing could save money currently expended for travel.

Clarification and the resulting increase in use of teleconferencing will allow for greater participation in public policy making. It will also encourage broader circulation of information to and from governmental bodies and the public.

Position Paper

CSHB 140 (Rules)

The Department of Administration supports the passage of CSHB 140 (Rules) (An Act relating to the use of teleconferencing under the Administrative Procedures Act) because it will clarify past and present ambiguities relating to the use of teleconferencing for the conduct of State business. The legality of taking public testimony, establishing quorums and voting will be clarified specifically.

Teleconferencing has proven to be an effective communications medium when used to disseminate or gather information. Legal considerations for meetings have arisen when teleconferencing has been used for decision making requiring quorums for voting.

Passage of this bill will have no direct fiscal impact on State agencies. The potential for cost savings exists because teleconferencing provides a less expensive way for agencies to do business. Although telephone costs would increase, it could still be cheaper to meet by teleconference than to travel to meetings.

Use of teleconferencing will also enable more people to participate in the decision making process. The public and State agencies will have increased participatory opportunities without associated high travel costs as well as the ability to conduct business more quickly and efficiently.

Sioux Plummer

Sioux Plummer, Director
Division of Telecommunications Services
Department of Administration

4-16-85
Date

Lisa Rudd

Commissioner Lisa Rudd
Department of Administration

4/24/85
Date

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF TELECOMMUNICATIONS SERVICES

POUCH C
JUNEAU, ALASKA 99811
PHONE: (907) 465-2041

April 29, 1985

Honorable Mitch Abood, Chairman
Senate State Affairs
Capitol 423
Pouch V
Juneau, AK 99811

Dear Senator Abood:

Enclosed is a fiscal note, position paper, analysis and a copy of the latest version of HB140, the "Teleconferencing Bill" - CSHB140 (Rules).

Essentially, the Rules version exempts House and Senate sessions from being held by teleconference, deletes the requirement for regulations, deletes the language about listing topics in public meeting notices and deletes language that was felt could cause policy problems. All changes were suggested by Bill Berrier, Director of Legal Services.

We agree with these changes and believe that the bill, in its current form, will do the job. If you have any questions or would like additional information, please call.

Sincerely,

Sioux Plummer

Sioux Plummer
Director

SKP/dk
10.2/DTS3
cc: Senate State Affairs Members

Jim Shea, Deputy Commissioner for
Information Resource Management and
Telecommunications
Department of Administration

Rebecca Burch, Special Assistant
to the Commissioner
Department of Administration

02-B22LH

MEMORANDUM State of Alaska

TO: Jeannie Smith
Professional Assistant
House Rules Committee

DATE: April 18, 1985

FILE NO:

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

By: Peter B. Froehlich
Assistant Attorney General
Legislation/Regulations Section

SUBJECT: Differences between CSHB 140(Fin) and CSHB 140(Rls)

There are five differences between CSHB 140(Fin) and CSHB 140(Rls). Four of them involve the bill's amendments to our open meeting statutes, AS 44.62.310 and 44.62.312. The differences were suggested on April 13th by Director of Legal Services Bill Berrier and concurred in by Chairman Boucher of the Special Committee on Telecommunications; Chairman Miller, Representative Gruenberg, and Counsel Kaden of the House Judiciary Committee; and Director of Telecommunications Services of the Department of Administration; as well as by myself.

All five differences are listed as follows with page and line references to the Rules version:

1) Page 1, line 29, after "section." -- the phrase "except for meetings of a house of the legislature" is added. This eliminates the option of teleconferencing for meetings of a house of the legislature.

2) Page 2, line 2, after "teleconferencing." -- the language "according to regulations adopted by the commissioner of administration. The regulations must include a provision that" is deleted. This eliminates any possibility that the commissioner of administration would adopt regulations that could affect the use of teleconferencing by legislative committees. It also enhances flexibility in the use of teleconferencing by all agencies but preserves the commissioner's option under other authority to adopt general regulations on the use of teleconferencing by executive branch agencies only.

3) Page 3, line 13, after "meeting." -- the phrase "general topics to be discusse or considered" is deleted and the phrase "if the meeting is by teleconference" is added. This eliminates the burden on agencies of giving advance notice of every

possible topic to be discussed or considered at a public meeting whether it is teleconferenced or not. It also eliminates a possible technical grounds for challenge of action taken on topics not included in a notice. This change was suggested by the Senate State Affairs Committee in response to a concern raised by the City and Borough of Juneau.

4) Page 3, line 3, after "meetings." -- the phrase "and is to provide the broadest input and dissemination of information practicable" is deleted. This eliminates unnecessary and possibly problematic policy statement language.

5) Page 3, line 8, after "[MAIL VOTE]." -- the phrase "if voting in person is not reasonably possible" is deleted. This encourages use of teleconference voting as an option to in person voting by executive branch agencies in administrative adjudication.

Everyone at the April 13 meeting expressed the desire that the Rules Committee substitute of this bill reach the floor of the House as soon as possible. If I can provide any further information or assistance towards that end, please let me know.

PBF:md

cc: Rep. Red Boucher, Chair
House Special Committee on Teleconferencing

Rep. Mike M. Miller, Chair
House Judiciary Committee

Sen. Mitchell Abood, Chair
Senate State Affairs Committee

Bill Berrier, Esq.
Director of Legal Services
LAA

Hayden Kaden, Esq.
Counsel to House Judiciary Committee

Sicux Plummer, Director
Division of Telecommunications Services
Dept. of Administration

HB
144

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST
Bill/Resolution No: HB 144
Title: An act relating to political campaign contributions
Sponsor: Martin and Marrou
Requestor: House State Affairs
Date of Request: 2/1/85

FISCAL DETAIL
Agency Affected: Revenue
Program Category Affected: General Government
BRU, Program of Subprogram(s) Affected: Administration and Support - Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

		FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
	OPERATING						
100	PERSONAL SERVICES	-	-	-	-	-	-
200	TRAVEL	-	-	-	-	-	-
300	CONTRACTUAL	-	-	-	-	-	-
400	SUPPLIES	-	-	-	-	-	-
500	EQUIPMENT	-	-	-	-	-	-
600	LANDS & STRUCTURES	-	-	-	-	-	-
700	GRANTS, CLAIMS	-	-	-	-	-	-
800	MISCELLANEOUS	-	-	-	-	-	-
	TOTAL OPERATING	-	-	-	-	-	-
	CAPITAL	-	-	-	-	-	-
	REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

	GENERAL FUND	-	-	-	-	-	-
	FEDERAL FUNDS	-	-	-	-	-	-
	OTHER	-	-	-	-	-	-
	TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: See attached.

Prepared By: Ervin B. Jones, Director
Division: Administrative Services
Phone: 465-2813
Date: 2/19/85

Approved by Commissioner: Thomas A. Thurlow
Agency: Revenue
Date: 2/20/85

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Department of Revenue
HB 144 Analysis

Assumptions:

1) The inserted information on line 15-17 refers to the Refundable Credit Claims received by the Department.

2) Public disclosure under AS 47.03.085, as amended, would be limited to the list as prepared for the Alaska Public Offices Commission, and would not extend to custom-programmed computer runs by election district, party affiliation, etc. If the Department of Revenue is required by this change to compete with commercial data processing service bureaus, there will be fiscal impact.

Program Summary:

1. Positions: None.
2. Other expenditures: None.
3. Funding: None required.
4. Section cost analysis: N/A.

Computations: N/A.

Economic Impact: N/A.

Impact on local government: N/A.

Attachments: See attached recommended amendment.

Department of Revenue
HB 144
Amendments Proposed

Replace the bill's substitution language at line 15-17 with the following:
This list, once prepared and furnished to the Alaska Public Offices Commission, shall become public information under AS 09.25.110 - 09.25.120.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH S
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

February 3, 1986

RECEIVED
FEB 4 1986

The Honorable Mitch Abood
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Abood:

Enclosed for your interest are the following:

1. AG opinion dated January 28, 1986, regarding publication of information on political contribution credits.

2. List of candidates and groups named by claimants of credits as furnished to Representative Martin pursuant to the Supreme Court order dated March 21, 1985.

3. Copy of an AG opinion dated February 5, 1985, to the Division of Legislative Audit advising on organizations for which credits may be claimed.

4. Copy of a letter dated April 9, 1985, to Representative Martin furnishing the information this department may reveal without order of Supreme Court.

Because of widespread interest in the program and in analyzing the administrative response to the February 5, 1985, opinion, the Department of Revenue has sought clarification. We have been informally advised that we may approve credits only for contributions made to organizations for the exclusive use by a candidate or to a group organized to affect the outcome of a ballot proposition or question. Contributions to political parties which support more than one candidate, for example, would not be eligible for a credit.

Sincerely,

Mary A. Nordale
Commissioner of Revenue

MAN:mll
Enclosures

86-30

04-D2LH

MEMORANDUM State of Alaska

TO: Honorable Mary A. Nordale
Commissioner
Department of Revenue

DATE: January 28, 1986

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Release of list of political contribution tax credit recipients

RECEIVED
ALASKA DEPARTMENT OF REVENUE
JAN 30 1986
OFFICE OF THE COMMISSIONER

By: Richard D. Monkman
Assistant Attorney General

At your request, this office has examined the question of whether the Department of Revenue can release the 1985 list of "all persons claiming a political contribution tax credit under AS 43.20.13(a), including the dates, if available, and candidates or groups to which the contribution was made." As you note in your letter of January 27, 1986 to Senator Abood, "these lists or parts of them may not be made public except on order of the supreme court of the state." AS 43.20.013(a).

Having examined the statute, discussed the question with the Alaska Public Offices Commission (which keeps the list confidential, in accord with the statute), and reviewed the Supreme Court's Order of March 21, 1985, we conclude that the Department may not release the 1985 lists without an order of the Supreme Court. The statute is clear, and appears intended to protect the privacy interests of those who contribute small amounts to political causes. */

---

*/ In this light, we note that the Supreme Court's Order allowing partial release of the lists to Representative Martin did not allow release of the names of the contributors who received the tax credit. Rather, it limits disclosure to "a list of all candidates or groups to which contributions were made and for which the tax credit ... was claimed during calendar years 1983 and 1984." Order, March 21, 1985 (emphasis supplied). The Campaign Disclosure Act does not require disclosure of the names of those who contribute $100 or less to a campaign or political group. AS 15.13.040. Thus, an individual contributing $100 or less would expect that his or her contribution would not be made public, either by the A.P.O.C. or by your Department. Our understanding is that the legislators are not seeking the names of contributors, just the names of the groups and candidates to which contributions were made.

The lists of groups and candidates who received contributions reimbursed by the tax credit in 1983 and 1984 has already been "made public" by disclosure to Representative Martin. The Supreme Court's Order does not restrict Representative Martin from releasing the lists to others. Thus, we conclude that those lists have become public information. There is no reason to withhold them from Senator Abood or any other interested party.

The proper procedure for the interested legislators to follow to obtain the 1985 lists, or to obtain more information regarding the 1983 and 1984 lists, is to apply to the Supreme Court. We note that the application should be very specific as to what information the legislators wish to obtain.

Please let me know if we can be of any further assistance in this matter.

HMB:RDM:cck

cc: Honorable Mitch Abood
Alaska State Senate
Alaska State Legislature

Honorable Terry Martin
Alaska House of Representatives
Alaska State Legislature

Theda S. Pittman, Executive Director
Alaska Public Offices Commission
Anchorage

REPORT DATE 04/02/85

SUMMARY OF POLITICAL CONTRIBUTIONS CLAIMED FOR 1983
(PROCESSED IN 1984)

CANDIDATE OR GROUP

AEAC
/
//
1982 REPUB
1983 GOP VIC FUND
1983 GOP VICTORY FND
1983 GOP VICTORY FUN
1983 GOP VINTORY FUN
1983 VICTORY FUND
1983VICTORY FUND
1984 GOP VICTORY FND
1984 GOP VICTORY FUN
1984 PRES TRUST
20TH DIST R
20TH DIST REP PRTY
20TH DIST REPUB
20TH DIST REPUBLICAN
2ND AMEND FOUND
2ND AMEND FOUNDATION
2ND AMEND FUND
2ND AMENDMENT
2ND AMENDMENT FOUND
2ND AMENDMENT FOUNDA
2ND AMENDMENT FOUNDT
4TH DIST
4TH OF JULY FESTIVAL
83 GOP VICTORY
83 GOP VICTORY FUND
83 GOP VICTOYRY FUND
84 GOP VICTORY FUND
84 PRES TRUST
? ?
A G C
A STURGELE
A STURGULEWSKI
A.I.M.
A.L.E.V.E.
A.L.I.V.E.
AADC
AASE
AASE H
AASE HARRY
AASSE
AASSE HARRY

In the Matter of the Application for Release of Individual Tax Credit Lists.	)	Supreme Court No. S-839

Filed and Entered
APPELLATE COURTS of t
STATE of ALASKA
MAR 27 1985
CLERK
By ..... Dc

ORDER

Before: Rabinowitz, Chief Justice, Burke, Matthews, Compton and Moore, Justices.

On consideration of the application for the release, pursuant to AS 43.05.085, of individual tax credit lists, filed by Representative Terry Martin on February 5, 1985, and the statement of non-opposition to the application, filed by the State of Alaska on February 25, 1985,

IT IS ORDERED:

The application is granted. The State of Alaska is directed to release to Representative Martin a list of all candidates or groups to which contributions were made and for which the tax credit provided for by AS 43.20.013 was claimed during calendar years 1983 and 1984.

Entered by direction of the court at Anchorage, Alaska on March 21, 1985.

CLERK OF THE SUPREME COURT

David A. Lampen

DAVID A. LAMPEN

ccs: Justices
Counsel
Representative Terry Martin
Sally Smith, Director of Public Services,
Department of Revenue

MEMORANDUM State of Alaska

TO: Gerald L. Wilkerson
Legislative Auditor
Division of Legislative Audit

DATE: February 5, 1985

FILE NO: 366-320-85

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

By: Diane T. Colvin DTC
Assistant Attorney General
Commercial-Juneau

SUBJECT: Requirements for organizations under the political contribution credit program

In conjunction with an audit of the political contribution credit program administered by the Department of Revenue, you have asked whether national political parties and national special interest groups qualify under AS 43.20.013(a), which provides for payments to individuals for contributions made to certain political candidates and organizations. We conclude that a national organization may qualify if the purpose for which it is organized meets the criteria set forth in AS 43.20.013(a).

AS 43.20.013(a) provides as follows:

(a) A resident individual is entitled to a tax credit not to exceed $100 for
(1) a contribution made in a calendar year to a person or organization for use exclusively
(A) for a political campaign for a candidate for
(i) President or Vice President of the United States, whether or not the candidate will be voted on in a primary election in Alaska;
(ii) United States senator from Alaska;
(iii) United States representative from Alaska;
(iv) governor or lieutenant governor of Alaska;
(v) the Alaska legislature;
(vi) delegate to an Alaska constitutional convention;
(vii) electoral confirmation as a judge or justice of a court in Alaska; or
(viii) municipal office in Alaska; or
(B) by a group seeking to influence the outcome of a ballot proposition or question in Alaska; and
(2) dues paid in a calendar year to a non-profit organization organized primarily for the purpose of influencing elections in Alaska.

DEPARTMENT OF REVENUE
ADMINISTRATION
FEB 8 RECD

AS 43.20.013(a) places no geographical limitations on an organization. It does, however, impose requirements regarding the purpose of the organization. Thus, a national organization such as "Mondale for President" would qualify because it is organized for the purpose set forth in AS 43.20.013(a)(1)(A)(i) -- it is a political campaign organization supporting a candidate for the Presidency. On the other hand, a contribution to the Republican National Committee would not qualify, because it is not organized exclusively for one of the purposes listed in AS 43.20.013(a)(1)(A)(i) - (viii). It may support the Republican nominee for President, but it also supports other candidates, such as Republican congressional candidates in other states, who are not covered by the statute.

Likewise, national special interest organizations do not qualify unless they are organized for the purposes set forth in AS 43.20.013(a). Thus, a nationwide organization could qualify if it were organized primarily to influence an Alaskan election. AS 43.20.013(a)(2). A state organization would not qualify unless, like the Alaska Environmental Action Committee, it were organized primarily for the purpose of influencing elections in the state. The organizations you list in your memorandum (National Rifle Organization, Audubon Society, National Wildlife Federation, Second Amendment Foundation) would not qualify because they are not organized primarily for the purpose of influencing elections in Alaska nor for any of the other purposes listed in AS 43.20.013(a)(1) and (2).

Focusing on the purpose of the organization fulfills, we believe, the legislative intent of the statute. AS 43.20.013(a), like sec. 41 of the Internal Revenue Code (providing for a tax credit for political contributions), was enacted not only for the obvious purpose of encouraging citizens to make contributions to candidates for public office, but also to "compensate" for the fact that contributions to political organizations are not tax deductible as charitable contributions for income tax purposes. See I.R.C. §§ 501, 527 (West 1984). Thus, a contribution must be made to a legitimate political organization in order to qualify as a credit. A charitable organization that incidentally supports a candidate or proposition does not come under the purview of the statute.

Determining whether or not a contribution is made for one of the purposes covered by the statute creates a difficult administrative problem for the Department of Revenue. The purpose of an organization is not always apparent from its name. In addition, it is difficult for the department to identify all the organizations in the state that may be organized for the

purposes listed in AS 43.20.013(a). This task, in order to be done accurately and efficiently, will probably require additional personnel, and assistance from the Division of Elections and the Alaska Public Offices Commission (APOC).

The other problem created for the department is a public relations one. An organization, in order to encourage contributions, may "advertise" to the public that it qualifies under AS 43.20.013(a) when in fact it does not. Based on a representation of this kind, the contributor will apply to the department for a refund, which may be denied because the contribution was not earmarked exclusively for one of the purposes listed in AS 43.20.013(a). Persons denied a refund are more likely to voice their dissatisfaction with department personnel than with employees of the organization who made the erroneous representation.

One way of easing the administrative burden on the department may be to amend the current regulation, 15 AAC 20.042, which requires, in effect, that a group supporting or opposing a ballot proposition must be registered with the Alaska Public Offices Commission in order to qualify. This registration requirement could be extended to cover most candidates and groups, except those that are not otherwise required to register with APOC, such as groups supporting candidates for national offices. For those organizations that are required to register, the use of registration as a qualifier would probably help to expedite the processing of applications for refunds.

We hope this provides sufficient information for concluding your audit. If you wish further information, please contact us.

NCG:DTC:cct
cc: Ervin Jones, Director
Administrative Services Division
Department of Revenue

Theda S. Pittman, Director
Public Offices Commission
Department of Administration

Sandi Stout, Director
Division of Elections
Office of the Lieutenant Governor

April 9, 1985

The Honorable Terry Martin
House Minority Leader
Alaska State Legislature
Pouch V
Juneau, AK 99811

re: Political Campaign Contribution Credit Statistics, Calendar Years 1983 and 1984

Dear Representative Martin:

As I mentioned in our telephone conversation of April 4, we are providing the statistical information requested in your March 12, 1985 memo as public information. The figures below represent the total checks paid and total amount paid for political campaign contribution claims during 1983 and 1984, respectively. The information for the years 1981 and 1982 is more difficult to extract because of a major change in the system in 1983. We are, however, researching that information and will provide it in the near future.

Political Campaign Credit Payments

Calendar Year of Payment	Total Number of Claims	Total Amount of Payments
1983	11,773	$1,220,544.50
1984	7,317	625,676.21

Sincerely,

Ervin Jones, Director
Administrative Services Division

EJ:ms

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE

HOME
3960 REKA DRIVE-B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
POUCH V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

January 28, 1986

Chief Justice Jay Rabinowitz
Alaska Supreme Court
303 "K" Street
Anchorage, Alaska 99501

Dear Mr. Chief Justice,

As was the case last year, I am forced to write and request your assistance in a matter of legislative business. Again, I formally request an Order from the Court ordering the state Department of Revenue to release the names of all candidates and groups to which contributions were made and for which the Political Contribution Credit was claimed under AS 43.20.013, and the amount the State has paid out in the name of each candidate or group. I would like this information for claims filed in 1983, 1984 and 1985.

Unfortunately, under AS 43.20.013 this information can only be made public upon order of the Alaska Supreme Court. In a letter to you dated January 29, 1985 I related the history behind the Political Contribution Credit program, why this problem exists and my efforts to amend the statute to make the requested information accessible to the public.

Last year I made virtually the same request I am making in this letter. However, I was not given the amount of money the state paid out in the name of each candidate or group. I believe I have a compelling interest, in the course of my legislative duties, to know the amount of money the state has paid out in the name of each candidate or group.

Attached please find a copy of the Order issued last year by the Court, and a copy of a statement of non-opposition issued last year by the State.

Thank you for your attention to this matter.

Sincerely,

Terry Martin

Representative Terry Martin
House Minority Leader

encl.

ccs: The Honorable Hal Brown
Mr. Ervin Jones, Director,
Administrative Services, Department of Revenue
Senator Mitch Abood, Chairman,
Senate State Affairs Committee

MEMORANDUM State of Alaska

TO: Honorable Mary A. Nordale
Commissioner
Department of Revenue

DATE: January 28, 1986

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Release of list of political contribution tax credit recipients

By: Richard D. Monkman
Assistant Attorney General

At your request, this office has examined the question of whether the Department of Revenue can release the 1985 list of "all persons claiming a political contribution tax credit under AS 43.20.13(a), including the dates, if available, and candidates or groups to which the contribution was made." As you note in your letter of January 27, 1986 to Senator Abood, "these lists or parts of them may not be made public except on order of the supreme court of the state." AS 43.20.013(a).

Having examined the statute, discussed the question with the Alaska Public Offices Commission (which keeps the list confidential, in accord with the statute), and reviewed the Supreme Court's Order of March 21, 1985, we conclude that the Department may not release the 1985 lists without an order of the Supreme Court. The statute is clear, and appears intended to protect the privacy interests of those who contribute small amounts to political causes. */

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*/ In this light, we note that the Supreme Court's Order allowing partial release of the lists to Representative Martin did not allow release of the names of the contributors who received the tax credit. Rather, it limits disclosure to "a list of all candidates or groups to which contributions were made and for which the tax credit ... was claimed during calendar years 1983 and 1984." Order, March 21, 1985 (emphasis supplied). The Campaign Disclosure Act does not require disclosure of the names of those who contribute $100 or less to a campaign or political group. AS 15.13.040. Thus, an individual contributing $100 or less would expect that his or her contribution would not be made public, either by the A.P.O.C. or by your Department. Our understanding is that the legislators are not seeking the names of contributors, just the names of the groups and candidates to which contributions were made.

The lists of groups and candidates who received contributions reimbursed by the tax credit in 1983 and 1984 has already been "made public" by disclosure to Representative Martin. The Supreme Court's Order does not restrict Representative Martin from releasing the lists to others. Thus, we conclude that those lists have become public information. There is no reason to withhold them from Senator Abood or any other interested party.

The proper procedure for the interested legislators to follow to obtain the 1985 lists, or to obtain more information regarding the 1983 and 1984 lists, is to apply to the Supreme Court. We note that the application should be very specific as to what information the legislators wish to obtain.

Please let me know if we can be of any further assistance in this matter.

HMB:RDM:cck

cc: Honorable Mitch Abood
Alaska State Senate
Alaska State Legislature

Honorable Terry Martin
Alaska House of Representatives
Alaska State Legislature

Theda S. Pittman, Executive Director
Alaska Public Offices Commission
Anchorage

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH S
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

January 27, 1986

The Honorable Mitch Abood
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Abood:

In connection with our telephone conversation of Friday, January 24, 1986, I want to make clear my concerns about the release of information concerning claims for political contribution credits.

Under the provisions of AS 43.05.085, enacted in 1974 and amended in 1984, the Department of Revenue may furnish to APOC a list of all persons claiming a credit, "including dates, if available, and candidates or groups to which the contribution was made. These lists or parts of them may not be made public except on order of the supreme court of the State." (emphasis supplied).

Representative Terry Martin obtained an order of the Alaska Supreme Court dated March 21, 1985, which contained the following language:

> The State of Alaska is directed to release to Representative Martin a list of all candidates or groups to which contributions were made and for which the tax credit provided for by AS 43.20.013 was claimed during calendar years 1983 and 1984.

As I informed you, I believe it necessary to obtain an opinion from the Office of the Attorney General on the scope of that order. Specifically, my questions to counsel will be:

1. Does the order limit the release to Representative Martin or does the order make release of the lists "public"?

If the answer to that question is that publication to Representative Martin is publication to all, the list provided to Representative Martin will be furnished promptly.

2. Would a list relating to 1985 contributions come within the scope of the order?

3. Notwithstanding the provisions of AS 43.05.085, may the department release lists furnished to APOC to others without a Supreme Court order?

Although the Legislature did amend AS 43.05.085 in 1984 to correct the name of the agency receiving the lists, it made no other change. Since legislative review of that statute is so recent, I believe that the department must take the language in its literal sense, absent a legal opinion to the contrary. However, because of your interest, I am seeking advice on this issue immediately and shall be in further communication with you at the earliest possible opportunity.

Sincerely,

Mary A. Nordale
Commissioner of Revenue

MAN:mll
86-23

cc: Richard Monkman
Assistant Attorney General

MEMORANDUM State of Alaska

TO: Bruce Botelho
Deputy Commissioner, Taxation
Department of Revenue

DATE: December 17, 1985

FILE NO: 366-221-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

By: Richard D. Monkman
Assistant Attorney General

SUBJECT: Political tax credit payments to minors

You have requested our opinion on whether the Department of Revenue may deny claims for individual political contribution credits made by parents "on behalf" of minors as young as six months old. The answer is yes.

The individual tax credit may be claimed only for contributions to campaigns for elective office in Alaska (state or federal), for contributions to groups seeking to influence the outcome of a ballot proposition in Alaska, and for contributions to groups organized primarily for the purpose of influencing elections in Alaska. AS 43.20.013. Any contribution in these three categories would necessarily fall under the Campaign Disclosure Act, AS 15.13.010.

The disclosure statutes prohibit contributions made anonymously or in the name of another person. AS 15.13.-120(a)(4). Violation is a misdemeanor, punishable by imprisonment for up to a year and a fine of up to $5,000. Id. Additionally, a campaign or group which accepted contributions made on behalf of another person is subject to civil fines. AS 15.13.125. The Alaska Public Offices Commission has, by regulation, provided:

> If a minor makes a contribution of money or anything of value given to the minor by a parent for that purpose, the parent has made a contribution in the name of another.

2 AAC 50.357(d).

A contribution made by a parent "on behalf" of a minor is presumptively in violation of the Campaign Disclosure Act, and would be an illegal contribution. The Department of Revenue may

* Note - effective date of new regulations was 1-4-86

not grant claims for tax credits based on illegal contributions, and thus these claims should be denied. */

The Audit Division's practice of responding to questions about contribution by minors by stating that (1) the minor must use "their own money and (2) the minor must make the decision to contribute, uses the appropriate analysis. In determining whether contributions are made with the minor's "own money," the department might look to indicia such as the name on the checking account, the name on the receipt for the contribution, or whether the contribution was made with PFD money claimed by the parent.

The question of whether the minor made the decision to contribute, rather than the parent, is likely to be more difficult. You have asked whether the department "[m]ay deny claims made by persons under the age of eighteen" as a blanket rule. While administratively this would be the easiest course of action, AS 43.23.013 states that "a resident individual is entitled to a tax credit" for contributions and does not provide an age limitation. Reading this statute in harmony with the Campaign Disclosure Act leads us to conclude that the department could certainly require claims made by unemancipated minors to be supported by affidavit or other documentation sufficient to prove that the decision to contribute was the minor's, and not the parent's. A blanket ban would probably go too far.

HMB:RDM:cck

cc: Ervin Jones, Director
Administrative Services
Department of Revenue

Theda S. Pittman, Executive Director
Alaska Public Offices Commission
Anchorage

---

*/ In this regard, we note that parents of unemancipated minors must sign the minor's Permanent Fund Dividend application, and "may claim" the dividend "on behalf" of the minor. AS 43.23.-005(c); AS 43.23(d). A contribution using the minor's PFD money and made at the discretion of the parent would violate the Campaign Disclosure Act.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ *1031 W 4th AVENUE*
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ *1st NATIONAL CENTER*
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

☑ *POUCH K - STATE CAPITOL*
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

January 15, 1986

Jeff Logan
Legislative Assistant
Minority Caucus
House of Representatives
P.O. Box V
Juneau, AK 99811

Re: Political contribution tax credits

Dear Mr. Logan:

As we discussed yesterday, political contribution tax credits may be claimed only for "a contribution made ... for use exclusively (A) for a political campaign for a candidate [...]." AS 43.20.013 (emphasis supplied). The Campaign Disclosure Act defines "candidate" as a "person who files for election [for state, federal, or municipal office]" (emphasis supplied). Thus, only contributions to persons who have filed a declaration of candidacy with the Division of Elections for public office at the time the contribution is made are eligible for the tax credit.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By:
Richard D. Monkman
Assistant Attorney General

HMB:RDM:cck

cc w/enc.:

Art Peterson
Regulations Attorney
Office of the Attorney General/Juneau

Ervin Jones, Director
Administrative Services
Department of Revenue

03-C5LH

IN THE SUPREME COURT OF THE STATE OF ALASKA

In the Matter of the Application for Release of Individual Tax Credit Lists.	)	Supreme Court No. S-839

Filed and Entered
APPELLATE COURTS of th
STATE of ALASKA
MAR 27 1985
CLERK
By ..... Dep

O R D E R

Before: Rabinowitz, Chief Justice, Burke, Matthews, Compton and Moore, Justices.

On consideration of the application for the release, pursuant to AS 43.05.085, of individual tax credit lists, filed by Representative Terry Martin on February 5, 1985, and the statement of non-opposition to the application, filed by the State of Alaska on February 25, 1985,

IT IS ORDERED:

The application is granted. The State of Alaska is directed to release to Representative Martin a list of all candidates or groups to which contributions were made and for which the tax credit provided for by AS 43.20.013 was claimed during calendar years 1983 and 1984.

Entered by direction of the court at Anchorage, Alaska on March 21, 1985.

CLERK OF THE SUPREME COURT

David A. Lampen

DAVID A. LAMPEN

ccs: Justices
Counsel
Representative Terry Martin
Sally Smith, Director of Public Services,
Department of Revenue

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

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

February 22, 1985

Mr. David A. Lampen
Clerk of the Superior Court
State of Alaska
303 "K" Street
Anchorage, AK 99501-2084

Re: Application for Release f··
Individual Tax Credit Lis

Dear Mr. Lampen:

Enclosed is the state's response to Representative Terry Martin's application to the court seeking release of information made confidential by AS 43.05.085. The state does not oppose Representative Martin's request, for the reasons given in the attached statement.

Thank you for your assistance. If you have questions, please contact us.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Diane Colvin
Diane T. Colvin
Assistant Attorney General

DTC/mf

Enclosure

cc: Honorable Terry Martin
Alaska State Legislature

Sally Smith, Director
Public Services Division
Department of Revenue

03.C5LH

IN THE SUPREME COURT FOR THE STATE OF ALASKA

In Re Application For Release)
of Individual Tax Credit Lists)
)
)
)

STATE'S STATEMENT OF NON-OPPOSITION TO
APPLICATION FOR RELEASE OF INDIVIDUAL TAX CREDIT LISTS

Pursuant to Appellate Rule 404(c), the state files this response to the application filed by Representative Terry Martin for release of individual tax credit lists. The state does not oppose Representative Martin's request for release of these lists, for the reasons given below.

First, Representative Martin is requesting only the names of candidates and groups for whom the tax credit provided by AS 43.20.013 is claimed. Release of this information would not jeopardize any individual contributor's claim to privacy.

Second, Representative Martin is a state legislator. The political contribution program involves the expenditure of public funds. Representative Martin, as a public official, has a legitimate reason for seeking the information requested. His interest would, we believe, outweigh any interest the candidates and groups may have in nondisclosure.

Finally, AS 43.05.085 requires that the information requested by Representative Martin be provided to the Alaska Public Offices Commission (APOC). Other information of this kind in the possession of APOC is public information. There is not a legitimate privacy reason, in our view, for treating this particular information differently. More importantly, the purpose of AS 15.13, under which campaign expenditures and contributions must be reported to APOC, is to enable the electorate of the state to be better informed about funds contributed to and expenditures made by candidates for public office. This public purpose is not served if certain information held by APOC is kept confidential.

/ / / / / /

ATTORNEY GENERAL, STATE OF ALASKA
STATE CAPITOL
POUCH K, JUNEAU, ALASKA 99811
PHONE 465-3600

The state, therefore, does not oppose the application for release of the names of candidates and groups for whom credits were claimed under AS 43.20.013.

DATED: 2-22-85

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Diane T. Colvin
Diane T. Colvin
Assistant Attorney General

The undersigned hereby certifies that on the 22nd day of February, 1985, the attached documents were mailed to ~~the attorneys of record~~ representative. Marker

Subscribed and sworn to before me the date last written.

Notary Public
My Commission Expires 10/1/88

ATTORNEY GENERAL, STATE OF ALASKA
STATE CAPITOL
POUCH K, JUNEAU, ALASKA 99811
PHONE 465-3600

COPY

January 29, 1985

Honorable Jay Rabinowitz, Chief Justice
Alaska Supreme Court
303 "K" St.
Anchorage, Alaska 99501

Dear Chief Justice Rabinowitz,

In our democratic form of government, with it's three separate branches, the judicial branch is often called upon by the legislative and executive branches to solve problems between the two. And so it is with this letter that I present you with a set of facts and ask for your assistance.

In 1974 the Alaska legislature enacted a law that allowed state residents to apply for a personal income tax credit of up to 50 dollars. The credit was given if a taxpayer donated money to a political candidate, a candidate for judicial retention or a ballot initiative. Under that system, if a resident could prove that he or she made a donation to a campaign, the state would allow them to credit up to 50 dollars against their state income tax.

In 1980, when the personal income tax on Alaska residents was repealed, the law was changed to allow for a political contribution credit. That is, since the personal income tax was repealed, if a resident made a contribution to a political campaign, he or she would simply be reimbursed by the state. Also in 1980, the amount of the credit was increased to 100 dollars.

In the last year I have become interested in this program and have begun to investigate what types of organizations are being claimed as creditable contributions. Quite simply, I have been trying to find out where the money is going.

AS 43.20.013 (a)(1)(A) is clear, it allows a credit of up to 100 dollars for a resident who has contributed to a campaign in Alaska. Early last year I requested from the Department of Revenue a list of who Alaska residents have claimed as creditable contributions. Officials with Revenue were very cooperative in granting my request. My intent was to determine if the political campaign contribution program was accomplishing its purpose of assisting the average citizen in making contributions to candidates for elective office. I was also interested in how much money was being spent in-state versus out of state.

With that background in mind, on to the problem. With the 1984 elections out of the way, I thought it would be interesting to check and see how much money was spent on campaign credits during the past election season, and where it went. When my office placed a telephone call to the proper revenue official and asked for the list, just as we had done before, we were refused access to the information.

AS 43.05.085 states that the information dealing with the political contribution credit shall not be made public except on order of the supreme court of the state of Alaska. Ms. Sally Smith, the Director of Public Services of the department cited this statute as her reasoning for not releasing the information.

Thus, Mr. Chief Justice, I request your assistance.

I am sure you are aware that "Campaign reform" is the subject of much discussion in the press and the subject of much legislation in the capitol. Without exception the bills introduced thus far are designed not only to limit expenditures, but to make public the origin and the amounts of money being spent on elective office. I expect some form of this legislation to pass soon, simply because the people are demanding it.

When AS 43.05.085 first appeared in section 4, chapter 76, SLA 1974, it was in reference to a tax credit. It was the mood of the day, and maybe rightly so, that information related to taxpayers should remain confidential. However, as this statute applies today, there is no personal income tax debt to be credited. It therefore follows that there is no information relating to taxpayers that can be divulged. Keep in mind that I am not asking to see the names of those who contributed, only the names of those organizations and candidates that have been credited as Alaskan campaigns.

Along the lines of keeping information confidential, I would like to point out that when the program was indeed a tax credit, the state was not expending funds, it was simply deferring them. Understandably, that was between the taxpayer and the state. However, as the program exists today, the state is expending public funds. I for one believe that the final destination of public funds should be public knowledge.

Finally, I would like to point out that I have requested and was given this information once already. Since I received the list, I have not infringed on the rights or privacy of one Alaskan, simply because I did not ask for, and I did not receive the name of any Alaskan.

In conclusion Mr. Chief Justice, I am requesting you to order the Department of Revenue to provide me and the public with the names of candidates and organizations that have been claimed in calendar years 1983 and 1984 by anyone applying for reimbursement of their political campaign contribution.

I await your response.

Also, for your information, I am enclosing a copy of HB144 which will hopefully be passed during this session to correct this situation.

Thank you.

Sincerely,

Representative Terry Martin
House Minority Leader

TM:jl
encl

Alaska State Legislature

OFFICE OF THE MINORITY

POUCH V
JUNEAU, ALASKA 99811

House of Representatives

February 12, 1985

Mr. David Lampen
Clerk of the Supreme Court
303 "K" Street
Anchorage, Alaska 99501

Dear Mr. Lampen,

I am in receipt of your letter of February 7, 1985 regarding the Individual Tax Credit lists. I would like to thank you for your expeditious handling of my request to release the names of individual candidates and organizations that have been claimed as creditable contributions.

I have no supplemental information to forward for your consideration, however, if you or the court have questions regarding my request, please contact me.

Again, thank you.

Yours sincerely,

Terry Martin

Representative Terry Martin
House Minority Leader

jal

ccs: Supreme Court Justices
The Honorable Norman C. Gorsuch
Ms. Sally Smith, Director of Public Services, DOR

COPY

January 24, 1985

Ms. Sally Smith
Department of Revenue
State of Alaska
Juneau, Alaska 99811

Dear Ms. Smith,

During the past few days my assistant, Mr. Mark Hanley, has spoken with you about obtaining a list of names. The names he has requested, on my behalf, are the names of groups and candidates that individuals have claimed credit for under AS 43.20.013., the political campaign refund.

I am sure you are aware that I have been provided with such a list by your department in the recent past. I believe the statutes are clear in granting me the right to this information. AS 09.25.110 states that "Unless specifically provided otherwise the books, records, papers, files accounts, writings, and transactions of all agencies and departments are public records and are open to inspection by the public..."

Further, AS 09.25.100 states that "Information in the possession of the Department of Revenue which discloses the particulars of the business of affairs of a taxpayer or other person is not a matter of public record...These restrictions do not prohibit the publication of statistics presented in a manner that prevents the identification of particular reports and items..."

You stated to Mr. Hanley that AS 43.05.085 prevented you from releasing the information I am requesting. However, this particular statute was repealed in 1975, and AS 43.20.013 makes no provision for the release of such information.

Certainly my request has nothing to do with who requested the political campaign refund, only which group, cause or candidate has been claimed as a creditable contribution.

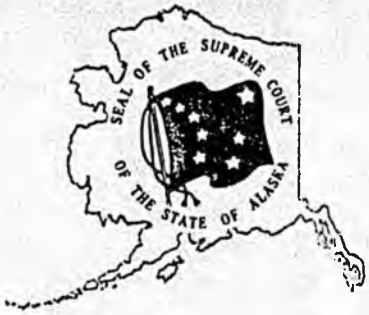
Therefore, I would like to formally request from you a list of the groups, causes and candidates that have been claimed as creditable contributions during 1982, 1983 and 1984.

As the information I seek is necessary in order to proceed with official legislative business, specifically HB 49 and SB 34, I would appreciate a timely response to this request.

Sincerely,

Representative Terry Martin

Supreme Court



Court of Appeals

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501-2084
(907) 264-0607

DAVID A. LAMPEN
Clerk of Courts

February 7, 1985

The Honorable Terry Martin
House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Individual Tax Credit Lists

Dear Representative Martin:

Chief Justice Rabinowitz has referred your letter of January 29, 1985 concerning the release of the lists prepared pursuant to AS 43.05.085, to me for appropriate processing. As you note, the lists of contributors and the candidates or groups to which the constributions were made will only be made public upon an order of the Alaska Supreme Court.

Your letter has been filed and processed as an original application to the full Court seeking the release of the lists or parts of them. If there is any additional information that you wish to submit to the full court in connection with your application, you may submit a supplement to your letter within ten days of receipt of this letter. Please forward a copy of any supplemental material to the Attorney General.

I have served a copy of your letter upon Attorney General Norman C. Gorsuch and Ms. Sally Smith, the Director of Public Services of the Department of Revenue, as representatives of the State of Alaska. I have requested that any response to your application and any supplemental material should be forwarded as expeditiously as possible. The Supreme Court will then consider the application. I will notify you of the Court's decision.

If I can provide additional information or further assistance, please contact me.

Yours sincerely,

David A. Lampen
Clerk of the Supreme Court

ccs: Supreme Court Justices
The Honorable Norman C. Gorsuch
Ms. Sally Smith, Director of Public Services

Supreme Court

Court of Appeals

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501-2084
(907) 264-0607

DAVID A. LAMPEN
Clerk of Courts

February 7, 1985

Ms. Sally Smith
Director of Public Services
Department of Revenue
Pouch S
Juneau, Alaska 99811

Re: Individual Tax Credit Lists

Dear Ms. Smith:

Enclosed please find a copy of a letter of January 29, 1985 from Representative Terry Martin to Chief Justice Rabinowitz. The matter has been treated as an original application to the Supreme Court for an order directing the release, pursuant to AS 43.05.085, of the lists of contributors and candidates or groups to which contributions were made. Mr. Martin has been notified that he may submit within ten days any supplemental information he wishes to bring to the attention of the full court.

A copy of this material has also been served upon the Attorney General. Please communicate with Mr. Gorsuch's office concerning any response to the original application.

Yours sincerely,

David A. Lampen

David A. Lampen
Clerk of the Supreme Court

Enclosure

ccs: Supreme Court Justices
Representative Terry Martin
The Honorable Norman C. Gorsuch (Enclosure)

Supreme Court

Court of Appeals

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501-2084
(907) 264-0607

DAVID A. LAMPEN
Clerk of Courts

February 7, 1985

The Honorable Norman C. Gorsuch
Attorney General
Pouch K
Juneau, Alaska 99811

Re: Individual Tax Credit Lists

Dear Mr. Attorney General:

Enclosed please find a copy of a letter of January 29, 1985 from Representative Terry Martin to Chief Justice Rabinowitz. The matter has been treated as an original application to the Supreme Court for an order directing the release, pursuant to AS 43.05.085, of the lists of contributors and candidates or groups to which contributions were made. Mr. Martin has been notified that he may submit within ten days any supplemental information he wishes to bring to the attention of the full court.

Any response to the application should be submitted to this office as expeditiously as possible, but in no case later than ten days after the filing of Representative Martin's supplemental material. Please also serve a copy of your response on Representative Martin.

Yours sincerely,

David A. Lampen

David A. Lampen
Clerk of the Supreme Court

Enclosure

ccs: Supreme Court Justices
Representative Terry Martin
Ms. Sally Smith, Director of Public Services (Enclosure)

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE

HOME
3960 REKA DRIVE-B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
POUCH V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

January 22, 1986

Mr. Ervin Jones, Director
Division of Administrative Services
Department of Revenue
Pouch SA
Juneau, Alaska 99811

Dear Mr. Jones,

As I have for the last 2 years, I am formally requesting information from the Department of Revenue regarding the Political Contribution Credit authorized under 43.20.013.(a).

Specifically, I would like to know what individuals and organizations were claimed for the credit, and the total amount of money the state paid out in each of their names (for instance "Candidate A...$1000" or "PAC B...$2000"), the total number of checks distributed, total amount paid out and Zip Codes of the applicants. I would like this information broken down by fiscal year, beginning in 1980 when the program began, until the present.

I am sure you remember that last year I requested this information from Ms. Sally Smith, Director of the Division of Public Services of DOR. Ms. Smith refused my request, and, as she is permitted to do under 43.20.013.(a), required me to petition the Supreme Court in order to gain access to the information.

Before hearing the matter the Court considered briefs from me, and from the Attorney General. In a statement for the AG, Assistant AG Diane Colvin wrote that the state saw no problem with me gaining access to the information. In fact, sh stated that I had every right to the information. It is, I believe, prudent to assume that my request will again be granted if I am forced to petition the Court.

In the course of my legislative duties I am involved with several projects which require the information I am seeking, in one form or another, before they can be completed.

Your prompt reply will be appreciated.

Sincerely,

Terry Martin

Representative Terry Martin
House Minority Leader

MEMORANDUM State of Alaska

TO: Gerald L. Wilkerson
Legislative Auditor
Division of Legislative Audit

DATE: February 5, 1985

FILE NO: 366-320-85

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

By: Diane T. Colvin DTC
Assistant Attorney General
Commercial-Juneau

SUBJECT: Requirements for organizations under the political contribution credit program

In conjunction with an audit of the political contribution credit program administered by the Department of Revenue, you have asked whether national political parties and national special interest groups qualify under AS 43.20.013(a), which provides for payments to individuals for contributions made to certain political candidates and organizations. We conclude that a national organization may qualify if the purpose for which it is organized meets the criteria set forth in AS 43.20.013(a).

AS 43.20.013(a) provides as follows:

> (a) A resident individual is entitled to a tax credit not to exceed $100 for
> (1) a contribution made in a calendar year to a person or organization for use exclusively
> (A) for a political campaign for a candidate for
> (i) President or Vice President of the United States, whether or not the candidate will be voted on in a primary election in Alaska;
> (ii) United States senator from Alaska;
> (iii) United States representative from Alaska;
> (iv) governor or lieutenant governor of Alaska;
> (v) the Alaska legislature;
> (vi) delegate to an Alaska constitutional convention;
> (vii) electoral confirmation as a judge or justice of a court in Alaska; or
> (viii) municipal office in Alaska; or
> (B) by a group seeking to influence the outcome of a ballot proposition or question in Alaska; and
> (2) dues paid in a calendar year to a non-profit organization organized primarily for the purpose of influencing elections in Alaska.

AS 43.20.013(a) places no geographical limitations on an organization. It does, however, impose requirements regarding the purpose of the organization. Thus, a national organization such as "Mondale for President" would qualify because it is organized for the purpose set forth in AS 43.20.013(a)(1)(A)(i) -- it is a political campaign organization supporting a candidate for the Presidency. On the other hand, a contribution to the Republican National Committee would not qualify, because it is not organized exclusively for one of the purposes listed in AS 43.20.013(a)(1)(A)(i) - (viii). It may support the Republican nominee for President, but it also supports other candidates, such as Republican congressional candidates in other states, who are not covered by the statute.

Likewise, national special interest organizations do not qualify unless they are organized for the purposes set forth in AS 43.20.013(a). Thus, a nationwide organization could qualify if it were organized primarily to influence an Alaskan election. AS 43.20.013(a)(2). A state organization would not qualify unless, like the Alaska Environmental Action Committee, it were organized primarily for the purpose of influencing elections in the state. The organizations you list in your memorandum (National Rifle Association, Audubon Society, National Wildlife Federation, Second Amendment Foundation) would not qualify because they are not organized primarily for the purpose of influencing elections in Alaska nor for any of the other purposes listed in AS 43.20.013(a)(1) and (2).

Focusing on the purpose of the organization fulfills, we believe, the legislative intent of the statute. AS 43.20.013(a), like sec. 41 of the Internal Revenue Code (providing for a tax credit for political contributions), was enacted not only for the obvious purpose of encouraging citizens to make contributions to candidates for public office, but also to "compensate" for the fact that contributions to political organizations are not tax deductible as charitable contributions for income tax purposes. See I.R.C. §§ 501, 527 (West 1984). Thus, a contribution must be made to a legitimate political organization in order to qualify as a credit. A charitable organization that incidentally supports a candidate or proposition does not come under the purview of the statute.

Determining whether or not a contribution is made for one of the purposes covered by the statute creates a difficult administrative problem for the Department of Revenue. The purpose of an organization is not always apparent from its name. In addition, it is difficult for the department to identify all the organizations in the state that may be organized for the

purposes listed in AS 43.20.013(a). This task, in order to be done accurately and efficiently, will probably require additional personnel, and assistance from the Division of Elections and the Alaska Public Offices Commission (APOC).

The other problem created for the department is a public relations one. An organization, in order to encourage contributions, may "advertise" to the public that it qualifies under AS 43.20.013(a) when in fact it does not. Based on a representation of this kind, the contributor will apply to the department for a refund, which may be denied because the contribution was not earmarked exclusively for one of the purposes listed in AS 43.20.013(a). Persons denied a refund are more likely to voice their dissatisfaction with department personnel than with employees of the organization who made the erroneous representation.

One way of easing the administrative burden on the department may be to amend the current regulation, 15 AAC 20.042, which requires, in effect, that a group supporting or opposing a ballot proposition must be registered with the Alaska Public Offices Commission in order to qualify. This registration requirement could be extended to cover most candidates and groups, except those that are not otherwise required to register with APOC, such as groups supporting candidates for national offices. For those organizations that are required to register, the use of registration as a qualifier would probably help to expedite the processing of applications for refunds.

We hope this provides sufficient information for concluding your audit. If you wish further information, please contact us.

NCG:DTC:cct
cc: Ervin Jones, Director
Administrative Services Division
Department of Revenue

Theda S. Pittman, Director
Public Offices Commission
Department of Administration

Sandi Stout, Director
Division of Elections
Office of the Lieutenant Governor

Alaska State Legislature

REPRESENTATIVE
TERRY MARTIN
DISTRICT 8
CHAIRMAN—LABOR AND COMMERCE COMMITTEE
PHONE 465-3573

2060 REKA DRIVE—86
ANCHORAGE AK 99504
PHONE 333 6990

31ST LEGISLATURE
POUCH V
STATE CAPITOL
JUNEAU AK 99811
PHONE 465 3704

1982 POLITICAL CONTRIBUTION REFUND CLAIMS

Political Contribution Claims

Individuals With More Than $ 2500

CONTRIBUTIONS

Record ID	Name	Amount ($)
669	Goll, Peter	2,530.00
710	Mystrom, Rick	2,550.00
299	Gilman, Don	2,640.00
431	Duncan, Jim	2,648.00
664	Tischer, Mae	2,705.00
369	Benshoof, Geraldine	2,797.00
421	Garrigues, James	2,850.00
859	Knowles, Tony	2,870.00
706	Metcalf, Ray	2,925.00
423	Angvik, Jane	2,965.00
459	Lindauer, John	3,024.00
452	Dapcevich, John	3,050.00
450	Carlson, John	3,149.00
463	Sackett, J	3,150.00
512	Gorsuch	3,183.00
882	Collins, Virginia	3,210.00
81	Adams, Al	3,350.00
306	Schmedlen, Doug	3,406.00
787	Sandvick, E	3,431.00
236	Schultz, D	3,435.00
622	Woods, Noel	3,466.00
490	Fanning, K	3,493.00
890	Furnace, W	3,506.00
620	Koponen, N	3,524.00
654	Carney, Pat	3,726.00
828	Janson, Sue	3,793.00
759	Bettisworth R	3,855.00
297	Clocksin, Don	3,929.00
350	Murkowski, F	4,025.00
883	Dal Piaz, V	4,128.00
880	Fischer, V	4,330.00
672	Smith, Phillip	4,711.00
557	Holloway, M	4,715.00
119	Sturgulewski	4,755.00
507	Albertson Lamont	4,832.00
429	Ayers, Jr.	4,862.00
140	Fahrenk[illegible]	4,987.00
563	Szyman[illegible]	5,040.00
462	Ringstad, John	5,151.00
541	Carpenter, M	5,236.00
845	Bu[illegible]oldt, Thelma	5,298.00
641	Freeman, O	5,551.00
670	Pettyjohn, F	5,660.00
186	Bussell, C	6,060.00
712	Malone, Hugh	6,060.00

Information By:

Rep. Terry Martin

8/84

Record ID	Name	Amount ($)
911	Brown, Fred	6,417.00
468	Faiks, J	6,781.00
552	Sikorski, M	6,910.00
296	Bennett, Don	7,358.00
192	O'Connell, C	7,432.00
444	Hayes, Joe	7,787.00
773	Rose, Dave	8,175.00
386	Boucher,Red	8,485.00
142	Allen, Bill	9,809.00
536	Colletta, M	9,865.00
143	Hudson, Bill	13,575.00
302	Young, Don	14,235.00
539	Roberts, Malcolm	22,440.00
230	Cowper	29,963.00
746	Randolph, D	33,162.00
831	Miller, Terry	78,177.00
004	Sheffield/McAlpine	175,157.00
008	Fink/Colletta	189,396.00
	TOTAL CONTRIBUTIONS:	$809,685.00

Information By:
Rep. Terry Martin
8/84

Political Contribution Claims
Groups With More Than $2500

CONTRIBUTIONS

Record ID	Name	Amount ($)
901	Womens Political Caucus	2,515.00
649	PACE NEA PAC	2,892.00
910	AGC PAC	3,050.00
627	National Rifle Assoc	3,566.00
88	Alive Teamsters	3,992.00
683	Pol Action Comm	4,389.00
346	Fish PAC	4,775.00
22	Builders PAC	4,932.00
189	Choice for Alaskans	5,238.00
005	Democrats	7,191.00
234	Positive Action, Citizens for	6,363.00
49	Laborers Political Education Committee	8,902.00
320	Employees Political Inf Comm	9,671.00
617	NEA Ak Pace	11,519.00
39	Environmental Committee	19,878.00
007	Libertarians	22,820.00
694	Personal Liberties Comm	25,685.00
174	Capital Access Committee	35,591.00
396	Equal Hunting and Fishing	38,527.00
843	Alaska Committee	57,144.00
003	Republicans	63,516.00
	TOTAL CONTRIBUTIONS:	$342,851.00

Information By:
Rep. Terry Martin
8/84

UNIONS

CONTRIBUTIONS

Record ID	Name	Amount ($)
17	AFGE PAC	365.00
18	AFL-CIO COPE	1,945.00
49	Laborers Political Education Committee	8,902.00
59	Public Employees Assn	300.00
67	Laboters	100.00
88	Alive Teamsters	3,992.00
93	Postal Workers Union	12.00
95	Union Control	25.00
112	APEA	430.00
168	C O R E	100.00
397	IBEW Vol Pol Fund	34.00
407	Intl Union	10.00
410	IUOE Local 302	50.00
466	Journeymen	100.00
471	Central Labor, Juneau	100.00
475	Labor Couns, Juneau	50.00
523	Local 302 PAC	134.00
524	Local 341 Education	100.00
525	Local 375	300.00
526	Local 71 PAC	33.00
527	Local United Assoc	100.00
531	LUPAC	100.00
576	Master Mates and Pilots	100.00
636	Operations Pol	36.00
637	Opty Eng 302 Fbks	50.00
677	Pol and Education Comm	200.00
678	Pol Arm	110.00
679	Pol Education Comm	300.00
683	Pol Action Comm	4,389.00
836	Teamsters	225.00
864	Plumbers and Pipefitters	346.00
865	Oper Engineers, Union of	100.00
867	Union PAC Local 302	100.00
868	Union Pol Awareness	100.00
	TOTAL CONTRIBUTIONS:	$23,338.00

Information By:
Rep. Terry Martin
8/84

Education PACs

CONTRIBUTIONS

Record ID	Name	Amount ($)
15	AEA Pace	775.00
84	Education (AK)	100.00
104	Education Association Pace Anchorage	5.00
313	Education Comm	105.00
332	Education Assoc PAC, Fbks	390.00
337	FEA PACE	1,748.00
424	JEA PACE	103.00
473	Education Assoc, Juneau Pace	25.00
480	Education, PACE Juneau	50.00
486	KBEA PACE	275.00
500	Education Assoc, Kodiak Bor	400.00
592	Education Assoc, National	100.00
595	Education Assoc, National	300.00
598	Education Assoc, National	200.00
617	NEA Ak Pace	11,519.00
644	PAC	100.00
645	PACE	100.00
646	PAC fnd	200.00
649	PACE NEA PAC	2,892.00
878	VEA PACE	50.00
	TOTAL CONTRIBUTIONS:	$19,437.00

Information By:
Rep. Terry Martin
8/84

Questionable Donations

CONTRIBUTIONS

Record ID	Name	Amount ($)
25	Cabaret Hotels	200.00
37	Alaska Credit Union	370.00
44	Fur Trappers	20.00
50	Legis (Ak)	100.00
71	Real Estate	20.00
86	Alcohol and Drug Abuse	150.00
90	Cranston, Allen	250.00
92	Alyeska Airways	45.00
100	American Security	35.00
118	Arts for Anchorage	10.00
123	Audobon Society	50.00
155	Bond Issue	55.00
170	Campaigner Pub	750.00
172	Candidates Raffle	250.00
188	Cheyenne ARFA Combin	100.00
213	Combined Fed Campaign	414.00
227	Conserv Caucus	365.00
253	Democratic Congressional Campaign	75.00
254	Democratic congressional Campaign	25.00
259	Demo Natl Comm	95.00
263	Democratic Congress Camp	100.00
265	Democratic National comm	125.00
266	Democratic National Party	25.00
270	Democratic Congress	30.00
308	E Systems Citizens	50.00
315	Roosevelt, Eleanor	125.00
330	Farthest North Club	60.00
340	Federal Campaign	48.00
357	Fusion Energy Found	350.00
363	Bush, George	50.00
373	Rep Victory Fund	4,528.00
380	Gun owners of Am	130.00
384	Handgun Control	45.00
401	Inaugural Ball	490.00
403	Institute for Leg Action	150.00
408	Isaac Walton	200.00
428	Helms, Jesse	25.00
487	KCHS Auditorium	10.00
502	Kodiak Times	72.00
503	KOTV	156.00
506	L-P Corp	20.00
513	Legislative Comm	35.00
546	Natl Tax Limitation	30.00
553	Metzenbaum	25.00
570	MNPL	200.00
574	Udall, Morris	178.00
579	North Pole H-S Fund	50.00

Information By:
Rep. Terry Martin
8/84

Questionable Donations

Record ID	Name	Amount ($)
591	Congress Club, National	540.00
592	Education Assoc, National	100.00
595	Education Assoc, National	300.00
596	Conservative Comm,Nat	205.00
597	Demo, National	250.00
598	Education Assoc, National	200.00
604	Rep Fund, National	890.00
609	Rep Cong Comm, National	2,652.00
613	National Unity Comm	50.00
614	NCPAC Heritage Found	50.00
625	NOW ERA PAC	1,040.00
626	NR Congressional	20.00
627	National Rifle Assoc	3,566.00
629	NRCC	295.00
630	National Comm Effective Cong	105.00
632	Organization of Women, National	305.00
638	Oral Max Fac Surg	45.00
640	Hatch, Orrin	60.00
652	Political Action Fund	253.00
681	Pol Victory Fund	125.00
684	Political Liberties	100.00
685	Politician Caucus	100.00
718	Rep Natl Comm	14,357.00
728	Rep Natl Task Force	320.00
731	Rep Pres Task Force	3,110.00
732	Rep Sustaining Fund	763.00
793	Sea Turtle Rescue FN	57.00
810	Spenard Lions Club	50.00
816	Employer Rights	25.00
817	State Senate	200.00
833	Task Force	240.00
844	Connally Comm	25.00
870	Rep	18,186.00
871	US Defence Comm	130.00
884	Voice of the People	100.00
885	Vol Pol Fund	580.00
893	Wilderness Society	50.00
898	Wilson for Utah	50.00
907	World Affair Council	120.00
913	Rep Comm, National	2,806.00
	TOTAL CONTRIBUTIONS:	$63,106.00

Information By:
Rep. Terry Martin
8/84

Offered: 5/2/85
Referred: Rules

Original sponsors: Martin and Marrou

IN THE HOUSE BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 144 (Judiciary) (title am)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to lists of political campaign contributions."

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

* Section 1. AS 43.05.085 is amended to read:

Sec. 43.05.085. LIST OF CONTRIBUTIONS [CONTRIBUTORS]. The commissioner of revenue shall prepare and furnish to the Alaska Public Offices Commission by July 1 of each year a list containing the total amount of contributions received by each candidate and group for which a credit was received by an individual [OF ALL PERSONS CLAIMING A CREDIT] under AS 43.20.013(a). The list becomes public information under AS 09.25.110 - 09.25.120 on its delivery to the Alaska Public Offices Commission [, INCLUDING THE DATES, IF AVAILABLE, AND CANDIDATES OR GROUPS TO WHICH THE CONTRIBUTION WAS MADE. THESE LISTS OR PARTS OF THEM MAY NOT BE MADE PUBLIC EXCEPT ON ORDER OF THE SUPREME COURT OF THE STATE].

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COMMITTEE COPY

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A FOLLOW-UP REPORT ON THE DEPARTMENT OF ADMINISTRATION DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

August 15, 1984

Audit Control Number

02-1165-B-85-R

Commissioner, Department of Administration	Lisa Rudd
Deputy Commissioners, Department of Administration	
Human Resources	Eleanor Andrews
Administrative Management	Anselm Staack
Telecommunications	Vacant
Information Resources Management	James R. Shea

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

October 23, 1984

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

A FOLLOW-UP REPORT ON
THE DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

August 15, 1984

Audit Control Number

02-1165-B-85-R

Gerald L. Wilkerson

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE OF THE REPORT

In accordance with Title 24 of the Alaska Statutes, a follow-up examination of the Department of Administration, Division of Equal Employment Opportunity was conducted to determine to what extent our prior audit recommendations (made in an April 29, 1983, report) have been implemented.

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ORGANIZATION AND FUNCTION

The Division of Equal Employment Opportunity (DEEO) is responsible for carrying out the State's equal employment opportunity pclicy in the Executive Branch of the State of Alaska.

Specific duties of the agency include the development of affirmative action plans for each Executive Branch department. The agency serves as a coordinator and provider of technical assistance to each department in the implementation of their respective affirmative action plans. In addition to these duties, DEEO is responsible for representing the Executive Branch in discrimination complaints brought by outside agencies and for development of an internal discrimination complaint resolution process within the Executive Branch.

Besides the specific duties listed above, DEEO has become an informal referral source for the State and private sector on the current status of Federal equal employment laws and regulations and their interpretation by the courts. The agency has developed and implemented management information systems to provide better analysis of the applicant screening process and the current utilization of Federally designated "protected classes" employed by the State.

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PRIOR AUDIT RECOMMENDATIONS

Prior Audit Recommendation No. 1

The Department of Administration (DOA), Division of Equal Employment Opportunity (DEEO) needs more support and authority from the Governor to increase its effectiveness.

In the prior Audit, we concluded that DEEO had not effectively developed, coordinated, or monitored a comprehensive, widely supported policy of equal opportunity and non-discrimination in the Executive Branch's employment decisions, programs, and activities. DEEO's ineffectiveness was attributed, in large part, to a lack of centralized executive support. Since DEEO has no specific statutory responsibility, the Division derives what authority and responsibilities it has from executive order. Consequently, the effectiveness of the Division depends on the nature and extent of the Governor's leadership.

Legislative Audit's Current Position

The Governor has provided stronger support for DEEO's equal employment opportunity and affirmative action programs. This support, along with that of the Legislature, is evidenced through an increased budget appropriation for Fiscal Year 1985 (See Appendix A). In addition, the Governor's support has been demonstrated through increased attention given to Equal Employment Opportunity (EEO) matters in the Governor's cabinet meetings and by increased EEO activity within the Department of Administration. This increased support has allowed DEEO to improve its effectiveness. As shown by Appendix B, significant gains in minority employment were made during the last half of Fiscal Year 1984.

Prior Audit Recommendation No. 2

DEEO should improve affirmative action plan procedures and elicit more cooperation from Executive Branch departments.

The primary analytical tool for identifying problems and promoting EEO is the departmental Affirmative Action Plan (AAP). The method of developing affirmative action goals and time tables contained in the AAP has proven cumbersome. Many departments contacted had expressed frustration with the AAP preparation process.

Legislative Audit's Current Position

For Fiscal Year 1984, no departmental AAPs were prepared. Analytical employment data, required as a part of affirmative action hiring, was provided by the newly implemented

data processing "Affirmative Action Internal Audit and Reporting System" (AIRS). Prior to Fiscal Year 1984, this information was developed through time-consuming hand calculations made by individual departments as a part of their AAP. In addition to eliminating some of the burdensome calculations required in the preparation of past AAPs, AIRS also provides a more accurate and timely source of job class minority/female availability information. Although AIRS has replaced AAPs as the source of affirmative action hiring analytical data, AAPs are necessary to establish policies and objectives by which the State's affirmative action progress can be measured. Beginning Calendar Year 1985, DEEO plans to implement a statewide AAP covering all State departments.

Prior Audit Recommendation No. 3

DOA should assume central administrative control over the use and release of expanded certification registers (ECRs).

The 1981 affirmative action report, prepared by DEEO, stated that the State had adopted an expanded certification policy. Under this policy, departments who have identified an "underutilization" of women/minorities in a particular job class may hire for positions in that class from an "expanded" register. That is, under the "5 plus 5" system, they can consider not only the top five candidates on the certified register; but, in addition, they can also consider up to the top five women and/or minorities for an under-utilized position.

Executive Branch departments had largely ignored the use of ECRs. Departments cited the time-consuming, hand-generated informational requirements associated with ECR use, the restriction that ECRs were available only to departments that had submitted AAPs, and the lack of familiarity with ECRs by those responsible for hiring, as impediments to their effective use.

Legislative Audit's Current Position

DEEO has increased administrative control over and simplified the use of ECRs. At the beginning of Fiscal Year 1984, ECR informational requirements no longer required time-consuming calculations. With the implementation of AIRS (see Prior Audit Recommendation No. 2 discussion), ECR use was available to all Executive Branch departments regardless of whether the department submitted an AAP.

However, effective April 1983, the DOA, Division of Personnel revised the "5 plus 5" procedure of considering applicants. The revised procedure required the consideration of all applicants within the top five rankings. Previous

to this revision, only the top five ranked individuals were considered. A result of the revised procedures was to require ECR users to consider large numbers of applicants. Although Fiscal Year 1984 showed an increased hiring of minorities (see Appendix B), ECRs were not consistently used during this time period. Personnel officers to whom we spoke complained that the "5 plus 5" ECR system required the consideration of more people than resources would permit.

In late June of 1984, DEEO, in cooperation with the Division of Personnel and the Personnel Council (composed of departmental personnel officers), devised and implemented a simplified expanded certification system. This system requires expanded consideration of only a single member of each under-utilized group for a given job class.

Under the new expanded certification system, it remains up to each departmental personnel officer to notify hiring supervisors when expanded certifications should be used. DEEO does not monitor whether expanded certifications are used. Additionally, in instances in which expanded certifications are used but considered minorities/females are not hired, DEEO does not require explanatory documentation as to why the minority and/or female was not hired.

To provide information through which the effectiveness of expanded certification can be evaluated, DEEO needs to require agencies to document whether hirings made into under-utilized job classes were done using expanded certifications. Such information should be retained by the agency for a reasonable period of time to demonstrate why a member of the under-utilized race and/or sex was, or was not, hired.

Prior Audit Recommendation No. 4

DEEO should develop and use data that analyzes the availability of women and minorities in a more consistent and useful manner.

DEEO's 1981 Annual Affirmative Action Report for the State of Alaska's Executive Branch (the most recent report published) provided extensive data on the number of women and minority workers employed in various segments of the Executive Branch workforce. However, the report did not speak to the availability of women and minorities in the State with the qualifications needed for various State positions. In addition, DEEO's application and determination of availability had been arbitrary, unsubstantiated, and inconsistent. Availability is a key factor in determining if women and minorities are under-utilized (see Note 1).

Legislative Audit's Current Position

Publication of a 1983 DEEO State Annual Report did not take place because there were no 1983 AAPs on which to report (see Recommendation No. 2 discussion). However, DEEO's implementation of AIRS provides an analytical and consistent method of determining availability. During Fiscal Year 1984, AIRS availability data base was taken from the 1980 census figures supplied by the U.S. Department of Commerce. This information, which was available to department personnel officers through "on-line" computer terminals, was used to determine when ECRs should be used.

For Fiscal Year 1985, the AIRS data base was upgraded using a combination of State applicant flow information, University of Alaska availability figures, and the 1980 census figures supplied by the U.S. Department of Commerce. To make AIRS availability data more convenient and simpler for personnel officers to use, DEEO began preparing quarterly reports showing under-utilized job groups (see Appendix C). Executive Branch personnel officers, who receive these quarterly reports, will no longer require computer terminal access to AIRS.

A weakness of the AIRS system is that it does not monitor employee transfers, promotions, or terminations. Chapter 41, Part 60-2 of the Code of Federal Regulations (which regulates all non-construction Government contractors having fifty or more employees) requires internal audit and reporting systems to include this function as a means of measuring the effectiveness of the total affirmative action program. In order to insure that nondiscriminatory policy is carried out, DEEO needs to develop a system capable of monitoring these activities.

Prior Audit Recommendation No. 5

DEEO should establish a comprehensive internal complaint procedure to be utilized by all Executive Branch departments.

Administrative Order No. 59 gave the responsibility to DEEO to establish a uniform complaint procedure which would be available to all persons subject to the order. DEEO had not established a uniform internal complaint procedure.

Legislative Audit's Current Position

Administrative Order No. 75, which included an internal discrimination complaint procedure, replaced Administrative Order No. 59 as DEEO's authoritative mandate. DEEO has

handled ten internal discrimination complaints since the current Administrative Order's April 1983 effective date. DEEO plans to improve the procedure outlined in Administrative Order No. 75 in order to provide Executive Branch departments and employees with a more effective means of filing internal discrimination complaints. Appendix E summarizes complaints handled by DEEO which originated from external anti-discrimination agencies, as well as those brought internally to DEEO.

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APPENDIXES

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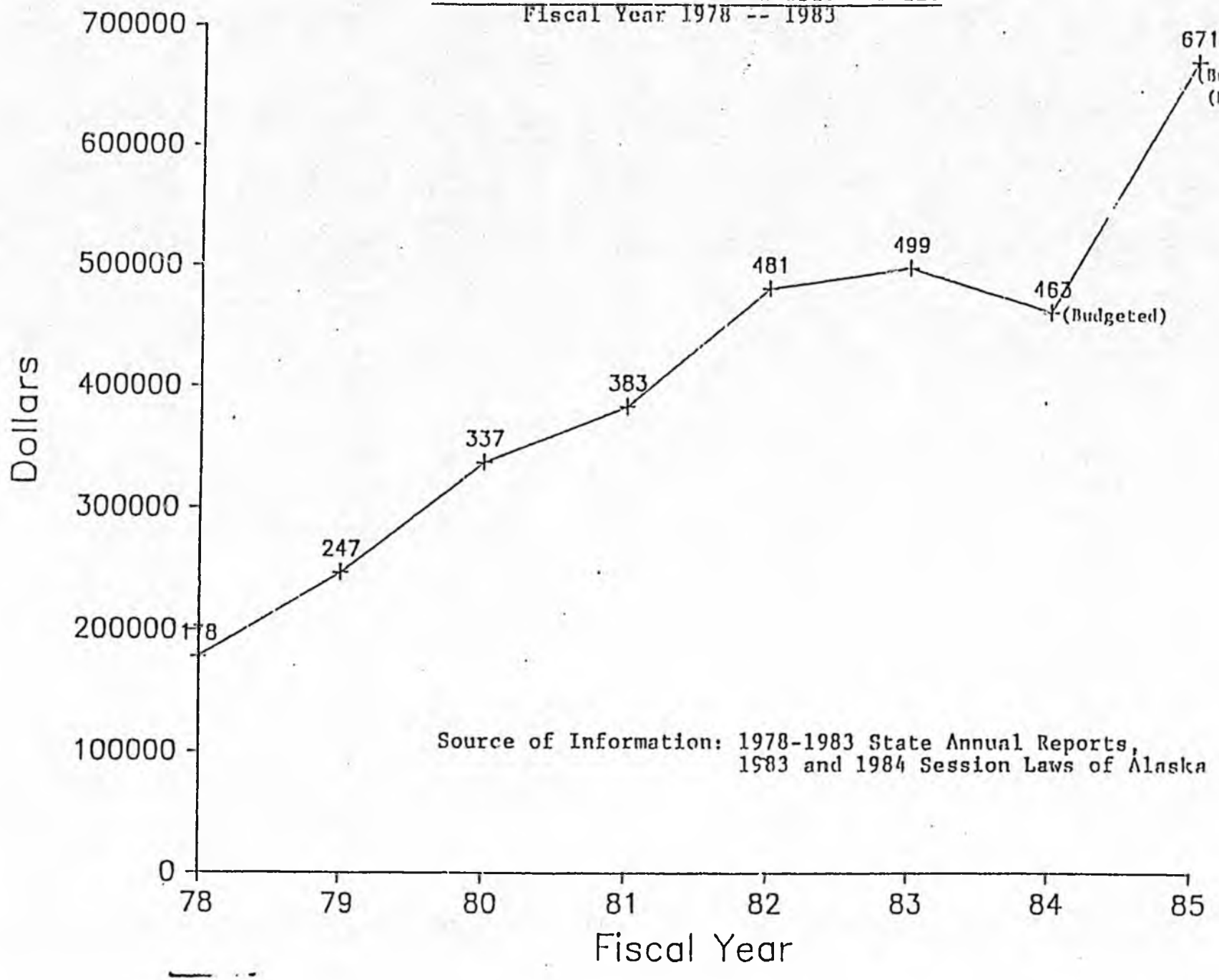
APPENDIX A

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
REPORTED EXPENDITURES BY DIVISION OF EEO
Fiscal Year 1978 -- 1983

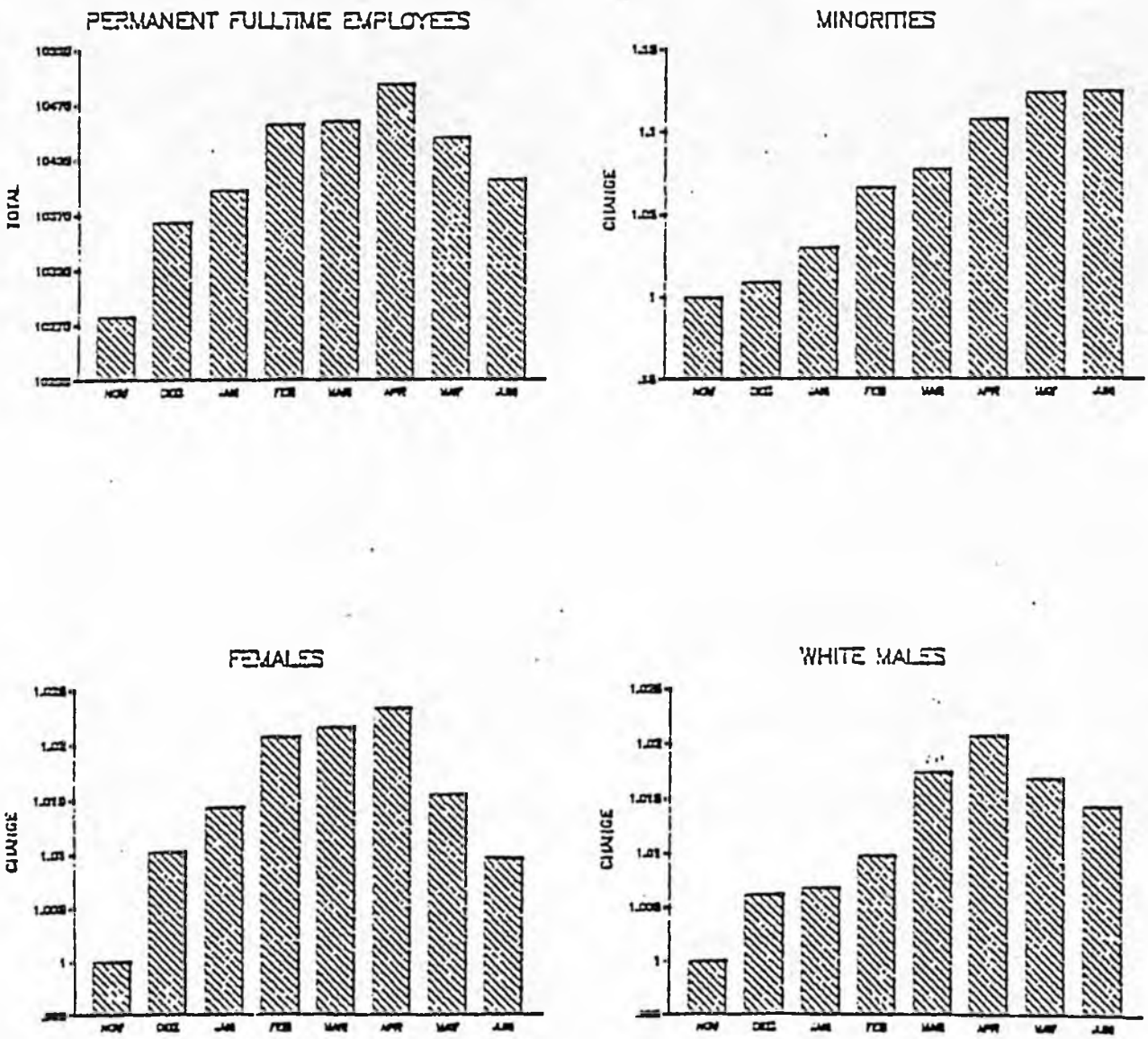


Source of Information: 1978-1983 State Annual Reports,
1983 and 1984 Session Laws of Alaska

STATE OF ALASKA DIVISION OF LEGISLATIVE AUDIT

APPENDIX B

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
PERMANENT FULL-TIME EMPLOYEE WORKFORCE TOTALS AND PERCENTAGE CHANGES IN MINORITIES, FEMALES, AND WHITE MALES
For the period November 1983 through June 1984



Source of Information: DEEO Records. See notes 4 and 5.

APPENDIX C

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
WORKFORCE UNDER-UTILIZATION REPORT FOR PERMANENT FULL-TIME EXECUTIVE BRANCH EMPLOYEES
Effective April 1 -- June 30, 1984

Job Group Title	Total Employees In Job Group	TOTAL NUMBER UNDER-UTILIZED											
		Race/Sex/Ethnic Breakout											
		White		Black		Hispanic		Asian/P.Isl.		Am.Ind./AK Nat.		TOTAL	
		M	F	M	F	M	F	M	F	M	F	Female	Minority
Officials/Administrators	71	-	14	-	-	1	1	-	-	3	3	18	8
Managers	293	-	12	-	3	-	1	3	1	10	8	25	26
Managers; Engineers/Math/Science	221	-	30	3	1	1	1	3	-	4	5	37	18
Management Specialists	229	-	9	3	4	-	1	-	2	2	5	21	17
Accountants/Auditor/Finance Specs.	243	-	16	1	2	4	2	3	2	3	3	25	20
Personnel/Training/L. Rels. Specs.	45	3	-	1	-	-	-	1	-	2	1	1	5
Employment & U.I. Specialists	184	9	-	1	-	2	-	1	-	5	-	-	9
Insp./Compliance/Hearing Officers	208	-	-	2	-	-	-	3	1	5	4	5	15
Engineers/Surveyors/Architects	497	-	25	6	1	1	1	12	1	1	5	33	28
Computer/Math/Ops. Research	155	-	11	-	1	2	2	1	-	6	4	18	16
Natural Scientists	651	-	1	8	1	7	-	5	-	14	8	10	43
Natural Resource Specialists	108	-	-	-	-	-	-	-	-	-	-	-	-
Social Scientists	190	-	-	2	3	1	1	2	-	7	3	7	19
Social/Rec./Religious Workers	239	16	-	-	-	-	-	-	-	10	3	3	13
Lawyers/Judges	-	-	-	-	-	-	-	-	-	-	-	-	-
Teachers/Couns./Libs./Archivists	128	-	10	-	2	-	1	-	-	3	7	20	13
Health Profess. other than Nursing	43	7	-	1	1	-	-	-	-	1	1	2	4
Registered Nurses	177	13	-	-	-	-	1	-	-	2	5	6	8
Writers/Artists/Pub. Rel. Specs.	58	-	-	1	1	-	1	-	1	3	2	5	9
Health Technicians	98	1	-	2	-	-	-	-	1	2	2	3	7
Engineer/Science Technicians	145	-	2	1	1	2	-	-	-	6	2	5	12
Technicians, Other	126	3	-	1	1	1	1	1	-	6	2	4	13
Para-Professionals	334	17	-	-	-	2	-	1	-	11	27	27	41
Supervisors; Office/Clerical	77	20	-	2	1	-	-	-	1	3	2	4	9
Gen. Office/Admin. Support Occs.	944	72	-	16	9	7	4	4	-	32	49	62	121
Secretaries/Stenos/Typists	1,096	100	-	8	14	7	8	2	-	24	34	56	97
Financial Record Proc. Occs.	445	20	-	4	4	3	3	-	-	12	16	23	42
Protective Svc./Expt. Pol. & Det.	691	-	81	-	-	6	1	2	6	34	18	106	67
Supervisor, Protective Service	126	-	17	1	-	1	-	1	-	-	3	20	6
Police and Detectives	270	-	26	3	2	2	2	1	1	16	5	36	32
Service/Maintenance Occupations	265	6	-	-	-	3	3	3	1	18	19	23	47
Skilled Craft Occupations	31	1	-	-	-	1	-	-	-	2	1	1	4
Transportation/Material Moving	54	-	-	1	-	1	-	-	-	-	2	2	4
Total Executive Branch	8,432	388	356	68	52	55	35	49	19	247	220	408	777

Source of Information: DEEO Records -- See Notes 1, 2, and 4.

APPENDIX D

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
SCHEDULE OF TOTAL EXECUTIVE BRANCH EMPLOYEE WORKFORCE COMPOSITION BY RACE AND SEX
December 31, 1980 -- June 30, 1984

Percentage Composition of Executive Branch Workforce

Category by Race and/or Sex	As of Dec. 31, 1980	As of Dec. 31, 1981	As of Dec. 31, 1982	As of Dec. 31, 1983	As of June 30, 1984
White Males	52.3%	52.1%	51.6%	51.0%	50.5%
White Females	38.3%	38.4%	38.9%	39.6%	39.0%
Ak. Native/American Indian Male	2.4%	2.3%	2.1%	2.1%	2.2%
Ak. Native/American Indian Female	2.5%	2.4%	2.5%	2.3%	2.7%
Black Male	.9%	.9%	1.0%	1.1%	1.2%
Black Female	1.2%	1.3%	1.2%	1.2%	1.2%
Asian/Pacific Islands Male	.6%	.7%	.7%	.7%	.8%
Asian/Pacific Islands Female	.9%	1.0%	1.1%	1.1%	1.3%
Hispanic Male	.4%	.4%	.4%	.4%	.5%
Hispanic Female	.5%	.5%	.5%	.5%	.6%
Total Male	56.6%	56.4%	55.3%	55.3%	55.2%
Total Female	43.4%	43.6%	44.2%	44.7%	44.8%
Total Minority	9.4%	9.5%	9.5%	9.4%	10.5%

Source of Information: DEEO Records

APPENDIX E

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
SUMMARY OF DISCRIMINATION COMPLAINTS HANDLED BY DEEO BY DEPARTMENT
For the fiscal year ending June 30, 1984

	DISPOSITION OF DISCRIMINATION COMPLAINT CASES CLOSED DURING FY 84						STATUS OF OPEN DISCRIMINATION COMPLAINTS AT 6/30/84					
DEPARTMENT	Lack of Substantial Evidence	Conciliation Agreement (1)	Complaint Withdrawn	Predetermination Settlement (2)	Administrative Closure (3)	Total	Predetermination (4)	Investigation (5)	Determination (6)	Conciliation (7)	Public Hearing (8)	Total
DOA	1	0	2	0	0	3	2	3	0	0	0	5
DOC	2	0	0	2	1	5	2	2	0	0	0	4
DCED	0	0	1	1	1	3	0	0	0	0	0	0
DCRA	1	0	0	0	0	1	0	0	0	0	0	0
DOE	0	0	0	1	0	1	1	0	1	0	1	3
DEC	0	0	0	1	0	1	0	0	0	0	0	0
DFG	1	0	0	0	1	2	0	0	0	0	0	0
DHSS	0	0	2	4	0	6	1	2	5	1	1	10
DOL	0	0	0	0	1	1	0	1	1	0	0	2
LAW	0	0	0	0	0	0	0	0	0	0	0	0
DCMVA	0	0	1	0	0	1	0	0	2	0	0	2
DNR	0	0	1	0	1	2	1	0	1	0	0	2
GOVERNOR	0	0	0	0	0	0	3	0	0	0	0	3
DPS	0	0	0	0	0	0	3	2	1	0	1	7
DOR	0	0	0	0	0	0	0	1	0	0	0	1
DOTPF	3	0	0	2	1	6	0	6	0	0	0	6
Total	8	0	7	11	6	32	13	17	11	1	3	45

1. Conciliation Agreement: Complaint resolution achieved only after a full investigation and finding had been made by the anti-discrimination agency representing the complainant.

2. Predetermination Settlement: Complaint resolution achieved prior to the anti-discrimination agency having conducted an investigation.

3. Administrative Closure: Complaint closed for various reasons including failure of the complainant to cooperate, failure to file the complaint in a timely manner, and lack of jurisdictional authority by DEEO to handle the complaint.

4. Predetermination: Attempt made to reach a settlement prior to an investigation.

5. Investigation: Anti-discrimination agency researches the facts surrounding the complaint in order to arrive at a determination.

6. Determination: The anti-discrimination agency investigating the complaint concludes that the complaint either has "just cause" or "lacks substantial evidence".

7. Conciliation: As a result of a determination in favor of the complainant, a formal settlement is attempted.

8. Public Hearing: After the certified failure at conciliation, a formal public hearing is held by the State Human Rights Commission in order to resolve the complaint.

Source of Information: DEEO Records.

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STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
NOTES TO THE APPENDIXES

Note 1 - Definition of under-utilization and factors to be considered when making an analysis of utilization

Chapter 41, part 60-2.11 of the Code of Federal Regulations (which regulates all non-construction Government contractors having 50 or more employees) defines under-utilization "as having fewer minorities or women in a particular job group than would reasonably be expected by their availability." The Code further states that in making a separate utilization analysis of minorities and females, the following factors should be considered:

1. The size of the minority and female unemployment force in labor area surrounding the facility;

2. The minority population of the labor area surrounding the facility;

3. The percentage of the minority and female workforce as compared with the total workforce in the immediate labor area;

4. The general availability of minorities and women having requisite skills in the immediate labor area;

5. The availability of minorities and women having requisite skills in an area in which the employer can reasonably recruit;

6. The availability of promotable and transferable minorities and women within the employer's organization.

7. The availability of women seeking employment in the labor or recruitment area of the employer.

8. The existence of training institutions capable of training persons in the requisite skills; and

9. The degree of training which the employer is reasonably able to undertake as a means of making all job classes available to minorities and women.

Note 2 - Methodology used by DEEO to compute workforce under-utilization report (Appendix C)

The Appendix C quarterly under-utilization report was prepared by DEEO to be used in determining under-utilized Executive Branch departmental job groups (see Recommendation No. 4 discussion). The number of employees under-utilized (see Note 1) per job group was determined by the following formula: $(P \times T) - E = U$ where,

P = Percentage of job group workforce availability by race/sex/ethnic category

T = Total Executive Branch job group employment

E = Executive Branch employment in job group race/sex/ethnic category

U = Number of employees under-utilized in job group by race/sex/ethnic category.

The availability figures for race/sex/ethnic categories per job group were calculated by DEEO. The Office of Federal Contract Compliance Programs approved the factor analysis approach used by DEEO in computing these figures as being a reasonable methodology for determining Executive Branch employment availability. To determine the availability of the members of race/sex/ethnic categories, DEEO applied judgemental weighting to the following factors:

1. State labor force statistics from the 1980 census conducted by the U.S. Department of Commerce (45-60% weighting applied to availability calculation).

2. State of Alaska population figures from the 1980 census conducted by the U.S. Department of Commerce (10-30% weighting applied to availability calculation).

3. Executive branch applicant flow data (10-45% weighting applied to availability calculation).

4. University of Alaska availability data (10-25% weighting applied to availability calculation where data usable).

Note 3 - Fiscal Year 1985 DEEO budget

Chapter 122 of the 1984 Session Laws of Alaska designated $150,000 of the $670,500 Fiscal Year 1985 budget to be granted to the Tlingit Haida Central Council for a minority recruitment project.

Note 4 - Composition of permanent full-time employee workforce

The permanent full-time employee workforce consists of those permanent employees and probationary employees in permanent positions covered under the General Government, Supervisory, Public Safety Employees Association, Excluded from Bargaining, and Confidential Bargaining Units.

Note 5 - Availability of permanent full-time employee workforce figures

Permanent full-time employee workforce employment figures provided by DEEO were available for the period November 1983 through June 1984. For this reason, the graphs shown on Appendix B are limited to this time period.

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BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

November 19, 1984

RECEIVED
NOV 28 1984
LEGISLATIVE AUDIT

Mr. Gerald L. Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811

Dear Mr. Wilkerson:

Re: A Follow-up Report on the Department of Administration, Division of Equal Employment Opportunity, August 15, 1984

We appreciate the opportunity to respond to the findings and recommendations of your follow-up report to the special report on the Department of Administration, Division of Equal Employment Opportunity issued April 29, 1983.

In general we concur with your report and findings and have no further comments at this time.

If you have any questions regarding this response, please contact me.

Yours sincerely,

Lisa Rudd
Commissioner

LSR/MGM/jbh
1/10D1/1106-01
cc: Fran Rose
Acting Deputy Commissioner
Human Resources
Department of Administration

Merwin H. Peters
Director
Division of Equal Employment Opportunity
Department of Administration

02-89LH

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

November 19, 1984

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NOV 28 1984
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Lisa Rudd
Commissioner

LSR/MGM/jbh
1/10D1/1106-01
cc: Fran Rose
Acting Deputy Commissioner
Human Resources
Department of Administration

Merwin H. Peters
Director
Division of Equal Employment Opportunity
Department of Administration

DUNCAN

CSHB 147 (FIN)

The Finance Committee Substitute transferred the Division of E.E.O. to the Office of the Governor from the Department of Administration. The committee felt that the affirmative action program could be better enforced in State agencies with the full power and authority of the Governor behind it.

In addition the committee changed the reporting requirement to a quarterly basis to lessen the administrative burden on the Division.

An intent section was added in Section 1 which states reasons for establishment of the EEO Division.

Alaska State Legislature

REPRESENTATIVE JIM DUNCAN

POUCH V JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES:
FINANCE
BUDGET AND AUDIT
LOANS
POLICY

MEMORANDUM

May 1, 1985

TO: Senator Mitch Abood, Chair
Senate State Affairs Committee

FROM: Representative Jim Duncan

SUBJECT: CSHB 147 (FIN)

This important bill establishes the Division of Equal Employment Opportunity in the Office of the Governor. Currently the Governor must reestablish the Division of EEO annually by Executive Order.

In addition, this bill strengthens the enforcement of equal employment principles within State government.

I urge you to schedule HB 147 for a hearing in your committee as soon as possible.

Should you have any questions concerning CSHB 147 (FIN) please give me call.

Sec. 44.19.443 subjects regulations of the office to the Administrative Procedure Act.

Sec. 44.19.444 directs the governor to establish the equal employment opportunity program and adopt an annual affirmative action plan.

Sec. 44.19.445 requires departments and agencies to comply with the affirmative action plan and directs the head of the department or agency to adopt an affirmative action program to implement the plan within the agency.

Sec. 44.19.446 requires the office to accept complaints of employment discrimination for informal resolution.

Sec. 44.19.447 prohibits retaliation against a person for filing a complaint with the office and makes violators liable for a civil penalty of not more than $1,000.

Sec. 44.19.448 authorizes the office to have access to confidential information but prohibits the office from making the information public.

Sec. 44.19.449 sets out definitions for the article.

Section 2 makes clear that the Act does not limit the right of a person to file a complaint with the Human Rights Commission.

If I may be of further assistance, please advise.

TBC:ojb
J14/046

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM April 25, 1985

SUBJECT: Sectional Analysis of CSHB 147 (Finance)

TO: Representative Jim Duncan

FROM: Teresa B. Cramer TBC
Legislative Counsel

You have requested a sectional analysis of CSHB 147 (Finance), establishing an equal employment opportunity program and creating an office of equal employment opportunity.

Section 1 sets out the purpose of the legislation as ensuring fair employment practices, eliminating barriers to employment, and monitoring the state's progress towards equal employment opportunity.

Section 2 establishes for office of equal employment opportunity in the Office of the Governor.

Sec. 44.19.441 creates the office and provides for a director appointed by the governor.

Sec. 33.19.442 directs the office to administer the equal employment opportunity program for the executive branch and lists the powers and duties of the office. In addition to directing the office to assist and monitor the progress of state government in equal employment opportunity matters, paragraph (8) of the section permits the office to file a legal action against a state officer or employee who violates affirmative action standards and procedures and to employ independent legal counsel for the action. Paragraph (12) directs the office to serve as primary liaison between the executive branch and other agencies, organizations and groups concerned with equal employment opportunity.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

November 19, 1984

RECEIVED
NOV 26 1984
LEGISLATIVE AUDIT

Mr. Gerald L. Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811

Dear Mr. Wilkerson:

Re: A Follow-up Report on the Department of Administration, Division of Equal Employment Opportunity, August 15, 1984

We appreciate the opportunity to respond to the findings and recommendations of your follow-up report to the special report on the Department of Administration, Division of Equal Employment Opportunity issued April 29, 1983.

In general we concur with your report and findings and have no further comments at this time.

If you have any questions regarding this response, please contact me.

Yours sincerely,

Lisa Rudd
Commissioner

LSR/MGM/jbh
1/10D1/1106-01
cc: Fran Rose
Acting Deputy Commissioner
Human Resources
Department of Administration

Merwin H. Peters
Director
Division of Equal Employment Opportunity
Department of Administration

DUNCAN

CSHB 147 (FIN)

The Finance Committee Substitute transferred the Division of E.E.O. to the Office of the Governor from the Department of Administration. The committee felt that the affirmative action program could be better enforced in State agencies with the full power and authority of the Governor behind it.

In addition the committee changed the reporting requirement to a quarterly basis to lessen the administrative burden on the Division.

An intent section was added in Section 1 which states reasons for establishment of the EEO Division.

Alaska State Legislature

Representative Jim Duncan

Pouch V Juneau, Alaska 99811

(907) 465-4766

COMMITTEES:
Finance
Budget and Audit
Loans
Policy

MEMORANDUM

May 1, 1985

TO: Senator Mitch Abood, Chair
Senate State Affairs Committee

FROM: Representative Jim Duncan

SUBJECT: CSHB 147 (FIN)

This important bill establishes the Division of Equal Employment Opportunity in the Office of the Governor. Currently the Governor must reestablish the Division of EEO annually by Executive Order.

In addition, this bill strengthens the enforcement of equal employment principles within State government.

I urge you to schedule HB 147 for a hearing in your committee as soon as possible.

Should you have any questions concerning CSHB 147 (FIN) please give me call.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M April 25, 1985

SUBJECT: Sectional Analysis of CSHB 147 (Finance)

TO: Representative Jim Duncan

FROM: Teresa B. Cramer TBC
Legislative Counsel

You have requested a sectional analysis of CSHB 147 (Finance), establishing an equal employment opportunity program and creating an office of equal employment opportunity.

Section 1 sets out the purpose of the legislation as ensuring fair employment practices, eliminating barriers to employment, and monitoring the state's progress towards equal employment opportunity.

Section 2 establishes for office of equal employment opportunity in the Office of the Governor.

Sec. 44.19.441 creates the office and provides for a director appointed by the governor.

Sec. 33.19.442 directs the office to administer the equal employment opportunity program for the executive branch and lists the powers and duties of the office. In addition to directing the office to assist and monitor the progress of state government in equal employment opportunity matters, paragraph (8) of the section permits the office to file a legal action against a state officer or employee who violates affirmative action standards and procedures and to employ independent legal counsel for the action. Paragraph (12) directs the office to serve as primary liaison between the executive branch and other agencies, organizations and groups concerned with equal employment opportunity.

Sec. 44.19.443 subjects regulations of the office to the Administrative Procedure Act.

Sec. 44.19.444 directs the governor to establish the equal employment opportunity program and adopt an annual affirmative action plan.

Sec. 44.19.445 requires departments and agencies to comply with the affirmative action plan and directs the head of the department or agency to adopt an affirmative action program to implement the plan within the agency.

Sec. 44.19.446 requires the office to accept complaints of employment discrimination for informal resolution.

Sec. 44.19.447 prohibits retaliation against a person for filing a complaint with the office and makes violators liable for a civil penalty of not more than $1,000.

Sec. 44.19.448 authorizes the office to have access to confidential information but prohibits the office from making the information public.

Sec. 44.19.449 sets out definitions for the article.

Section 2 makes clear that the Act does not limit the right of a person to file a complaint with the Human Rights Commission.

If I may be of further assistance, please advise.

TBC:ojb
J14/046

HB 147 "An Act creating a division of equal employment opportunity in the Department of Administration."

Commissioner Lisa Rudd
Department of Administration
Pouch C
Juneau, Alaska 99811
Position Statement: Suggested amendments to CS for HB 147 (SA)
WITNESS:
Ron Williams
President, Alaska Native Brotherhood
8131 Dogwood
Juneau, Alaska 99801
789-0269
Position Statement: Testified on amendments to CS for HB 147 (SA)
WITNESS:
Earl Ford
United Black Community
4066 Deborah Dr.
Juneau, Alaska 99803

Position Statement: Testified on amendments to CS for HB 147 (SA)
WITNESS:
Nancy Groseck
Aide to Representative Clocksin
Pouch V
Juneau, Alaska 99811
465-3704
Position Statement: Presented four amendments to CS for HB 147 (SA)
Position Statement: Terry Cramer Division of Legal Services Pouch Y Juneau, Alaska 99811 465-4520
Position Statement: Available to provide technical drafting assistance

Number 660 Representative Hurley asked for a motion to bring committee substitute for HB 147 before the committee for purposes of discussion. Representative Navarre so moved and CS for HB

147 (SA) was brought before the committee without objection.

Number 680 Representative Hurley brought Amendment #1 by the State Affairs Committee before the committee for discussion. Representative Navarre moved that the amendment be adopted.
Page 3, line 20: Delete "conduct an impartial investigation of each complaint" Insert "accept complaints"
Page 3, Line 22: Delete "reported to the division,"
There being no objection, Amendment #1 by the State Affairs Committee was adopted.

Number 707 Representative Hurley brought Amendment #2 by the State Affairs Committee before the committee for discussion. Representative Navarre moved that the amendment be adopted.
Page 3, line 24, following "complaint." Insert: "If the complainant agrees to comply with the resolution proposed by the division, the agency

involved shall implement it."
There being no objection, Amendment #2 by the State Affairs Committee was adopted.

Number 707 Representative Hurley brought Amendment #3 by the State Affairs Committee before the committee for discussion and explained that this was the collective bargaining amendment which Representative Miller had expressed interest in. Page 2 lines 13 - 15, delete all material and insert: "(6) participate in collective bargaining negotiations between the state and employee bargaining organizations to ensure that each collective bargaining agreement negotiated by the state ensures equal employment opportunity;"

Number 729 Representative Navarre expressed concern with the wording of the amendment and how it would affect the negotiation process.

Number 744 Commissioner Rudd stated that she was responsible not only for the Division of Equal

Employment Opportunity but that she was also responsible for labor negotiation for the State. She explained that Amendment #3 by the State Affairs Committee in its present form implies that the Division would participate in the actual labor negotiations. She offered the alternative language which she had suggested at the previous hearing on the bill.

Number 760 Representative Hurley stated that the committee had not intended for the Division of Equal Employment Opportunity to actually participate in the negotiation process and suggested putting the amendment aside until Representative Miller returned from his Ethics Committee meeting.

Number 785 Representative Hurley brought Amendment #4 by the State Affairs Committee before the committee for discussion and explained that it had been suggested by Commissioner Rudd.

Number 790 Representative Navarre moved that the amendment be adopted. Representative Jenkins objected to

clarify the amendment.
Page 3, line 1: Insert after state "employment"
Delete "the"
Representative Jenkins removed his objection and Amendment #4 by the State Affairs Committee was adopted.

Number 808 Representative Hurley brought Amendment #5 by the State Affairs Committee before the committee for discussion and explained that Commissioner Rudd had suggested this amendment also.

Number 820 Representative Collins moved that the amendment be adopted.
Page 1 line 26 through page 3 line 8
Section 44.21.465 POWERS AND DUTIES: Rearrange and renumber the following subsections: (4) to

subsection (1): (5) to subsection (2): (8) to

subsection (3)
Renumber the remaining subsections to follow in order.
There being no objection, Amendment #5 by the

State Affairs Committee was adopted.

Number 830 Representative Hurley announced that Representative Clocksin had several amendments to offer and that Nancy Groseck was present to explain them.

Number 830 Representative Boucher returned at 4:00 p.m.

Number 833 Representative Navarre moved for adoption of Amendment #1 by Clocksin for purposes of discussion.
Page 4, lines 19 -20, delete all material and insert: "(5) 'member of a protected class' means a person who experiences or has experienced difficulty in obtaining employment or advancement in employment because of race, religion, color, national origin, age, sex, physical handicap, marital status or change in marital status, pregnancy, parenthood or other factor not related to merit."

Number 873 Mr. Ron Williams, Alaska Native Brotherhood expressed concern over the amendment.

CHANGE TAPE #47, SIDE TWO

Number 130 Mr. Earl Ford spoke against Amendment #1 by Clocksin. Committee discussion followed.

Number 207 Commissioner Rudd spoke in favor of the amendment.

Number 315 Representative Hurley suggested putting the amendment aside until language could be drafted to reflect the concerns discussed.

Number 381 Representative Navarre moved that Amendment #2 by Clocksin be adopted for purposes of discussion. Nancy Groseck explained the amendment. Committee discussion on Amendment #2 by Clocksin. Representative Hurley noted that the amendment might be better placed in subsection 3 (Page 2) of the bill and suggested that legal could draft accordingly.
Page 2, after line 12, insert a new paragraph to read: "(6) implement standards by which performance evaluations of supervisors reflect compliance with affirmative action plans and

objectives, including the granting or denial of merit increases;"
There being no objection, Amendment #2 by Clocksin was adopted.

Number 420 Representative Miller returned at 4:10 p.m

Number 465 Representative Hurley brought Amendment #3 by Clocksin before the committee for discussion.
Page 3, after line 28, insert a new section to read:
"Sec. 44.21.485. RETALIATION PROHIBITED. (a)

An agency, officer, or state employee may not

directly or indirectly refuse to hire, transfer or promote, or dismiss, demote, suspend, lay off, or otherwise discipline an employee who has filed a complaint with the division for a failure to comply with affirmative action or equal employment opportunity or who has assisted the division in an investigation of a complaint. (b) Violation of this section is a class A misdemeanor."

Page 3, line 29, delete "44.21.485" and insert "44.21.490" Page 4, line 6 delete "44.21.490" and insert "44.21.495"

Number 476 Nancy Groseck explained the amendment and suggested revising it at direction of Commissioner Rudd. After discipline, insert the words " unless for just cause". Ms. Groseck also suggested replacing section (b) of the amendment with language similar to the violation provision in the child support legislation. Committee discussion.

Number 500 Representative Collins moved the amendment for purposes of discussion. Ms. Groseck presented revised language. Representative Collins moved to amend Amendment #3 by Clocksin. There being no objection it was so ordered. Representative Hurley asked if there was any objection to inserting "unless for just cause" after discipline. There being none, it was so ordered.

Number 584 Representative Boucher asked the Chair to read the amended version of Amendment #3 by Clocksin. Representative Hurley read:
"Sec. 44.21.485. RETALIATION PROHIBITED. (a) An agency, officer, or state employee may not directly or indirectly refuse to hire, transfer or promote, or dismiss, demote, suspend, lay off, or otherwise discipline, unless for just cause, an employee who has filed a complaint with the division for a failure to comply with affirmative action or equal employment opportunity or who has assisted the division in an investigation of a complaint.
(b) A person who knowingly violates this section is liable for a civil penalty of not more than $1000."
Page 3, line 29, delete "44.21.485" and insert "44.21.490" Page 4, line 6 delete "44.21.490" and insert "44.21.495"

Number 597 There being no objection, Amendment #3 as

amended was adopted.

Number 616 Representative Hurley brought Amendment #4 by Clocksin before the committee for discussion. Nancy Groseck explained the amendment.
Page 2, after line 12, insert a new paragraph to

read: "(6)" enforce equal employment

opportunity by filing a legal action against a state officer or employee who violates affirmative action standards and procedures; for purposes of a legal action under this paragraph, the director may employ independent legal counsel not associated with the Department of Law;"
Renumber remaining paragraphs.
Representative Miller moved that the amendment be adopted. There being no objection, Amendment #4 by Clocksin was adopted.

Number 620

Representative Hurley brought amendment #3 by the State Affairs Committee back before the committee for consideration. Committee

discussion on rewording the amendment. Terry Cramer from legal services suggested deleting the word "participate" and inserting the words "assist the Division of Labor Relations". There being no objection to amending the amendment, it was so ordered.
Page 2 lines 13 - 15, delete all material and insert: "(6) assist the Division of Labor Relations in collective bargaining negotiations between the state and employee bargaining organizations to ensure that each collective bargaining agreement negotiated by the state ensures equal employment opportunity;"

Number 700

Representative Hurley suggested amending Amendment #1 by Clocksin by deleting "member of a protected class means" and adding the word "or". Deleting "race, religion, color, national origin, age, sex, physical handicap, marital status or change in marital status, pregnancy, parenthood or other".

Number 717

Representative Hurley noted that the amended version of Amendment #3 by the State Affairs Committee had not been adopted. There being no objection, the amended version of Amendment #3 was adopted.

Number 726

There being no objection to amending Amendment #1 by Clocksin, it was so ordered.
Representative Hurley read the amended version: Page 4, lines 19 -20, delete all material and insert: "(5) or a person who experiences or has experienced difficulty in obtaining employment or advancement in employment because of another factor not related to merit."
There being no objection, the amended version of Amendment #1 by Clocksin was adopted.

Number 737

Representative Hurley stated that the committee now had an amended version for the proposed CS for HB 147 (SA) before it. She suggested that the bill be redrafted to allow the committee time to review the extensive changes to the bill. Representative Hurley announced that CS for HB 147 as amended would be held over until Monday, April 1, at 3:00pm.

Administration."

WITNESS REGISTER

WITNESS:
Michael McKennett, Director
Division of Equal Employment Opportunity
Pouch CE
Juneau, Alaska 99811
465-3570
Position Statement: Testified in support of HB 147

WITNESS:
Ron Williams
8121 Dogwood Lane
Juneau, Alaska 99801
789-0209
Position Statement: Testified in support of HB 147

WITNESS:
Earl Ford
Box 2242
United Black Community
Juneau, Alaska

789-9387
Position Statement: Testified in support of HB 147

WITNESS:
Representative Mike Szymanski
Pouch V
Juneau, Alaska 99811
465-4979
Position Statement: Testified in support of HB 132

WITNESS:
Mike McMullen
Deputy Director, Division of Personnel
Pouch C
Juneau, Alaska 99811
465-4430
Position Statement: Observer

PREVIOUS ACTION

No previous action to record.

ACTION NARRATIVE

TAPE #21, SIDE ONE
Recording

Number 000 Meeting called to order at 3:05 p.m. Representatives Boucher and Miller were absent. Representative Hurley brought HB 147 before the committee for consideration.

Number 050 Representative Boucher arrived at 3:10 p.m.

Number 052 The committee took an at ease at 3:12 p.m.

Number 055 The committee resumed its meeting at 3:15 p.m. Representative Hurley read the transmittal letter from the Governor.

Number 106 Ron Williams, Grand President of the Alaska Native Brotherhood, testified in support of the bill. He read a resolution from the Alaska Native Sisterhood and Brotherhood passed at their October convention supporting legislation creating a Division of Equal Employment Opportunity in the Department of Administration. He also stated that the state may be acting unconstitutionally by not giving Alaska Natives equal opportunity for employment.

Number 149 Mr. Williams commented on the current status of

minority employment.

Number 201 Mr. Williams suggested that an amendment should be adopted which expands the responsibilities of the division to identify the barriers which prohibit the state from hiring Alaskan natives.

Number 226 Mr Williams stated that the section addressing an affirmative action plan does not give the division any real authority to evaluate the plan and recommend implementation. Committee discussion on current grievance process, qualification enhancement programs and the effectiveness of the Human Rights Commission.

Number 440 Michael McKennett, Director of the Division of the Equal Employment Opportunity testified in favor of the legislation and explained that the bill is necessary in order to provide statutory authority and responsibility in order to increase the division's effectiveness. He pointed out that the bill does not create a new agency it only breathes statutory life into an

existing agency. He stated that the bill has a zero fiscal note attached since the division will not require any more staff to operate under statute than it currently does under administrative order.

Number 551 Committee discussion on the classification of minorities, protected classes and affected classes. Mr. McKennett provided a definition of individuals included in protected classes.

Number 649 Representative Boucher expressed concern that there was a zero fiscal note and that the bill would only be changing the status of the division and not increasing its activity.

Number 670 Representative Hurley pointed out that without HB 147, the division must be reestablished by each governor and that this bill provides for

its institution by extending the division statutory authority and responsibilities.

CHANGE TAPE #21, SIDE TWO

Number 021 Mr. McKennett stated that there would be no

change in the status of employees.

Number 028 Representative Jenkins asked whether the state would be in violation of federal laws if a future governor were to do away with the division.

Number 030 Mr. McKennett replied that technically the state would not be in violation of federal law but that a system would have to be established to meet affirmative action reporting requirements as well as complaints requirements.

Number 088 Committee discussion on available recourse procedure in filing discrimination complaints.

Number 164 Representative Boucher asked whether or not this bill would assist in improving the effectiveness of the Human Rights Commission.

Number 214 Mr. McKennett stated that it would because the division provides the technical expertise to individual departments to deal with complaints. He stated that the division records and tracks complaints so that it can measure the

effectiveness of its program in heading off complaints before they reach the public hearing process.

Number 247 Mr. Earl Ford of the Juneau United Black Community testified in support of HB 147 and stated that UBC has visited several agencies on discrimination cases which had advanced because administrators did not know how to adequately address them. He explained that members in UBC have found it difficult to know who to go to and that HB 147 provides a coordinating entity.

Number 333 Mr. Ford expressed that UBC would like to see some "teeth" in the bill. He suggested that the division's monitoring and compliance role be defined and recommended that the duties of the division listed in the bill action in monitoring compliance. He also suggested that the division have the authority to train and monitor the effectiveness of the program in department recruitment efforts. He recommended that the

bill mandate training for supervisors and administrators.

Number 362 Representative Hurley stated that from the information received in today's hearing on the bill, that there was a need to consider strengthening it before moving it along.

Number 374 Representative Boucher expressed concern that the bill would only be cosmetic if it only had a zero fiscal note. He stated that the idea was good but was concerned that it was not realistic

without more money.

Number 384

Representative Hurley pointed out that all state agencies have an obligation under the law to provide for equal opportunity and stated that the division exists for the purposes of monitoring agencies to ensure that affirmative action is being enforced. She explained that more people were not needed to accomplish the job but rather it is a matter of getting the people in the deparments doing the jobs already

to be aware. She stated that each department has a personnel officer and is supposed to have an affirmative action officer and that they may not being doing their jobs if there is no system in place. She suggested that there was no need to add dollars to the bill but rather there was a need to strengthen the bill to ensure compliance.

Number 494

Representative Hurley brought HB 132 before the committee for consideration. Representative Szymanski, sponsor of the bill, spoke in its support and explained that the bill would not affect current employees. He stated that the bill would establish an upper limit for salary compensation and define base salary. He introduced the legislation for the purposes of establishing state policy on state employee salaries.

Number 557

Committee discussion on the number of exempt positions this bill would affect and the

HB 147 "An Act creating the division of equal employment opportunity in the Department of Administration."

SB 18 "An Act establishing "William A. Egan Day" on October 8th of each year."

HB 228 "An Act relating to the retirement benefits for part-time teachers."

WITNESS REGISTER

WITNESS:
Robert Dawkins
Chairman, Minority Business Task Force
Juneau, Alaska
586-6429
Position Statement: Testified in support of CS for HB 147 and suggested changes

WITNESS:
Flor Q. Pax
Filipino Community Director
3840 Melrose St.
Juneau, Alaska 99801

789-4143
Position Statement: Testified in support of CS for HB 147 and suggested changes

WITNESS:
Earl W. Ford
Juneau Chapter, United Black Community
4066 Deborah Dr.
Juneau, Alaska 99803
789-9387
Position Statement: Testified in support of CS for HB 147 and suggested changes

WITNESS:
Ron Williams
Grand President, Alaska Native Brotherhood
8131 Dogwood Lane
Juneau, Alaska 99801
586-7613
Position Statement: Testified in support of CS for HB 147 and suggested changes

WITNESS:

WITNESS:
Lisa Rudd
Commissioner of Administration
Department of Administration
Pouch C
Juneau, Alaska 99811
465-2200
Position Statement: Testified in support of CS for HB 147 and suggested changes

WITNESS:
Barry Best
2800A Peters Lane
Juneau, Alaska 99801
Position Statement: Testified in support of CS for HB 147 and suggested changes

to order at 3:07 p.m. and brought HCR 13 and 14 before the committee for its consideration.

Number 020 Representative Grussendorf testified in support of the legislation and explained that the Girl and Boy State programs are sponsored by the American Legion which requires the passage of legislative resolutions in their by-laws.

Number 073 Representative Sato arrived at 3:10 p.m.

Number 081 Representative Miller moved that the resolutions be passed out of committee with a do pass unanimous approval. There being no objection it was so moved.

Number 112 Representative Hurley brought HB 147 before the committee for consideration and noted the presence of Commissioner Rudd. Representative Hurley explained that there was a proposed committee substitute which was the result of testimony and the committee's desire to strengthen the bill.

Representative Hurley briefly explained the

changes including the title, repositioning of the Affirmative Action Plan provisions and substantial changes in the powers and duties section. Additionally, She noted that the CS provides for compliance with the Affirmative Action Plan.

Representative Hurley commented that Representative Boucher and herself had been supportive of this strengthening measure.

Number 181 Representative Hurley invited Ms. Terry Cramer, drafter of the legislation, to present a section by section analysis of the proposed committee substitute. Ms. Cramer addressed the committee.

Number 251 Representative Miller expressed concern that the section which enables the Division to review collective bargaining agreements would not be as effective as it could be since it would be too late to influence equal employment opportunity. He explained that once an agreement reached the collective bargaining stage that nothing was

hsa 0325851 DOCUMENT= 2 OF 4 PAGE = 9 OF 16

really going to change.

Number 270 Ms. Cramer explained that the language has been taken from an Administrative Order.

Number 280 Representative Hurley stated that she believed the intent of the section was to review the agreements and make recommendations for the next negotiations. Ms. Cramer continued presenting a sectional analysis of the committee substitute.

Number 327 Representative Navarre commented on the annual report and suggested that a bi- annual report be required. Committee discussion followed.

Number 462 Ms. Cramer completed her presentation and Representative Hurley invited Commissioner Rudd to testify.

Number 474 Ms. Lisa Rudd Commissioner of Administration stated that she had a personal interest in seeing the bill passed and pointed out that she had sponsored similar legislation when she was a member of the legislature. She explained that Governor Sheffield supports establishing the

hsa 0325851 DOCUMENT= 2 OF 4 PAGE = 10 OF 16

Division of Equal Employment Opportunity in statute. Commissioner Rudd proposed the that subsections 4, 5, and 8 under the powers and duties provision be reordered so that they would appear as subsections 1, 2, and 3. Commissioner Rudd stated that the committee substitute places more emphasis on bureaucracy than on action than is desirable. She noted that the immediated calling of the affirmative action plan in the first section illustrates this. She explained that an affirmative action plan is only a tool for the real job which is to get people on the job. She suggested that the emphasis in the bill be shifted to reflect that the Divison of Equal Employment Opportunity's prime responsibility is to ensure that minorities and women get jobs in state government. Commissioner Rudd agreed with Representative Millers concern on collective bargaining. She also suggested that the Division of Equal

hsa 0325851 DOCUMENT= 2 OF 4 PAGE = 11 OF 16

Employment Opportunity should not be given formal investigative powers as it may take away from its recruitment and training responsibilities. She noted that the Human Rights Commission already has enforcement powers.

Number 600 Representative Hurley stated that she did not think the bill provided for a full blown investigation. She pointed out the case overload in the Human Rights Commission. Commissioner Rudd replied.

Number 617 Representative Hurley suggested process could be clarified by regulation.

Number 632 Commissioner Rudd expressed opposition to the words "impartial investigation" and suggested it

be replaced by "receive complaints."

Number 647 Commissioner Rudd stated that she was very pleased with the bill and the support it had got from the committee and staff.

Number 676 Mr. Earl Ford, representative of the United

Black Community expressed support for the committee substitute bill and urged its passage.

Number 726 Mr. Ford testified that he supported wording in the bill which would enable the Division of Equal Employment Opportunity to informally resolve complaints and agreed with Representative Hurley that the process could be established through regulation.

Number 760 Mr. Bob Dawkins of Minority Business Task Force supported the inclusion of some investigative power in the powers and duties of the Division of Equal Employment Opportunity.

Number 768 Representative Boucher expressed concern about the potential for duplication of effort. Committee discussion followed.

Number 840 Representative Boucher stated he would like to see a work session to resolve the two areas of concern.

Number 846 Representative Hurley explained that the committee substitute was a result of several

days of participation by Alaska Native Brotherhood, the United Black Community, the Division of Equal Employment Opportunity, Ed Thomas and committee staff at the direction of the committee and that work would be continued on the bill.

Number 882 Mr. Flor Pax, Director of the Filipino Community, testified in support of the bill. He agreed with Representative Miller that the collective bargaining process should include participation by the Division of Equal Employment Opportunity before an agreement is reached. He also expressed concern that a formal complaint resolution process could... further contribute to the complainant's frustration should his or her grievance not be resolved and the complainant would have to start all over through formal channels. He was not supportive of an impartial investigation unless the Division of Equal Employment Opportunity

could turnover documents or testimony to the superior court or the Human Rights Commission at the consent of the complainant. Mr. Pax concluded by commending the Division of Equal Employment Opportunity for doing a wonderful job.

CHANGE TAPE #43, SIDE TWO

Number 357 Representative Hurley thanked Mr. Pax and agreed that more work had to be done on that particular section. Committee discussion followed.

Number 424 Mr. Ron Williams, Alaska Native Brotherhood, spoke in favor of the legislation and noted that his concerns had been addressed in the committee substitute. He stated that he agreed with the committee substitute wording regarding collective bargaining agreements and suggested that the Division of Equal Employment Opportunity be given the power to investigate and resolve complaints.

Number 591 Representative Hurley noted that the committee

had receive a call from Janet Bradley, Executive Director of the Human Rights Commission who indicated indicated that the Commission was concerned that the committee substitute contained the possibility of the duplication of responsibility between the division and the commission.

Number 617 Mr. Barry Best testified in support of the bill and urged its passage. He commented on the collective bargaining section and stated that the Division of Equal Employment Opportunity input should be on the front end of the process. He pointed out that some of the contracts are for 3 years which was a substantial time to live with insufficiency. He questioned the necessity of investigative powers and suggested that that role was better left to the Human Rights Commission. He expressed concern that time spent towards resolving complaints would take resources way from getting people hired.

Number 708 Senator Fischer former chair of the Senate State Affairs Committee urged passage of the bill.

Number 762 Representative Hurley stated that HB 147 would be held over till Friday. She announced that HB 228 would be held over till Friday.

Number 775 Senator Fischer, prime sponsor of SB 18, spoke in favor of the bill.

Number 795 Representative Miller noted that October 8th was former Governor Bill Egan's birthday.

Number 801 Representative Boucher moved that SB 18 move out of committee with a a do pass recommendation and asked unanimous consent. It was so moved.

The meeting adjourned at 4:40 p.m.

END OF DOCUMENT

Number 187 Representative Navarre moved to adopt CSHB 147(SA).

Number 190 Representative Hurley asked for objections to adoption of the bill. No objections were heard. CSHB 147(SA) was moved out of committee with individual recommendations.

CSHB 147 FIN

AN ACT ESTABLISHING AN EQUAL EMPLOYMENT OPPORTUNITY PROGRAM FOR THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND CREATING AN OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY IN THE OFFICE OF THE GOVERNOR.

PRIME SPONSOR: RULES COMMITTEE BY REQ OF THE GOVERNOR
CO-SPONSORS:

$10,000 GENERAL(FNOTE) $000 OTHER(FNOTE)

CURRENT STATUS: (S) SA

DATE		PAGE	ACTION
01/30/85	(H)	199	READ THE FIRST TIME
01/30/85	(H)	199	GOVERNOR'S TRANSMITTAL LETTER
01/30/85	(H)	199	FISCAL NOTE ZERO
04/03/85	(H)	797	SA RPT W/CS. NEW TITLE 6DP 1NR
04/03/85	(H)	797	NEW FISCAL NOTE SUPPLEMENT NO 40
04/22/85	(H)	1017	FIN RPT W/CS, NEW TITLE 9DP
04/22/85	(H)	1017	FISCAL NOTE SUPPLEMENT 53
04/26/85	(H)		RLS TO CALENDAR 4/26/85
04/26/85	(H)	1101	READ THE SECOND TIME
04/26/85	(H)	1102	CSHB 147(FIN) ADOPTED UNAN CONSENT

DATE		PAGE	ACTION
04/26/85	(H)	1102	ADVANCED TO THIRD READING UNAN CONSENT
04/26/85	(H)	1102	READ THE THIRD TIME
04/26/85	(H)	1102	PASSED Y36 N3 X1
04/26/85	(H)	1103	PETTYJOHN NOTICE OF RECONSIDERATION
04/27/85	(H)	1150	RECONSIDERATION NOT TAKEN UP
04/27/85	(H)	1150	TRANSMITTED TO (S)
04/29/85	(S)	961	READ THE FIRST TIME
			STATE AFFAIRS
			FINANCE
			RULES

HB

1180

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY

2/25/85

Date April 18, 1985

Mr. President

The Committee on STATE AFFAIRS considered CSHB 180(Jud)

relating to confidentiality of certain library records.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt CS for CSHB 180 (SJU)
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Tom Kelly

Chairman

MEMBERS HAVING
OTHER RECOMMENDATIONS

Esther Wilson

Chairman

DO Pass

Chairman recommendation

Cook
4/16/85✓

Original sponsors: Clocksin and M.M.Miller

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 180 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the confidentiality of certain library records."

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

* Section 1. AS 09.25 is amended by adding a new section to read:

Sec. 09.25.140. CONFIDENTIALITY OF LIBRARY RECORDS. (a) Except as provided in (b) of this section, the names, addresses, or other personal identifying information of people who have used materials made available to the public by a library shall be kept confidential, except upon court order, and are not subject to inspection under AS 09.25.110 or 09.25.120. This section applies to libraries operated by the state, a municipality, or a public school, including the University of Alaska.

(b) Records of a public elementary or secondary school library identifying a minor child shall be made available on request to a parent or guardian of that child.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB-180

Title: ...confidentiality of... Library records

Sponsor: Clocksin

Requestor: House Judiciary

Date of Request: 2/13/85

FISCAL DETAIL

Agency Affected: Education

Program Category Affected:

BRU, Program or Subprogram(s) Affected: Alaska State Libraries

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill has no fiscal impact on the Department.

Prepared By: Steve Hole Phone: 465-2800

Division: Commissioner's Office Date: 2/14/85

Approved by Commissioner: [signature] Date: 2/14/85

Agency: Department of Education

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

BILL HISTORY

HB 180

HOUSE CALENDAR

BILL HB0180
PAGE 00295
DATE 02/08/85
CHAMBER HOUSE
TEXT HOUSE BILL NO. 180 by Clocksin and M.M.Miller entitled: "An Act relating to the confidentiality of certain library records" was read the first time and referred to the Judiciary Committee.

Library Records (confidential)

HOUSE BILL NO. 180, by Reps. Clocksin and M. M. Miller. Amends Civil Code relating to evidence (AS 09.25) by adding a new section to read: "The names of people who have used materials made available to the public by a library shall be kept confidential and are not subject to inspection under AS 09.25.110 [Inspection and Copies of Public Records] or 09.25.120 [Inspection and Copying of Public Records]. This section applies to libraries operated by the state, a municipality,or a public school, including the University of Alaska." Does not provide an effective date (takes effect 90 days after Governor signs bill).

Introduced February 8 and referred to Judiciary.

COMMITTEE REPORT

HOUSE

FURTHER: 2/20

Date: 2-18-85

Mr. Speaker:

The Committee on JUDICIARY has had HB 180

"an Act relating to the confidentiality of certain library records."

under consideration and reports it back as follows:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for HB 180 (Jud) [X] same title [ ] new title

and recommends CS HB 180 DO PASS

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note [ ] Zero Fiscal Note Attached

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING DO PASS

MILLER

JENBERG

CRSIN

TYTUM

ILOR

MEMBERS HAVING OTHER RECOMMENDATIONS:

CHAIRMAN

(7)

2/8/85

H 60

MEMORANDUM State of Alaska

TO: Nancy Gustavson
Government Relations Committee
Alaska Library Association

DATE: Jan. 17, 1985

FILE NO:

TELEPHONE NO: 465-2910

FROM: Margaret Leibowitz
Deputy Director
Alaska State Library

SUBJECT: Confidentiality

Following is a list of twenty-three states with laws providing protections of confidentiality of library circulations/use records as of May, 1984:

California	Louisiana	New York
Colorado	Maine	Oregon
Connecticut	Maryland	Rhode Island
Delaware	Massachusetts	South Dakota
Florida	Michigan	Virginia
Illinois	Minnesota	Washington
Iowa	Nebraska	Wisconsin
Indiana	Nevada (7th to enact, 1981)	

The Library of Congress is protected by 2 USC 136, CRF 36:703.3.

For your information, AS 09.25.120 shows that the Courts have interpreted Alaska's Freedom of Information Act to include municipalities and the University of Alaska.

Attached is a memo explaining the current status of confidentiality of records.

Also attached is an editorial from the Washington Post which seems to summarize the views.

ML:tn

Attachments: 2

MEMORANDUM State of Alaska

TO:
The Honorable Don Clocksin
Alaska House of Representatives

DATE: February 19, 1985

FILE NO:

TELEPHONE NO: 465-2910

SUBJECT: HB 180

FROM:
Richard B. Engen, Director
Div. of State Libraries & Museums

As per your request, following yesterday's hearing on HB 180 which brought out a potential concern about this bill's fiscal impact on smaller libraries, the State Library conducted a limited telephone survey. The concensus of the librarians contacted was that the confidentiality requirement would not have a significant fiscal impact, unless very fast implementation/change were required under the law. Remarks included:

"No problem...it involves time not money"
"Just another detail to worry about"
can handle "as long as we have a grace period"
"could be implemented without too much of a hassle"
"might need a little time...agree with law--can't let day to day problems get in the way"
"it would be nice to have an automated circulation system"

Several libraries contacted already used a system that does not have borrower's names written on book cards. These included maintaining registers of books borrowed, patron registration numbers, mechanical book chargers (numerical); and attaching book cards to a throw away patron name card. One point emphasized was need for training and assistance in meeting the requirements of the law and alternatives for charge out systems. This is a part of the on-going State Library service plan.

School and/or Public Librarians were contacted in Nome, Savoonga, Unalakleet, Seward, Lake & Peninsula School District, Ketchikan, Haines, Juneau school libraries, Centralized Correspondence Study, Wrangell, Sutton and Petersburg.

cc: Mary Hakala

MEMORANDUM State of Alaska

TO: Harold Raynolds, Jr.
Commissioner
Department of Education

DATE: July 13, 1984

FILE NO: 166-255-84 20

TELEPHONE NO: 276-3550

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Confidentiality of Library Use Records

By: Jan Hart DeYoung
Assistant Attorney General

You inquired whether the State of Alaska has any laws addressing the confidentiality of state library records. You also asked whether any state law would prohibit the use of the following statement on the patron application form used by Library Services for the Blind and Physically Handicapped:

> Records relating to recipients of Library of Congress reading material are confidential.

A review of the regulations and statutes disclosed no law specifically addressing this subject. However, AS 09.25.110-.120, Alaska's Freedom of Information Act, may require disclosure of the information you seek to protect.

By enacting AS 09.25.110, Alaska has adopted a policy of open access to state records. AS 09.25.110 provides:

> Unless specifically provided otherwise, the books, records, papers, files, accounts, writings, and transactions of all agencies and departments are public records and are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of costs a certified copy of the public record.

Exceptions to this right of access are few and must be expressed specifically in the law. For example, AS 09.25.120 states, in part:

> Every person has a right to inspect a public writing or record in the state, including public writings and records in recorders' offices except (1) records of vital statistics and adoption proceedings which shall be treated in the manner required by AS 18.50; (2) records pertaining to juveniles; (3) medical and related public health

> records; (4) records required to be kept confidential by a federal law or regulation or by state law. Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and payment of the legal fees therefore a certified copy of the writing or record . . . .

The only exception which may apply here is (4), "records required to be kept confidential by a federal law or regulation or by state law." The Library of Congress apparently endorses a rule of confidentiality for users of Library of Congress materials but leaves the issue of confidentiality to the states to resolve under state law. If federal regulation provided that library use records be kept confidential, those records would be protected under AS 09.25.120(4).

As previously stated, no state statute addresses the confidentiality of library records. The only state law which might allow the Department to protect these records from release to the public is the constitutional right to privacy in the Alaska Constitution, which states: "The right of the people to privacy is recognized and shall not be infringed." Alaska Const. Art. I, § 22. The constitutional right to privacy is not absolute. When confronted with a question whether information is protected under the right to privacy, courts engage in a balancing process, weighing the sensitivity of the information sought to be disclosed against the interest of public disclosure. See City of Kenai v. Kenai Peninsula Newspapers, Inc., 642 P.2d 1316, 1323 (1982).

Tension is inherent in the policy of open access to state records, on the one hand, and the right of privacy, on the other. We have previously stated that the Freedom of Information Act was designed to encourage informed participation of citizens in the process of government, to insure government's accountability, and to increase public confidence in the workings of the political system. It was not intended that the legislation be used as a tool to pry into the private lives of citizens. Thus, we concluded that "any analysis of the extent to which the public may have access to government records, therefore, must necessarily proceed from the hypothesis that the information revealed to the public will assist in accomplishing the legislature's general policy goal. Thus, mechanical application of the literal language in AS 09.25.110 to all requests for public disclosure is inappropriate." 1982 Inf. Op. Att'y Gen. 1 (Feb. 5; J66-314-82) (footnote omitted).

Because the right to privacy is not absolute, you cannot guarantee to a user that library records will remain confidential. At the same time, the Freedom of Information Act will not automatically require that such records be disclosed upon a request. Each request will have to be examined on its peculiar facts before it can be determined whether the records should be released. The following guidelines should apply.

First, it must be determined whether the information requested is of the type that should be protected by the right of privacy. In other words, is the information requested sensitive. Falcon v. Alaska Public Offices Commission, 570 P.2d 469, 479 (Alaska 1977). Certain medical information, financial records, and a person's age previously have been found sufficiently sensitive to be protected from disclosure. Id; 1982 Inf. Op. Att'y Gen. (May 25; J66-513-82); 1982 Inf. Op. Att'y Gen. (Feb. 5). Depending upon the request, disclosure of library use records could reveal the fact that one is blind or physically handicapped and the library or reading material one has consulted. It is our opinion that both of these facts are sufficiently sensitive to be protected by the right to privacy. An individual's physical ills and disabilities are among the most sensitive of personal and psychological sensibilities. See Falcon, 570 P.2d at 478, quoting Rowe v. Ingraham, 403 F.Supp. 931, 937 (S.D.N.Y. 1975) (reviewing constitutionality of legislation requiring disclosure of patients receiving prescriptions for particular drugs). We also believe that disclosing the library materials used by a person would violate this right to privacy. Knowing what a person reads could reveal the most intimate and personal facts about that person. The privacy of ones thoughts should be basic to individual liberty. As the Alaska Supreme Court recently stated, "Article I, section 22 fosters and protects those values and characteristics typical of and necessary for a free society. Some of these are the sharing of thoughts and ideas, personal trust between individuals, free expression, and individuality." City and Borough of Juneau v. Quinto, ___ P.2d ___, Op. no. 2841 at 6 (June 29, 1984) (criminal case). We do not believe those privacy interests can be adequately protected by advising a library patron in advance that use records are public documents. Such a notice could work a subtle form of censorship, influencing the selection of books or library materials.

Second, the public's interest in the information should be examined. Possessing information on who has used certain library materials, for example, could enable the possessor to target certain individuals for harassment. Such use of public records is a clear abuse of AS 09.25.110. It does not further the statute's purpose of opening the conduct of government

business to public scrutiny. A legitimate interest, however, would be in opening the administration of the library to public view. That interest would be served by providing the records but deleting all personal references.

In sum, absent special circumstances, we find the balance weighs against disclosure of the names of persons using the library. Disclosing use records, while deleting any references which would allow the library patron to be identified, should, in most cases, satisfy the policies underlying the Freedom of Information Act without interfering with privacy interests. There may, however, be some instances in which the release of names is necessary to accomplish an important public interest. Such requests should be reviewed on a case by case basis with advice from the Department of Law.

You stated in your letter that 21 states have statutes addressing the confidentiality of library use records. You may wish to approach the legislature and request legislation specifically addressing this issue. In the meantime, you cannot provide any absolute assurance that user records will be kept confidential. If library records are requested under AS 09.25.110-.120, I recommend that you respond by providing the records but deleting any personal references. If that response is unsatisfactory, you should refer the matter to the Department of Law to determine whether the interest in disclosure outweighs the privacy interests involved.

JHD:jg

cc: Linda Tobiska
Rick Roberts

February 20, 1985

Honorable Don Clocksin
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Clocksin:

As an interested group the directors of the research and resource libraries under the state plan for library development, "Libraries for All Alaskans," would like to express support for your bill, H.B. 180, which assures the privacy of individual library records. This issue, as you are aware, has been a prime focus of librarians in our state, and your sensitivity to that focus appreciated and strongly endorsed.

Please do not hesitate to call on us for any manner of support for H.B. 180.

Sincerely,

Karen R. Crane
Executive Director, Community Services
Fairbanks North Star Borough

Richard B. Engen, Director
Division of State Libraries
and Museums

Robert H. Geiman, Director of Libraries
University of Alaska, Fairbanks

Jack O'Bar, Library Director
University of Alaska, Anchorage

Donna Pierce, Director
City/Borough of Juneau Libraries

Keith Revelle, Municipal
Librarian
Anchorage Municipal Libraries

REPRESENTATIVE DON CLOCKSIN

Alaska House of Representatives

MAJORITY LEADER

1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-4031

WHILE IN JUNEAU:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3704

FOR IMMEDIATE RELEASE February 8, 1985

For more information, contact: Johnny Ellis 465-3718

House Majority Leader Don Clocksin, D-Anchorage, today introduced House Bill 180, which would protect the privacy of citizens when they check out materials from Alaska's public libraries. Currently, twenty-three other states have passed similar legislation. The American Library Association and the Alaska Library Association strongly support confidentiality of library records to protect individual privacy.

According to Representative Clocksin, the impetus for his legislation was the increasing number of requests nationwide being made of libraries for lists of the people who had checked out certain library materials. The American Library Association has documented cases in which information was requested for purposes other than legitimate police investigations.

Clocksin pointed out that the Alaska Constitution explicitly guarantees an individual's right to privacy. "Alaska's Freedom of Information Act was designed to inform the public and ensure the accountability of government, and not to be used as a tool to violate the privacy of individual Alaskans." Circulation records kept by public libraries are

not public records in the general sense but are similar to medical records kept by public hospitals. "These records are strictly between the institution and the individual," Clocksin said.

A July 1984 Attorney General's opinion said no state law protects library circulation records, although the constitutional right of privacy reflects a policy that they should not be disclosed.

"By filing this bill, I hope to implement that policy," Clocksin stated. "I don't feel we should rely on a court to rule favorably. Confidentiality of these records should be explicitly protected in the statutes."

# # #

Attachments (3)

The Washington Post

AN INDEPENDENT NEWSPAPER

The Rise in Oil Imports

OIL IMPORTS into the United States hit a peak in 1977, when they were nearly half of all the oil that the country consumed. The following year they started to fall as the Alaskan oil pipeline came into full operation. Then came the Iranian revolution, a huge jump in prices and two recessions. Oil consumption and imports fell for five-and-a-half years. But late last summer the pattern reversed itself. The country's dependence on foreign oil is now climbing again.

For the present, there is no great danger. Oil markets are slack and—unless the war between Iran and Iraq suddenly spreads—there is no immediate prospect of shortage or rising prices. But the oil is expensive and adds to a trade deficit already a drag on economic expansion. For the longer future, a rising trend means only trouble.

Oil imports are now up quite sharply, because oil use is up. In January 1983, Americans were burning oil at a rate of 14.8 million barrels a day. Last month the rate was over 17 million barrels a day. The reasons aren't very surprising. It's been very cold, and almost half of that increase was fuel oil. The economic recovery is well under way, and people are driving more. Industrial production is up, which means that industrial fuel needs are also up—although not much. The industrial engineers are the champions among energy conservationists.

It's important to recognize the extraordinary gains in conservation since oil prices started to rise in 1973. American energy consumption is significantly lower now than it was then—although the gross national product has risen almost one-fourth, the population is up by 23 million people and there are some 20 million more cars on the road. But the impact of rapid growth falls most heavily on oil imports, and letting them run up will generate—as Americans have had ample opportunity to see since 1973—its own kind of disaster.

It's time to improve the incentives for conservation. The most conspicuous opportunities, as usual, lie in the use of gasoline. The price of gasoline has been falling for three years now and, adjusted for inflation, is not much higher than it was in 1974. People seem to be moving back to big cars. That swing, if it continues, will create havoc in an automobile industry that has been pushed hard by public policy to build mostly small cars.

How about seizing this moment of declining gas prices to impose a slowly but steadily rising tax on gasoline? Each nickel per gallon added to the gas tax would not only help hold down oil imports but would bring in $5 billion a year. That's a serious contribution to reducing the deficit—if anybody over at the White House is seriously interested in reducing the deficit.

Who Read That Book?

IF YOU GO to the public library and take out a book on how to deal with head lice, improve your sex life or form a new political party, do you want the whole world to know about it? Shouldn't you be allowed to check out a racy novel or the biography of Karl Marx without having to explain your motives to anyone? The American Library Association thinks so and has taken a strong stand against releasing book circulation records. Twenty-two states, including Maryland and Virginia, have adopted legislation specifically protecting these records, and while there is no such statute in the District, it is the policy of city libraries not to release such records.

Did you even think this was a problem? Well, it is. The executive director of the Moral Majority in the state of Washington asked for the circulation records on a sex education film. Persons claiming to be investigators have sought to obtain information on the reading habits of suspected individuals. And, it should be noted, writers and reporters occasionally find items of interest on these lists. In fact, the ALA says that the only people who consistently oppose library privacy legislation in the states are journalists. It isn't right. In a legitimate criminal investigation—did John Smith, whose wife expired shortly after a beef stroganoff feast, take out that book on poisonous mushrooms?—circulation lists can be obtained with a subpoena. In all other cases, they ought to be considered private.

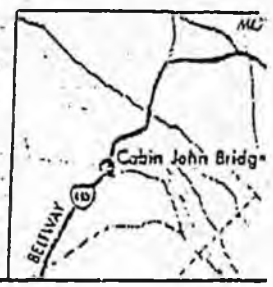
It will be argued that circulation lists are public records and that they ought to be made available to any interested member of the public. Not so. They are only public in the sense that medical records kept by the city hospital are public because they are created and kept by a public institution. While most data about the operation of a publicly funded service should be available—information about administration, operations and budget, for example—other files, such as health records or income tax returns, are personal and should be protected. An individual's choice of reading material falls into this category. Librarians and state legislatures that have adopted protective policies and laws have correctly drawn the fine line between the public's right to public information and the individual's right to read in peace.

LETTERS

Terror:

It is ... that the last article in The Post's series "The Terror Factor" [omit] piece, Feb. 12] could find no "significant information of Soviet involvement in terrorist enterprises," since an earlier article in the same series noted that in June 1980, two of Abu Nidal's terrorists were released from detention in Bulgaria and their weapons returned to them after intervention by the Bulgarian Embassy in Baghdad. Bulgaria is one of the most submissive satellites of the Soviet Union, and its intervention to release the terrorists might reasonably be taken to indicate Soviet support for terrorism, especially in light of the continuing allegations of a Soviet-Bulgarian role in the attempted assassination of Pope John Paul II in 1981.

Although the last article in the six-part series quoted former CIA director [illegible] Soviet [illegible] There [illegible] the [illegible] Cline [illegible] term. The [illegible] Soviet [illegible]



Traveling the Beltway

This is in reply to The Post's front-page article Feb. 14 on trucks causing accidents on the Beltway. I am alive to write this because of the skill and courage of a truck driver who avoided running over me after I was forced to brake sharply on the Beltway.

It happened on the infamous stretch leading to the Cabin John Bridge. The car ahead of me suddenly slowed and turned, without warning; traffic was heavy in all lanes. I avoided hitting him, but behind me was another car and a moving van. With split-second reaction, the trucker, a woman, pulled left onto the snow-covered, steeply sloping median and managed to straighten rig. Without her strength, speed and skill, I think both drivers behind me and I would be dead. The only person injured was the truck driver, who saved us all. She got the only citation issued by the police, and the cause of the accident—the driver making the U-turn—got away.

Not all accidents are the fault of truck drivers.

MARY S. THORNE
Bethesda

The Beltw[illegible] relieved by

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(C[illegible]
Glenn Dale

Under Malawi L[illegible]

In her article "Malawi Upholds Execution of Hyattsville Nurse's Parents" [Feb. 9], Caryle Murphy claims, among other things, that "the lower traditional court that tried the Chirwas does not meet international legal standards of the Geneva-based International Commission of Jurists."

There are certain facts The Post [illegible] the United [illegible] law differ [illegible] some state[illegible] for instance[illegible] states use [illegible] tion, other[illegible] There are [illegible] thing[illegible] thin the [illegible]

HB 180

rials

Robert B. Atwood
President and Publisher

William J. Tobin
Vice President
and Editor-in-chief

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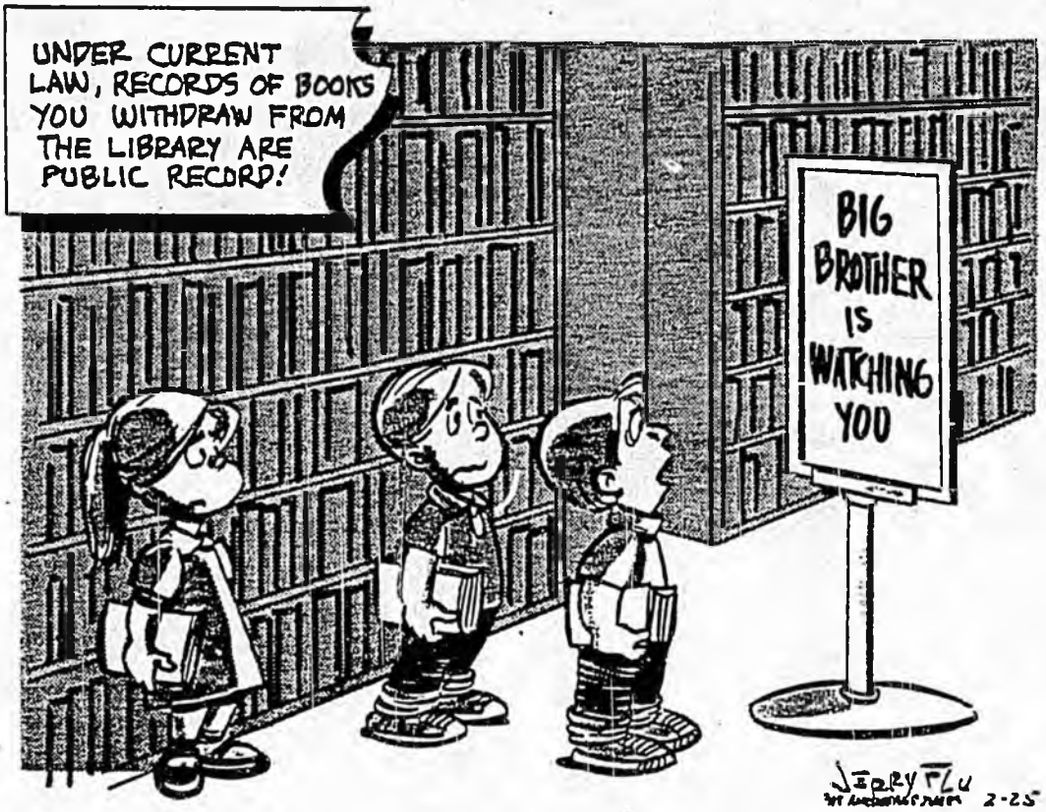
ALASKA FEVER



The confessions of a nicotine eater

By Jody Powell

IT'S NOW BEEN 40 miserable days. That's too early to claim victory, though it is the longest I've ever made it without giving up. And, yes, there has been a bit of backsliding, a cigarette or two on a couple of occasions when I forgot my nicotine gum.

Still, I think I'll make it this time. It's not just the 2,400 cigarettes I would have smoked since the first of the year — 2,400 conscious decisions not to do something that had become as natural as breathing. I think it's because I just don't thi[nk] myself as a smoker any more — tho[ugh] knows, I do think about smoking.

In any case, I am at least in a [position] few observations on the und[er]

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Injustice in the field

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trees and other construction debris. The dump is about two-thirds full.

the matter before the assembly. The Mid-Hillside Community Council has

official who was fired when Mayor To Knowles reorganized his executi

Librarians back bill on privacy

by Beth Cunningham
Times Writer

Alaska librarians, saying a person's reading material is private, gave strong support Tuesday to a proposed state bill that would keep library circulation records confidential.

Open records of what libary patrons check out would have a "chilling effect," and keep some people from reading anything but "innocuous material," said June Pinnell-Stephens, chairman of the Alaska Library Association's Intellectual Freedom committee. "What I read is nobody's business," Pinnell-Stephens said.

Pinnell-Stephens testified during a teleconference hearing with the state House Judiciary Committee on a bill that would protect the names of individuals who checked out any library material — books, records, magazines.

Stephens, speaking from Fairbanks to the House members in Juneau, agreed with seven other librarians or former library workers who all spoke in favor of the bill, which was proposed by Rep. Don Clocksin, D-Anchorage. The committee passed the proposal which now will go on to the House floor for a vote.

Rita Dursi, who represented the Anchorage chapter of the ALA, said libraries now must open records to anyone who demands to see them. "Before, libraries didn't have a legal leg to stand on," Dursi said of a library's right to keep records private.

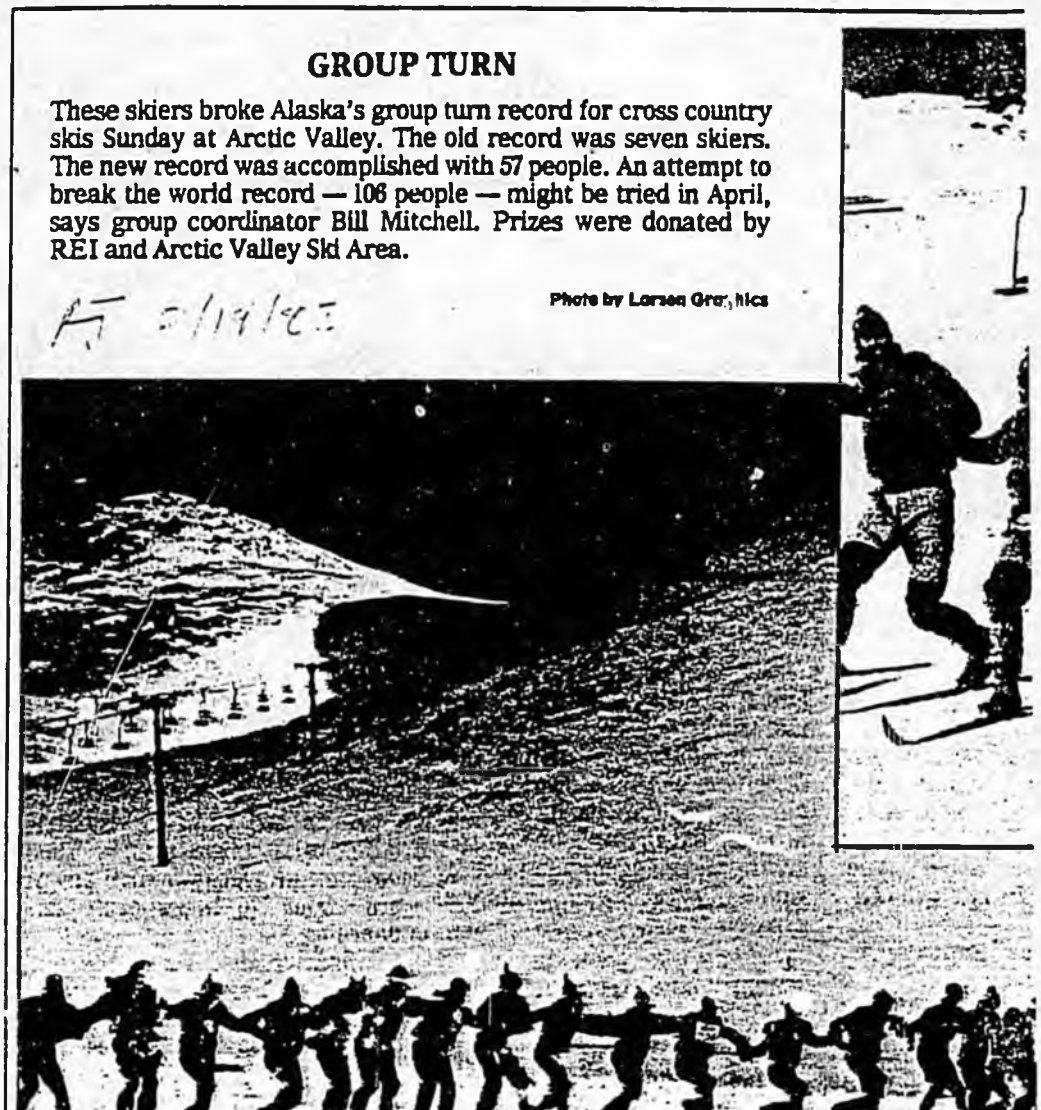
The only negative testimony came from Cam Carlson, who led "Parents In Action," a citizens' group formed to protest a book on homosexuality available in a Fairbanks public school. Carlson said people found out that she had checked out the book, but it did not bother her. "It just runs off your back" if others find out what you're reading, she said. Carlson said "an aura of suspicion" surrounds the proposed bill.

See Confidentiality, page B-6

GROUP TURN

These skiers broke Alaska's group turn record for cross country skis Sunday at Arctic Valley. The old record was seven skiers. The new record was accomplished with 57 people. An attempt to break the world record — 106 people — might be tried in April, says group coordinator Bill Mitchell. Prizes were donated by REI and Arctic Valley Ski Area.

Photo by Larsen Graphics



Lights return to hau

Associated Press

Uh-oh, they came back. Those eerie amber lights that dotted the city's skies over the weekend showed up late Monday for an encore.

The lights appeared at about 9 p.m. and seemed to float over west Anchorage. Spectators and officials were at a loss to explain the lights' source.

As many as 12 lights appeared in the western sky. Some glowed alone, while others appeared in crude designs or in straight lines of three to four lights each.

"There were a couple lights, be we couldn't tell what they were," said Roger Carpenter, team supervisor at the Anchorage International Airport Federal Aviation Administration control tower. "We didn't see anything on the tower radar."

Federal officials dismissed the lights th appeared over Anchorage late Sunday as h air balloons, but the head of a balloonis group says he doubted the explanation.

Alaska Air Mushers Association Preside Don Reed said the city's hot air balloonis were at a banquet Sunday when the ligh were reported, and he said "nobody in the right mind" would attempt a night flig without proper gear.

"There is only one balloon in town that equipped for night flying, and there's on one set of lights," he said. "And that set isn even working."

The mysterious lights apparently wer visible over the city between 10:30 p.m. an 11 p.m. on Sunday. They were reported to th FAA's Air Route Traffic Control Tower a "foreign" objects, agency spokesman Pa

plane's door 4,000 feet

ers clung to him, the co-pilot of a
iece of cable to close his plane's
over Southwest Alaska Sunday.
stration spokesman Paul Steucke
a twin-engine Ryan Air Beechcraft
the small airliner took off from
llage northeast of Bethel.
e as Ryan flight 940, piloted by An-
nson, flew from Anchorage to St.
d.
rom the cabin prompted Ryan co-
orage, to leave the craft's controls
Beechcraft, Steucke said. There,
d passengers held onto him, Lacy
nd used a section of support cable

at St. Mary's at about 3:30 p.m.,
ersonnel shortly after it landed at

t the aircraft at any time," the
sh continued to remain operational
st of the flight."
eechcraft does not feature a pres-
er injuries were reported.

e disputed

tractors with private fill sites
available to them save thousands

Confidentiality bill draws key support

Continued from page B-1

Committee chairman Mike Miller, D-Juneau, said the confidentiality bill, or "personal privacy," was entirely separate from any censorship or book-banning issue. Miller, a co-sponsor of the bill, said groups seeking to remove a book from library shelves still would have the means to do so.

Clocksin said the confidentiality bill was specific enough to exlude only a person's identity from public records, so information such as how many times a book has been taken out or whether a book had been returned still would be available.

Clocksin added two amendments to the original proposed bill. One amendment says that any information that could identify the person — name, social security or address — would be excluded from the libary record. The original bill read that only the name would be excluded.

The bill also was amended to say that law enforcement officials, with a court order, could request information on who checked out materials when it was a matter of public safety.

Clocksin said he doesn't feel the library confidentiality bill hurts the public's right to gain access to informatiuon. He said he feels strongly that public records should remain open.

"I'm probably one of the leading proponents of freedom of information," Clocksin said. "That's one of the reasons why I decided to sponsor this bill. I thought it would make the point more strongly. I feel this (library confidentiality) is a legitimate exception."

Dick Engen, president of Alaska Library Association, said 22 states have enacted similar legislation and that Librarians around the country have been requesting library confidentiality. Clocksin said Alaska librarians requested that the state pass a similar law.

Rescuers recover pilot's body

Associated Press

Homer — A civilian mountaineering rescue team Monday recovered the body of a Peninsula Airways pilot whose plane crashed on the slopes of Mount Veniaminof on the Alaska Peninsula, Alaska State Troopers said.

The Piper Navaho, carrying only the pilot, was reported missing Thursday.

Troopers identified the pilot as Leonard Mack, 39, and said his body was taken off the mountain at about 6 p.m.

The aircraft was reported overdue on a flight from King Salmon to Cold Bay. Its emergency locator led searchers to Mount Veniaminof, an 8,200-foot volcano on the Alaska Peninsula.

Hickle Investment Company d/b/a

The Hotel Captain Cook
Whales Tail
Crow's Nest
Quarterdeck

is making application for a Duplicate Beverage Dispensary License AS 04.11.090 d/b/a

Fletcher's
Located in The Hotel Captain Cook, 928 W. 5th Avenue, Anchorage, Alaska.

Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 201 E. 9th Ave., Anchorage, Alaska 99501 or phone (907) 277-8638.

'Remembrance of Things Past:' Why should anyone want to?

suzan nightingale

Just when you think there's nothing good left to worry about, government comes along and reminds you that paranoia is your friend. I mean, of all the things I've ever thought to worry about — and, let me tell you, few people worry more extensively or more creatively than I do — fretting about Big Brother and The Library Books never entered my mind.

Oh, I remember being a little nervous when, as a precocious adolescent, I checked out a book of Rex Reed interviews garishly titled, "Conversations in the Raw." I blushed 10 ways to Sunday as the librarian wordlessly took my library card and processed the book — full, I was sure, of harsh judgment. But that was nervousness; this is full blown adult paranoia. Now we learn it apparently takes a special bill to guarantee that what we check out of a library is nobody's business but our own.

Now we find out Rep. Don Clocksin has introduced a bill that would make library check-out records confidential. Apparently last summer in Fairbanks, some folks wanted to know just who was reading those books about homosexuality in the library. I have no idea what conclusions they thought they'd be able to draw from such information, but people are funny like that.

Other people, not surprisingly, apparently thought what they read was nobody's business but their own.

Here, the plot thickens. This being a sunshine state, the official state policy is one of open access to public records. Now, I like this policy. I *love* this policy. This is a *WONDERFUL* policy that serves the people of Alaska in a bunch of different ways. If the idea of government is really that we elect representatives because we can't all fit in one room, then it clearly follows that we don't need them deciding what's good for us to know.

But just because people have the right to *existing* government information doesn't necessarily mean the government should *keep* records about things just because the technology exists. Criminal records, sure, property information, government loans, campaign contributions — all that affects us in a public way. But *reading habits?* And not even reading habits but checking-out-book habits. Sheesh. There must be other methods of monitoring book usage.

At least it's not a problem in Anchorage. Our librarians not only don't keep permanent records (once you return a book, the card is chucked as a stringent matter of policy), they support Clocksin's bill because they, better than anyone, know that people check out all sorts of books *for* all sorts of reasons. You start keeping track of what people read, and pretty soon you've got a bunch of uninformed opinions running around because people are too intimidated to go read up on the controversial stuff.

Then the only defense is to start checking out oddball assortments like "Reggie!" and "Remembrance of Things Past" both at the same time. Throw in a few ringers like, "Garfield Gains Weight" and let the gawkers figure out what you really went in for.

So I guess I like Clocksin's bill, as far as it goes. I *like* the idea that information is public unless it is specifically exempted, and his bill, by its nature, underlines that policy. And I don't think library records are anyone's business, so I have no qualms with telling people who want to know what I check out to get lost.

But I fear Clocksin's bill falls short of the real mark: Once the book is back on the shelf, why should any library keep a record of who's borrowed that book in the first place? So that if an axe murderer runs down Fourth Avenue we can all run to the library and see if he ever checked out any books featuring ax murderers running down city streets and nail him at the trial? Not once in the nine years that Keith Revelle has been Anchorage's municipal librarian have police ever requested to see library records (which, as I said, is just as well, since they don't keep them here).

It's the *record, itself,* not just the *confidentiality* that's at issue. Part of the strength of open records — a real policy of open records in any government — is that only legitimate records will then be kept. To maintain inappropriate records, and then call them confidential, strikes me as only half a solution.

☐ Suzan Nightingale is a Daily News columnist.

ADN 2-19-85

HB 180

ARTICLE 3.

INSTRUCTIONAL STANDARDS

4 AAC 52.300 – 4 AAC 52.499
(Reserved)

ARTICLE 4.
PROCEDURAL SAFEGUARDS

Section
500. Complaint procedure
510. Parental access to records
520. Parental request for amendment of records
530. Parental consent for release of records
540. Parental right to independent evaluation
550. Availability of hearing
560. Impartial hearing officer
570. Appeal to department
580. Placement of child during proceedings
590. Appointment of surrogate parent
600. Qualifications and duties of surrogate parent
610. Removal of surrogate parent
620. Rights upon reaching age of majority

4 AAC 52.500. COMPLAINT PROCEDURE. (a) The department will review, investigate, and take appropriate action on complaints alleging that a district or other educational agency is acting contrary to the requirements of this chapter.

(b) Any person may file a complaint under this section with the Department of Education, Office for Exceptional Children, Pouch F, Juneau, Alaska 99811. (Eff. 7/1/83, Reg. 86)

Authority: AS 14.07.060
AS 14.30.180–14.30.350

4 AAC 52.510. PARENTAL ACCESS TO RECORDS. (a) Except as provided in (c) of this section, each district shall permit a parent to inspect and review any record relating to his child which is collected, maintained, or used by the district under this chapter.

(b) A district shall

(1) provide a parent, upon request, a list of types and locations of records collected, maintained, or used by the district;

(2) respond to any reasonable request of a parent for explanation and interpretation of a record;

(3) provide a parent with a copy of a record upon request;

(4) permit a representative of the parent to inspect and review a record; and

(5) comply with a request to inspect, review, or obtain a copy of a record within a reasonable period not to exceed 10 days and, in any case, before any meeting or hearing relating to the identification, evaluation, placement, or program of a child in which the parent may participate.

(c) A district may presume that a parent has authority to inspect and review a record relating to his child unless the district has been provided reasonable grounds to believe that the parent does not have authority to do so under state or federal law.

(d) If a record includes information on more than one child, a parent may inspect and review the information relating only to his child. (Eff. 7/1/83, Reg. 86)

Authority: AS 14.07.060
AS 14.30.180–14.30.350

4 AAC 52.520. PARENTAL REQUEST FOR AMENDMENT OF RECORDS. (a) A parent who believes that information in a record relating to his or her child which is collected, maintained, or used by a district under this chapter is inaccurate, misleading, or otherwise in violation of rights of the child may request that the district amend the record.

(b) The district shall, within a reasonable period of time following receipt of the request, decide whether to amend the record. If the district refuses to amend the record, it shall inform the parent of the refusal and advise the parent of his or her right to a hearing under 4 AAC 52.550.

(c) If a parent requests a hearing and the hearing officer decides that the information is inaccurate, misleading, or otherwise in violation of rights of the child, the district shall amend the record.

HB

186

COMMITTEE REPORT

SENATE

FURTHER: ~~RESOURCES~~ C&RA
Finance

4/11/85

Date APRIL 25, 1985

Mr. President

The Committee on STATE AFFAIRS considered CSHB 186(Res)
creating the Anchorage Coastal Wildlife Refuge.

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

[X] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

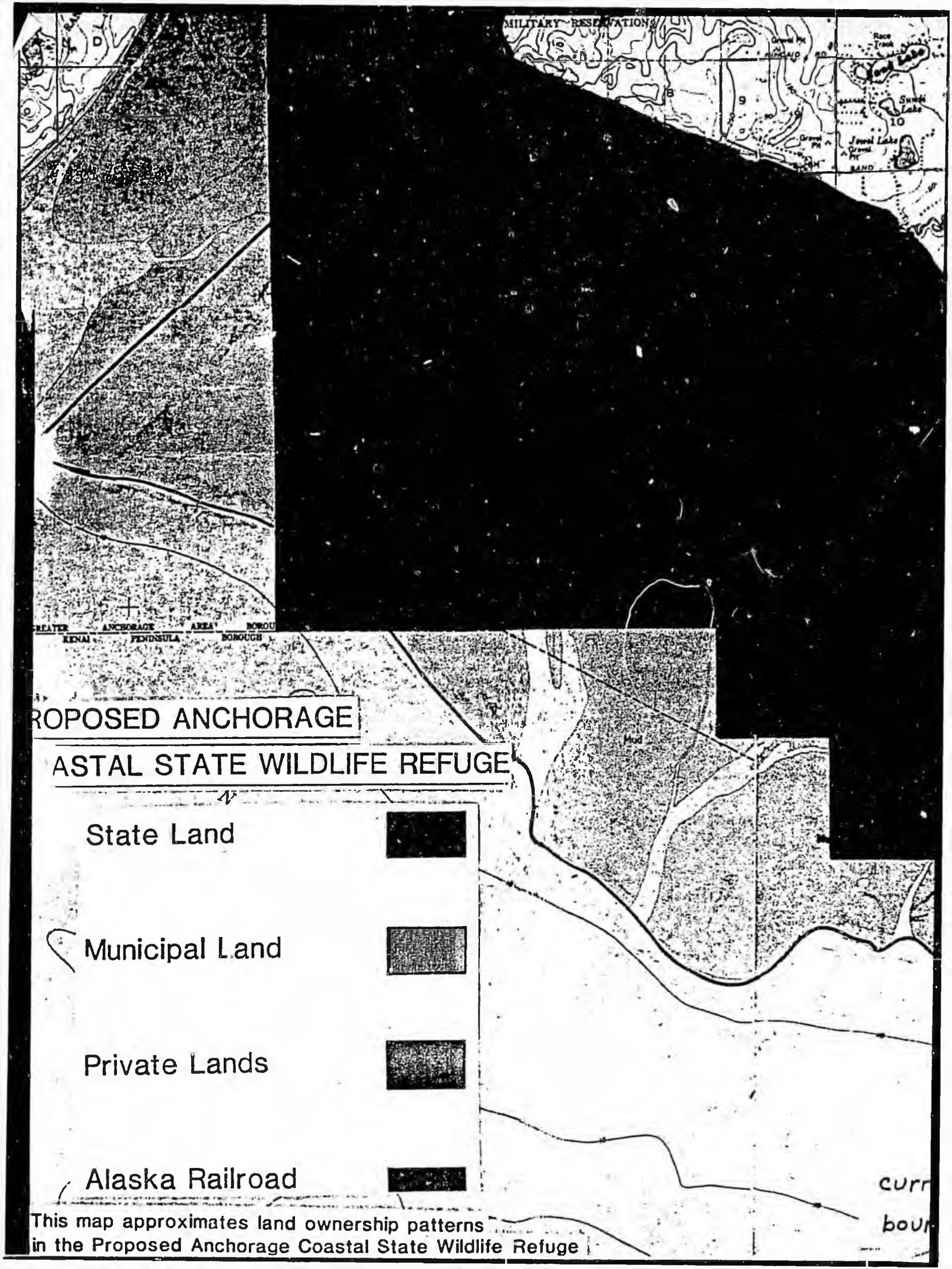
Fahn Ro Wien
V.T.
V. Fischer
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

THE FOLLOWING DOCUMENT HAS NOT BEEN FILMED BUT IS AVAILABLE IN THE ORIGINAL FILE


MILITARY RESERVATION
GREATER ANCHORAGE AREA BOROU
KENAI PENINSULA BOROUGH
ROPOSED ANCHORAGE
ASTAL STATE WILDLIFE REFUGE
State Land
Municipal Land
Private Lands
Alaska Railroad
curr
bou
This map approximates land ownership patterns
in the Proposed Anchorage Coastal State Wildlife Refuge

League of Women Voters of Alaska

9151 Skywood Lane
Juneau, Alaska 99801
April 23, 1985

Senator Mitch Abood, Chairman
Senate State Affairs Committee
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Re: CS HB 186 (Res): Anchorage Coastal Wildlife Refuge

Dear Senator Abood:

The League of Women Voters of Alaska supports establishment of the Anchorage Coastal Wildlife Refuge. We have supported this legislation in the House, and continue to do so in the Senate.

This bill would set aside and protect a unique area that is de facto critical habitat for a large population of water fowl and other wildlife, and which should be preserved in its natural state for the protection of the wildlife and the enjoyment of people who wish to view the wildlife. The availability of such an experience is especially important in a location close to a large population center such as Anchorage, where the experience can be enjoyed by many people, including children and the elderly, and not just those who are able to hike and backpack long distances to remote areas.

Thank you for your considering our views.

Sincerely,

Elizabeth Cuadra

Elizabeth Cuadra, State Board Member
(Natural Resources Portfolio)

DEC:lyn/27

cc: Committee Members (DeVries,
Vic Fischer, Ray, and Kelly)

Commissioner Collinsworth (DF&G)
Commissioner Wunnicke (DNR)

Paula Ziegler, LWVAK President

Alaska State Legislature

House of Representatives

Representative Mike Szymanski

Finance Committee
Oil and Gas Committee

11920 Johns Road
Anchorage, Alaska 99515
Phone (907) 349-3373

While in Session:
Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4978 4979

April 15, 1985

TO: Sen. Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Rep. Mike Szymanski

RE: CSHB 186 (Resources) - Anchorage Coastal Wildlife Refuge

CSHB 186 (Resources) establishing the Anchorage Coastal Wildlife Refuge is currently before the Senate State Affairs Committee. I would like to request the scheduling of this bill for hearing as soon as possible. Enclosed please find a map and background information on the bill. Should you have any questions, please feel free to give me a call.

Thank you very much. I appreciate your consideration of my request.

186
distribute in
folders
on

RECEIVED
APR 17 1985

Alaska State Legislature

House of Representatives

Representative Mike Szymanski

11920 Johns Road
Anchorage, Alaska 99515
Phone (907) 349-3373

While in Session:
Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

Finance Committee
Oil and Gas Committee

April 15, 1985

To: Sen. Mitch Abood, Chairman
Senate State Affairs Committee

From: Rep. Mike Szymanski

Re: Background/Intent of HB 186 - Anchorage Coastal Wildlife Refuge

In 1971 the Alaska State Legislature created Potter Point State Game Refuge (AS 16.20.030 (b)) which extends southeasterly along the coastline of Anchorage from Pt. Campbell to Potter Creek. This easily accessible, urban refuge provides excellent wildlife viewing opportunities for city residents, and it enhances the Anchorage economy through its value as a tourist attraction.

In June 1983, the Municipality of Anchorage (MOA) established the Potter Marsh Task Force to address management problems that were developing both within and around the refuge, and to subsequently make recommendations for action. This legislation is one of the task force's recommendations for improving management of the refuge, and it is supported by the MOA, Alaska Department of Fish and Game (ADF&G), Alaska Department of Natural Resources (DNR), and interested public members.

HB 186 would:

1) Rename the existing Potter Point State Game Refuge the "Anchorage Coastal Wildlife Refuge".

Section 1, AS 16.20.031 (a) would establish the Anchorage Coastal Wildlife Refuge to be managed for the protection of waterfowl, shore birds, salmon, and other fish and wildlife species, and their habitat and for the use and enjoyment of the people of the state. Section 3 repeals AS 16.20.030 (b) which is the existing statute establishing the Potter Point State Game Refuge. This new name more accurately reflects the refuge's location and relation to the city of Anchorage.

2) Provide a precise legal description, in surveyable section lines, of the boundaries of the state-owned land and water included in the refuge.

The 1971 legislation reads, "The following described state-owned land and adjacent state water, excluding existing and applied-for highway, pipelines and railway rights-of-way as of May 20, 1971, are established as the Potter Point State Game Refuge: All land and water south and west of and adjacent to the toe of the bluff which extends from Campbell Point southeasterly to Potter Creek." This language does not define any real or measurable limit as to how

far the refuge boundary extends seaward, and the inland boundary is open to wide interpretation. Many times this lack of clarity has resulted in confusion for state agencies, private development interests, and the general public. Therefore HB 186 in Section 1, subsections (1) through (7) describes in detail the legal refuge boundaries.

3) Add additional tidelands and near shore upland to the existing refuge.

The MOA has asked that refuge boundaries be expanded northward from Pt. Campbell to Pt. Woronzof to include municipally owned wetlands within the refuge for management by ADF&G. In 1979, under the Anchorage Coastal Zone Management Plan, these lands were identified as Areas Meriting Special Attention and classified as Preservation Wetlands. Inclusion of these lands within the refuge does not afford them any more protection than they already have under the preservation status, but would facilitate the uniform management of Anchorage's coastal lands. The new boundaries (described in Section 1, subsections (1) through (7)) were cooperatively drawn by the MOA, ADF&G, and DNR.

4) Restrict the state and municipality from acquiring property by eminent domain for inclusion within the refuge.

This would protect private property owners by requiring that property to be included within the Anchorage Coastal Wildlife Refuge be acquired through purchase, exchange, or otherwise (Section 1, (e)), and prohibiting acquisition by eminent domain.

5) Provide for management of the refuge by ADF&G and DNR.

Section 1 (b) provides that, as in the past, both ADF&G and DNR would exercise their respective authorities over the refuge, except as provided in Section 1 (d). Management of the Anchorage Coastal Wildlife Refuge will be consistent with a management plan prepared by the ADF&G under AS 16.20.040 - 16.20.060. The plan will be completed within one year of the effective date of this Act (Section 2).

The management plan prepared by ADF&G shall recommend a corridor for transportation and utilities between Fire Island and the Anchorage mainland (Section 1 (c)). This is to ensure access to the island's landowners for future development and would also be of economic benefit to the MOA.

Hunting, as in the past and in accordance with state regulations, will continue to be allowed on state-owned lands within the refuge west and north of the Alaska Railroad.

While the land and water areas of the Anchorage Coastal Wildlife Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275, the boundary extension north of Pt. Campbell was drawn so that all previously issued offshore mining permits were excluded from within the refuge. Oil and gas leasing will not be affected (Section 1 (f)) by this legislation.

HB

218

Offered: 4/22/85
Referred: Finance

Original sponsors: Pourchot, Hurley, M.M.Miller, et al

IN THE HOUSE BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 218 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to standards of conduct of legislators and legislative employees and to the Select Committee on Legislative Ethics; and providing for an effective date."

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

* Section 1. AS 11.56.805(b) is amended to read:

(b) False accusation is a class A misdemeanor [CLASS C FELONY].

* Sec. 2. AS 24.60.020(a) is amended to read:

(a) This chapter applies to a member of the legislature, to a person employed by a member of the legislature, and to a permanent or temporary employee of an agency of the legislature. This chapter does not apply to an employee of the Legislative Branch—

(1) a former member of the legislature or to a person formerly employed by a member of the legislature or an agency of the legislature unless the provision specifically states that it so applies;

(2) a person elected to the legislature who at the time of election is not a member of the legislature;

(3) a person employed by a member of the legislature or an employee of an agency of the legislature whose compensation is below Step A, Range 18 of the state salary schedule established in AS 39.-27.011(a).

* Sec. 3. AS 24.60.050(d) is amended to read:

(d) Each February 1, each state loan agency must deliver a

4) a person who is presently employed by a legislator and does not perform leg duties

listing of all outstanding loans to persons to whom this chapter applies, except for loans described in (a) of this section, to the presiding officer of each house. The list must include the name of the person, the date of issuance and current status of the loan. The list shall be published in the supplemental journal before February 5 of each year.

* Sec. 4. AS 24.60.070 is amended to read:

Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS. A person to whom this chapter applies shall disclose in the journal of the appropriate body or, if the legislature is not in session to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by [FOR] the fifth [FIRST] day of the session, the formation or maintenance of a close economic association involving a substantial financial matter with

(1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions;

(2) legislators;

(3) a public official in another branch, if the public official is required to file a financial disclosure statement under AS 39.50;

(4) a registered lobbyist;

(5) a person to whom this chapter applies who is employed by a member of the legislature or an agency of the legislature if the close economic association is with a legislator [WHO IS NOT A MEMBER OF THE IMMEDIATE FAMILY OF THE PERSON].

* Sec. 5. AS 24.60.100 is amended to read:

Sec. 24.60.100. REPRESENTATION. A person to whom this chapter applies who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body or if the legislature is not in session to the committee. The committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by [FOR] the fifth [FIRST] day of the session.

* Sec. 6. AS 24.60.110 is amended to read:

Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator who knowingly has a conflict of interest or has been notified of a conflict of interest shall immediately

(1) resign the conflicting position;

(2) divest the interest that has resulted in the conflict or potential conflict; or

(3) disclose the conflict of interest in the journal of the appropriate body or if the legislature is not in session to the committee; the committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by [FOR] the fifth [FIRST] day of the session but disclosure does not remove the conflict of interest.

* Sec. 7. AS 24.60.130(b) is amended to read:

(b) The committee consists of nine [SEVEN] members, in two subcommittees, as follows:

(1) the senate subcommittee consists of three members of the senate, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the

senate; and

(2) the house subcommittee consists of three members of the house, appointed by the speaker of the house with the concurrence by roll call vote of two-thirds of the full membership of the house; and

(3) three public members [ONE PUBLIC MEMBER,] who are [IS] selected by the Chief Justice of the Alaska Supreme Court [TWO-THIRDS OF EACH SUBCOMMITTEE] and who are [IS] ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house, shall serve on both the full committee and each subcommittee.

* Sec. 8. AS 24.60.130(c) is amended to read:

(c) No more than two legislative members of each subcommittee may be members of the same political party or the same organizational caucus. [At least one public member must be a former member of the legislature.]

* Sec. 9. AS 24.60.150(a) is amended to read:

(a) The committee shall

(1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;

(2) publish semi-annual summaries of decisions and [,] advisory opinions [AND INFORMAL ADVISORY OPINIONS,] with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions that have remained confidential.

* Sec. 10. AS 24.60.160 is amended to read:

Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an advisory opinion within 30 days on the request of a person to whom the chapter applies or a person elected to the legislature who at the time of election is not a member of the legislature as to whether the facts

and circumstances of a particular case constitute a violation of ethical standards. The 30-day period for issuing an opinion may be extended by the committee for not more than an additional 10 days if the person requesting the opinion consents. The opinion issued is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. Except as provided in this chapter an advisory opinion is confidential but may be made public if a written request by the person who requested the opinion is filed with the committee.

* Sec. 11. AS 24.60.190 is amended to read:

Sec. 24.60.190. DEFINITIONS. [DEFINITION OF "COMMITTEE."] In this chapter [,]

(1) "committee" means the Select Committee on Legislative Ethics or where appropriate, the applicable subcommittee;

[(2) "person employed by a member of the legislature" means a person who is employed by an individual legislator or by a legislative body other than an agency of the legislature established under AS 24.20 whose duties include assistance to a legislator or a legislative body in the performance of legislative functions.]

* Sec. 12. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS

ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(907) 338-2425

JUNEAU
POUCH V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

House of Representatives

MEMORANDUM

DATE: March 12, 1986

TO: Senate State Affairs Committee
Senator Mitch Abood, Chairman
Senator Edna DeVries, Vice-Chairman
Senator Tim Kelly
Senator Bill Ray
Senator Vic Fischer

FROM: Representative Pat Pourchot

SUBJECT: Senate Committee Substitute HB 218 (State Affairs), Legislative Ethics

The draft Senate CSHB 218 (State Affairs) contains the amendments the State Affairs Committee adopted Thursday, February 27, 1986. A current sectional analysis is attached for your information.

Final Committee action on one issue was deferred pending additional information. The section of the current ethics law describing when close economic associations with "public officials" must be declared is unclear. "Public official" is defined in the ethics law as those "in another branch, if the public official is required to file a financial disclosure statement under AS 39.50." Many municipal officials are required to file financial disclosure statements but they are not considered "in another branch" of government.

The Ethics Committee has issued an opinion that legislators must disclose close economic associations with any municipal official who is required to file a financial disclosure statement. I have attached a listing of people who are required to file financial disclosure statements, including all municipal officials.

If the intent of the Committee is to exclude municipal officials, then the Committee should adopt the attached amendment #1. This amendment would simply exclude municipal officials, even though they file financial disclosure statements.

If the Committee wishes persons covered by this act to make disclosures of close economic association with all public officials who are required to file financial disclosures, then the Committee should adopt the suggested language on attached amendment #2.

At the February 27 meeting several amendments were adopted to clarify who was covered by the legislative ethics law. Because of these changes it appears the Ombudsman, who is currently covered, has been left out. All legislative agencies are established under AS 24.20 which is cited in the new CS. However, it was pointed out by Legal Services that the Ombudsman is organized under AS 24.55.

In order to include that agency's employees in the definition of "employees of the legislative branch", I would suggest an amendment to add the reference "or AS 24.55" to include the Ombudsman. This is suggested amendment #3.

Thank you for your time and consideration to the above suggestions.

FINANCIAL DISCLOSURES

The following people are required to file a financial disclosure statement under AS 39.50:

-- Judicial officers (all judges)

-- Commissioner, chairman or member of a state commission or board specified in AS 39.50.200(b), (see attached list)

-- Head or deputy head of, or director of a division within, a department in the executive branch

-- Assistant to the governor (includes any executive, legislative, special, administrative or press assistant to the governor, and any person similarly employed)

-- Candidates for state elective office

-- Candidates for elective municipal office

-- Governor

-- Lieutenant governor

-- Members of the legislature

-- Candidates for governor, lt. governor, and legislature

-- Public officials include all of the above listed, excepting candidates, as well as the fiscal analyst of the legislative finance division, the legislative auditor of the legislative audit division, the executive director of Legislative Affairs Agency, the directors of the divisions within the LAA.

-- Municipal officers (includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city of borough, including but not limited to a unified municipality under AS 29.68)

AS 24.55.310 states that the Ombudsman, deputy ombudsman and their professional staff are subject to AS 39.50 and as such are required to file financial disclosure statements.

A M E N D M E N T #1

TO: SCS CSHB 218 (State Affairs), Legislative Ethics

Page 3, line 13, delete "in another branch" and

Page 3, line 15, after "AS 39.50", insert"

", but not including municipal officers;"

A M E N D M E N T #2

Page 3, lines 13 - 15, delete all material and insert:

"(3) a public official who [IN ANOTHER BRANCH, IF THE PUBLIC OFFICIAL] is required to file a financial disclosure statement under AS 39.50;"

A M E N D M E N T #3

Page 7, line 4:

After "AS 24.20" insert "or AS 24.55"

(4) act as an appeals board, hold hearings at the request of an employer, employee, surviving spouse, or a beneficiary on decisions made by the administrator that relate to the deferred compensation program for state employees, and submit its findings to the administrator;

(5) prescribe the policies for the proper operation of the deferred compensation program for state employees and take other action that it considers necessary to carry out the intent and purpose of the program.

(b) In this section "administrator" means the administrator of the deferred compensation program for state employees. (§ 38 ch 146 SLA 1980)

Sec. 39.45.030. Investment authority. The administrator of the state or political subdivision deferred compensation program is authorized, subject to contracts with individual employees, to invest the funds held under a deferred compensation program in fixed and variable life insurance and annuity contracts. (§ 1 ch 40 SLA 1973)

Sec. 39.45.040. Additional benefits. The deferred compensation program established under this chapter exists and serves in addition to any existing retirement, pension, or benefit system established by the state or its political subdivisions and may not effect a reduction in benefits receivable under an existing system. (§ 1 ch 40 SLA 1973)

Revisor's notes. — In ch. 40, SLA 1973, this section contained the phrase "may not affect a reduction." That appears to involve a typographical error, and "affect" has been changed to "effect" here.

Sec. 39.45.050. Tax deferred investments. The administrator of a deferred compensation program under this chapter shall invest only in contracts that allow for deferment of the state and federal income tax until benefits are receivable under the program and shall make appropriate withholding adjustments in each participating employee's payroll. (§ 1 ch 40 SLA 1973)

Sec. 39.45.060. Definition. In this chapter "employee" means a person, whether appointed, elected or under contract, who provides services for the state or a political subdivision of the state for which compensation is given. (§ 1 ch 40 SLA 1973)

Chapter 50. Conflict of Interest.

Section		Section	
10.	Findings and purpose	35.	Exemptions
20.	Report of financial and business interests	40.	Blind trusts
25.	Notification to candidates for legislature	50.	Administration and inspection
30.	Contents of statements	60.	Penalty for wilful violation of disclosure requirements
		70.	Failure to report by department, divi-

Section
sion, or deputy department heads
80. Failure to report by a commission or board chairman or member
90. Prohibited acts
100. Enforcement by private citizens
110. Report of financial interests of judicial officers
120. Report of financial interests of legislators
130. Report of financial interests of governor and lieutenant governor
135. Civil penalty: Late filing of required reports
145. Participation by municipalities
150. Initial filing date for public officials
200. Definitions

Editor's notes. — Section 2, 1974 Initiative Proposal No. 2, provides: "Severability. If any provision of this chapter or portion of a provision is declared by a court of competent jurisdiction to be invalid, for any cause, such invalid provision or portion of it shall be considered to be nonexistent and the remainder of this chapter shall continue in full force and effect."

Section 3, 1974 Initiative Proposal No. 2, provides: "Repeal of Inconsistent Law. In case of conflict between provisions of this chapter and other provisions contained in the Alaska Statutes, the provisions of this chapter shall take precedence."

Sec. 39.50.010. Findings and purpose. (a) It is declared by the people of the State of Alaska that the purposes of this chapter are:

(1) to discourage public officials from acting upon a private or business interest in the performance of a public duty;

(2) to assure that public officials in their official acts are free of the influence of undisclosed private or business interests;

(3) to develop public confidence in persons seeking or holding public office, enhance the dignity of the offices and make them attractive to citizens who are motivated to public service; and

(4) to develop accountability in government by permitting public access to information necessary to judge the credentials and performance of those who seek and hold public office.

(b) The people of the State of Alaska declare that:

(1) public office is a public trust that should be free from the danger of conflict of interest;

(2) the public has a right to know of the financial and business interests of persons who seek or hold public office;

(3) a compelling state interest requires that candidates for office and office holders disclose their personal and business financial interests;

(4) reasonable disclosure requirements do not violate an individual's right to privacy when the individual seeks or holds public office and a compelling state interest in the disclosure exists; and

(5) reasonable disclosure requirements do not have the effect of chilling the exercise of the right of a qualified person to seek or hold public office. (1974 Initiative Proposal No. 2, § 1)

Sec. 39.50.140. Accepting bribe. [Repealed, § 26 ch 25 SLA 1975.]

Sec. 39.50.145. Participation by municipalities. A municipality may exempt its municipal officers from the requirements of this chapter if a majority of the voters voting on the question at any regular election, as defined by AS 29.78.010(14), or a special municipality-wide election, vote to exempt its municipal officers from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted by the city council or borough assembly by ordinance or by initiative ordinance. (§ 16 ch 25 SLA 1975; am § 1 ch 211 SLA 1975)

Sec. 39.50.150. Initial filing date for public officials. (a) Every person who is a public official or a public official-elect on December 11, 1974 shall file the statements required by this chapter before April 15, 1975. However, a public official who resigned from office or whose term of office expired on or after December 11, 1974 but before April 15, 1975, need not file a financial statement.

(b) Municipal officers shall file the statements required by this chapter before November 15, 1975. However, a municipal officer who resigns from office or whose term of office expires before November 15, 1975 need not file a financial statement. (Initiative Proposal No. 2 § 1; § 1 ch 2 SLA 1975; § 17 ch 25 SLA 1975)

NOTES TO DECISIONS

Applied in Warren v. Thomas, Sup. Ct. Op. No. 1484 (File No. 2919), 568 P.2d 400 (1977).

Sec. 39.50.200. Definitions. (a) In this chapter:

(1) "assistant to the governor" includes any executive, legislative, special, administrative or press assistant to the governor, and any person similarly employed.

(2) "child" includes a biological child, an adoptive child, and a stepchild;

(3) "commission" means the Alaska Public Offices Commission created under AS 15.13.020(a);

(4) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska and the Alaska State Housing Authority;

(5) "judicial officer" means a person appointed as a justice to the supreme court or as a judge to the court of appeals, superior court, district court, or magistrate court;

(6) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(7) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, including but not limited to a unified municipality under AS 29.68;

(8) "public official" means a judicial officer, a member of the legislature, the fiscal analyst of the legislative finance division, the legislative auditor of the legislative audit division, the executive director of the Legislative Affairs Agency and the directors of the divisions within the Legislative Affairs Agency, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch, an assistant to the governor, chairman or member of a state commission or board, and each appointed or elected municipal officer;

(9) "source of income" means the entity for which service is performed or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership or corporation, but if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source;

(b) In this chapter "state commission or board" means the

(1) Agricultural Revolving Loan Fund Board (created administratively to assist in administration of AS 03.10);

(2) Alaska State Council on the Arts (AS 44.27.040);

(3) Alcoholic Beverage Control Board (AS 04.06.010);

(4) State Assessment Review Board (AS 43.56.040);

(5) *[Repealed, § 1 ch 54 SLA 1981.]*

(6) Board of Education (AS 14.07.075);

(7) Alaska Public Broadcasting Commission (AS 44.21.256);

(8) Alaska Public Offices Commission (AS 15.13.020);

(9) Employment Security Advisory Council (AS 23.20.025);

(10) Alaska Commercial Fisheries Entry Commission (AS 16.43.020);

(11) Fishermen's Fund Advisory and Appeals Council (AS 23.35.010);

(12) Alaska State Housing Authority (AS 18.55.020);

(13) State Commission for Human Rights (AS 18.80.010);

(14) *[Repealed, § 86 ch 59 SLA 1982.]*

(15) Alaska Judicial Council (art. IV, § 8, Alaska Constitution);

(16) Commission on Judicial Conduct (art. IV, § 10, Alaska Constitution);

(17) Governor's Commission on the Administration of Justice (AS 44.19.110);

(18) Local Boundary Commission (AS 44.47.565);

(19) Occupational Safety and Health Review Board (AS 18.60.057);

(20) State Board of Parole (AS 33.15.010);

(21) State Personnel Board (AS 39.25.060);

(22) *[Repealed, § 20 ch 110 SLA 1981.]*

(23) Public Employees Retirement Board (AS 39.35.030);

(24) Alaska Public Utilities Commission (AS 42.05.010);

(25) University of Alaska Board of Regents (AS 14.40.120);

(26) Alaska Royalty Oil and Gas Development Advisory Board (AS 38.06.020);

(27) *[Repealed, § 86 ch 59 SLA 1982.]*

(28) *[Repealed, § 86 ch 59 SLA 1982.]*

(29) Alaska Teachers' Retirement Board (AS 14.25.035);

(30) Alaska Transportation Commission (AS 42.07.011);

(31) Workers' Compensation Board (AS 23.30.005);

(32) Alaska Commission on Postsecondary Education (AS 14.42.015);

(33) Alaska Municipal Bond Bank Authority (AS 44.85.020);

(34) *[Repealed, § 1 ch 54 SLA 1981.]*

(35) Alaska Medical Facility Authority (AS 18.26.010 — 18.26.900);

(36) Alaska Oil and Gas Conservation Commission (AS 31.05.005 — 31.05.170);

(37) Alaska Housing Finance Corporation (AS 18.56.010 — 18.56.210);

(38) Alaska Coastal Policy Council members and their alternates (AS 44.19.155);

(39) *[Repealed, § 1 ch 75 SLA 1979.]*

(40) Board of Fisheries (AS 16.05.221(a));

(41) Board of Game (AS 16.05.221(b));

(42) Board of Trustees and executive director of the Alaska Permanent Fund Corporation (AS 37.13.040);

(43) Alaska Energy Center (AS 46.12);

(44) Alaska Seafood Marketing Institute (AS 16.51.010);

(45) Council on Domestic Violence and Sexual Assault (18.66.010);

(46) Alaska Power Authority public directors (AS 44.83.030); and

(47) Alaska Resources Corporation (AS 37.12.010). (Initiative Proposal No. 2, § 1; am §§ 18, 19 ch 25 SLA 1975; am § 3 ch 79 SLA 1975; am § 2 ch 170 SLA 1975; am § 18 ch 263 SLA 1976; am § 2 ch 67 SLA 1977; am § 2 ch 141 SLA 1978; am § 2 ch 158 SLA 1978; am § 9 ch 167 SLA 1978; am § 2 ch 66 SLA 1979; am § 3 ch 75 SLA 1979; am § 37 ch 3 SLA 1980; am § 28 ch 12 SLA 1980; am § 8 ch 18 SLA

1980; am §§ 39 — 43 ch 94 SLA 1980; am § 5 ch 148 SLA 1980; am E.O. No. 44 § 2 (1980); am § 1 ch 54 SLA 1981; am § 2 ch 101 SLA 1981; am § 5 ch 106 SLA 1981; am § 20 ch 110 SLA 1981; am § 86 ch 59 SLA 1982; am § 107 ch 6 SLA 1984; am § 1 ch 52 SLA 1984)

Revisor's notes. — This section was reorganized in 1984 to place the defined terms in alphabetical order.

Effect of amendments. — The first 1980 amendment repealed a former subparagraph to present paragraph (b), which read: "Alaska Salary Commission (AS 39.23)."

The second 1980 amendment inserted "court of appeals" following "a judge to the" near the middle of subparagraph (2) of paragraph (a).

The third 1980 amendment added subparagraph (42) in present paragraph (b).

The fourth 1980 amendment, in present paragraph (b), repealed former paragraphs, which read: "Board of Fish and Game (AS 16.05.220)," "State Section of Joint Federal-State Land Use Planning Commission (AS 41.40.020)," "Board of Directors, State-Operated Schools (AS 14.08.030)," and "Alaska Salary Commission (AS 39.23)," respectively, substituted "Workers'" for "Workmen's" in subparagraph (31), and added subparagraphs (40) and (41).

The fifth 1980 amendment added subparagraph (43) in present paragraph (b).

Section 2, Executive Order No. 44 (1980) substituted "(AS 44.27.040)" for "(AS 44.19.900)" at the end of subparagraph (2) of present paragraph (b).

The first 1981 amendment added paragraph (45) in subsection (b).

The second 1981 amendment added paragraph (44) of subsection (b).

The third 1981 amendment repealed paragraph (22) of subsection (b) which read "Alaska Pipeline Commission (AS 42.06.020)."

The 1982 amendment repealed paragraphs (14), (27), and (28) of subsection (b).

The first 1984 amendment added paragraphs (46) and (47) to subsection (b).

The second 1984 amendment inserted "the fiscal analyst of the legislative finance division, the legislative auditor of the legislative audit division, the executive director of the Legislative Affairs Agency and the directors of the divisions within the Legislative Affairs Agency" in paragraph (8).

NOTES TO DECISIONS

Purpose of the Conflict of Interest law is to bring to light all conflicts — actual and potential. Falcon v. Alaska Pub. Offices Comm'n, Sup. Ct. Op. No. 1512 (File No. 3220), 570 P.2d 469 (1977).

Patient of a physician is a client for medical services and falls within the scope of this chapter. Falcon v. Alaska Pub. Offices Comm'n, Sup. Ct. Op. No. 1512 (File No. 3220), 570 P.2d 469 (1977).

And source of income. — The Conflict of Interest law encompasses a physician's individual patients as sources of income. Falcon v. Alaska Pub. Offices Comm'n, Sup. Ct. Op. No. 1512 (File No. 3220), 570 P.2d 469 (1977).

Chapter 51. Miscellaneous Provisions.

Section

20. Obstruction of access to public information
30. Nepotism prohibited

Sec. 39.51.010. Misuse of confidential information. [Repealed, § 21 ch 166 SLA 1978. For current law see AS 11.56.860.]

Sec. 39.51.020. Obstruction of access to public information. (a) A public employee may not be dismissed, demoted, suspended, laid off or otherwise made subject to any disciplinary action for communicating

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM February 28, 1986

SUBJECT: Legislative standards of conduct
[SCS CSHB 218(State Affairs)]

TO: Representative Pat Pourchot

FROM: Richard A. Bradley
Legislative Counsel

I have prepared the senate committee substitute as suggested by Joyce Thoresen; this was done with Senator Abood's approval.

In the draft that we provided to Senator Abood, the addition to AS 24.60.020(a) as (4) was added though in my judgment it adds nothing to the bill. In my view the bill applies only to legislators in their roles as legislators; what a member of the legislator does in a private role is not reached by this bill. The section creates no problems, however.

I should also note the change to AS 24.60.190(2); all the former material after "AS 24.60" is deleted. If it was the intent of the legislature to reach everyone in the usual legislative agencies, committees, and personal staff, the material consisted of ambiguous language that confused the situation. Since that was my understanding, the change is logical and consistent with legislative intent.

Note, of course, that this bill does not apply to the ombudsman; that agency is organized under AS 24.55, not AS 24.20.

I am preparing two amendments to SCS CSHB 218(SA) for your use.

If I may be of further assistance, please advise.

RAB:mkr
m3/102

Legislative Ethics Act Establishes Enforcement Procedures

By Joe La Rocca
Part One

In the wake of criminal proceedings against two state senators several years ago, the Alaska Legislature in 1984 enacted a law setting out guidelines for the ethical conduct of legislators and certain legislative employees, and at the same time established a so-called Select Committee on Legislative Ethics to implement it.

The legislature's action was also taken in reaction to a state attorney general's opinion in 1982 saying that unless law governing unethical conduct by public officials were adopted, state attorneys would begin for the first time to enforce harsh common law sanctions in cases of alleged misconduct by public officials.

The Legislative Ethics Law enacted in 1984 establishes a two-pronged process for enforcing the ethical guidelines it prescribes.

One provision enables persons covered by the act, either legislators or certain legislative employees, to ask the Legislative Ethics Committee for an *advisory opinion* on whether any action they have taken or contemplate taking conforms to the ethics law.

The second provision authorizes *anyone* to lodge a *complaint* with the legislative ethics committee against any legislator or legislative employee covered by the act alleging that they have engaged in prohibited conduct.

In adopting the act, the legislature said that it's essential in the conduct of public business that legislators hold the respect and confidence of the public.

And it says that legislators *must* avoid conduct that even *appears* to violate the trust the people have placed in them.

The Ethics Committee is composed of three state senators, three members of the State House of Representatives, and one public, or non-legislative member.

Under the act, all of the committee's meeting, deliberations and proceedings pertaining to requests for advisory opinions or complaints against legislators or legislative employees are held in executive, or closed, session.

The act generally governs eight categories of conduct. The first is *"conflicts of interest,"* and prohibits legislators or legislative employees from using public office for private advancement or gain, with certain narrowly defined exceptions.

The second category is *"state contracts or leases,"* and it prohibits persons covered by the act from having an interest in a state contract or lease unless it's under $1,000; is a standardized contract available to the general public; or is subject to a competitive bidding process.

The third category is *"state loans,"* and prohibits anyone covered by the ethics act from participating in a state program, or receiving a state loan, unless such loans or programs are generally available to members of the public, are subject to fixed eligibility standards, and the state agency administering them exercises minimal discretion in determining qualification.

The fourth category governed by the legislative ethics law is "interests between public officials," and while it does *not* prohibit close economic associations involving financial matters between legislators and other public employees, it *does* require them to disclose those ties.

The fifth category is "gifts," and it prohibits legislators and certain legislative employees from soliciting or receiving a gift if it was intended as a reward or inducement for an official action.

The sixth category is "nepotism," and it prohibits spouses or relatives of legislators from working for pay in the same chamber in which the legislator serves; or in *either* chamber during the eight month interim between legislative sessions.

The seventh category of conduct governed by the legislative ethics law is *"representation"* and it requires legislators and certain legislative employees who represent others before a state board or commission for pay to disclose such relationships.

The eighth and final category is *"state property and funds,"* and it prohibits persons covered by the legislative ethics act from using state property, or funds, for private gain.

MEMBERSHIP

Members of the legislative ethics committee are appointed by the presiding officers of the house and senate, subject to a two-thirds vote of each chamber.

Appointment of the one public member is subject to two-thirds approval by the *full* legislature.

The chairmanship alternates between the house and senate every year.

Under the act, no more than two of the three members from each chamber can be members of the same political party or of the same caucus.

Currently serving on the Legislative Ethics Committee are Senators Don Bennett, a Republican of Fairbanks, who is chairman; Bob Ziegler, a Democrat of Ketchikan, and Dick Eliason, a Republican of Sitka.

The sole public member is retired State Superior Court Judge Tom Stewart of Juneau, a former state legislator and secretary of Alaska's First Constitutional Convention.

Serving on the ethics committee from the House are Representatives Mike Miller, a Democrat of Juneau; Pat Pourchot, a Democrat of Anchorage, and Walt Furnace, a Republican of Anchorage.

COMMITTEE POWERS

The Select Committee on Legislative Ethics created under the 1984 ethics act to implement its provisions gives the seven-member committee the power to subpoena witnesses, compel testimony under oath, and conducts its inquiries under a strict cloak of confidentiality.

Only persons covered by the ethics act — that is, legislators and certain legislative employees — can ask the committee for advisory opinions, pertaining *only* to their own conduct.

In other words, one legislator, or a member of the public, cannot ask the committee to issue an advisory opinion about the conduct of another legislator or legislative employee.

However, *anyone* can file a *complaint* with the committee alleging illegal and unethical conduct by persons covered by the act — that is, legislators and certain legislative employees.

When a person covered by the act asks the comittee for an advisory opinion on whether he or she has done, or contemplates doing, something that may be illegal or unethical, the committee *must* issue an opinion within 30 days, subject to a 10-day extension, if necessary.

Complaints alleging violations of the ethics law can be investigated by the committee only if the alleged violations occurred within the two prior years.

Complaints must be in writing and signed under oath.

The committee must then notify the person or persons against whom complaints are lodged, and give them an opportunity to answer the allegations.

If the committee decides that a complaint is unjustified, it can dismisss it.

Under the act, it is a felony for anyone to lodge a false accusation against agone else. That means that anyone filing a complaint with the committee which is dismissed, or investigated and found *not* to be valid, is subject to criminal prosecution.

GOVERNOR'S STANCE

When the legislature passed the ethics law in 1984, Governor Bill Sheffield refused to sign it, but allowed it to become law *without* his signature.

One of his objections to it was the provision making it a felony to lodge a false accusation with the committee.

In his letter to legislative leaders explaining why he declined to sign the law, Sheffield said the felony penalty provision is probably unconstitutional, because it may impermissibly abridge freedom of speech.

The governor pointed out tat U.S. Supreme Court rulings strictly limit the basis for litigation by public officials over criticism of their official conduct.

If the ethics committee issues an advisory opinion which concludes that the action taken or contemplated by the person who asked for it violates state ethics law, that legislator or legislative employee is expected, but not required, to abide by the opinion.

But if he or she does *not* comply, the committee or some other person is free to initiate a complaint which *can* result in a recommendation to the full legislature that that person be disciplined.

In his letter, the governor also expressed objection to that feature of the ethics law, which allows legislators with a clear conflict of interest to resign their positions; divest themselves of the conflicting interest; or publicly disclose it.

In other words, so long as they disclose the conflict of interest, they can under the law continue to indulge it. Said the Governor in his non-veto message: "This provision, allows legislators to choose simple disclosure of the law, but it probably will do nothing to cure the conflict."

He added: "I can understand why part-time citizen legislators may need this escape clause in the law, but I doubt it will help enhance respect and confidence in the legislature by members of the public."

One important feature of the ethics law is that it authorizes only the legislature to impose disciplinary measures or penalties upon other legislators. That's in keeping with a provision in the state constitution which gives the legislature the exclusive power to judge the conduct of its members and, if it's deemed necessary, to discipline them.

NO COMPLAINTS

It's noteworthy that since the Ethics Act was adopted, and the committee began operations in mid-1984, about a dozen requests for *advisory opinions* have been filed with the committee, but *not a single complaint* has been lodged.

One of the ethics committee members, Representative Pat Pourchot, D-Anchorage, introduced legislation earlier this year which proposed, among other things, to reduce the penalty for lodging a false accusation with the committee from a felony to a misdemeanor.

Pourchot contends that the stiff penalty for lodging false accusations with the committee works as a disincentive to lodging complaints, effectively rendering the complaint process inoperable.

While his bill passed the House unanimously, it was buried in a Senate committee by senator who are opposed to another of its main provisions proposing to expand the number of public — or non-legislator — members of the ethics committee from one to three.

That issue was one of the most controversial during the debate over the ethics law in 1984, and that battle continues.

Debate over the 1984 law actually began in 1983, but the failure of the House and Senate to reach a compromise on the issue forestalled the legislation that year.

PUBLIC MEMBERS

The lines of battle were fairly clear-cut.

The House leadership wanted three public members on the committee, while the Senate leadership wanted none.

However, with the attorney general's 1982 opinion threatening to impose common law sanctions upon abuses of public office hanging over their heads, the House and Senate reached a compromise in 1984 providing for one public member on the committee.

Although the six legislative members — three from the House and three from the Senate — were appointed to the committee by mid-1984, the House and Senate could not reach an agreement on the appointment of a public member until 1985.

By that time, the committee had held four meetings and issued five of the nine advisory opinions it has formulated so far.

When the legislature convened last January, it unanimously approved the appointment of retired State Superior Court Judge Tom Stewart as the first public member of the ethics committee.

Since, then, the committee has met four times, and issued four advisory opinions.

Representative Pourchot promptly revived the issue of public membership in 1985 by introducing a measure, House Bill 218, which would, among other things, increase the number of public members on the committee from one to three.

While his bill passed the House unanimously, it never reached the floor of the Senate for a vote, and remains buried in a Senate committee.

The House argues that unless there is a substantial public presence on the committee, it would be perceived as a lapdog, rather than a watchdog, of legislative ethics.

The Senate, on the other hand, contends that giving *non*-legislators potential control over the decisions of the committee would encroach upon the legislature's exclusive constitutional power to judge the conduct of its members.

JUDGE STEWART

The only person directly involved in the operation of the ethics committee and the implementation of the ethics law who has *not* commented publicly on the public membership issue so far, is the sole public member of the committee, Judge Stewart.

Besides being a Retired Superior Court Jurist, Judge Stewart is a former state legislator, and was secretary of the first convention which drafted Alaska's state constitution.

Judge Stewart disagrees with those who say additional public membership would encroach upon the constitutional prerogatives of the legislature.

In a recent interview, he pointed out that even if there were three public members, they would still be outnumbered by the six legislative members, so they would not be in a position to control its decisions.

But even if they were, Judge Stewart said, it's clear that the ethics committee can only recommend to the legislature that it take disciplinary action against a legislator.

Any decision, Judge Stewart points out, is up to the legislature as a whole.

With an election year coming up, and in the wake of last

...Continued on page 12

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Legislative Ethics Act . . .

—Continued from page 3

summer's failed impeachment hearings involving the governor, the ethics issue is almost certain to be addressed in the upcoming session of the legislature, along with Representative Pourchot's proposed amendments to the Legislative Ethics Act.

So it's likely that the question of adding public members to the ethics committee will be debated, if not resolved, in the legislature next year.

SECRET PROCESS

During the year and a half since the enactment of the Legislative Ethics Law, which created the Select Committee on Legislative Ethics to implement it, both have gotten little attention from the news media or the general public.

Part of that is due to the apathy of Alaska's news media which have failed to take an initiative in dealing with them.

But it also stems from the systemic secrecy of the process, which was expressly designed by the legislature to discourage public access to the ethic committee's activities, or information concerning them, by wrapping them in a statutory cloak of confidentiality.

In his letter to legislative leaders in 1984 advising them that he had allowed the ethics bill to become law without his signature, Governor Bill Sheffield said he objected to, among other things, the detailed restrictions on the disclosure of information gathered by the Legislative Ethics Committee.

Said the governor: "While these restrictions underscore the seriousness with which the Special Select Committee on Legislative Ethics must conduct its business, limited disclosure of information — or misinformation — may fuel public mistrust and suspicion of public officials."

If the governor's prophecy has failed so far to become manifest, it may be simply that the general public is largely unaware of the existence and covert operations of the legislative ethics committee because of the news media's failure to expose them.

The only real exception to the news blackout of the committee's activities arose last January when it issued an advisory opinion requested by one of its members, Representative Walt Furnace, a Republican of Anchorage, pertaining to a perceived conflict of interest on his part.

But the publicity surrounding that incident arose independently of the committee's operations because Representative Furnace's perceived conflict of interest had already attracted the attention of the Anchorage news media.

STATE CONTRACT

Under the ethics law, all identities, or material which could point to the identity of persons involved in the committee's advisory opinions, must be deleted, so it's typically not possible to determine who the subjects are.

However, in Rep. Furnace's case, there had already been media reports concerning his perceived conflict of interest, so that when the advisory opinion pertaining to him was issued by the committee last January, his involvement was already widely known.

It centered around an $85,000 state contract for professional services awarded in 1984 to a non-profit corporation in which Rep. Furnace has, or had, a financial interest.

Under the Legislative Ethics Act, persons covered by it are prohibited from holding state leases or contracts except under three conditions: the exceptions are contracts for amounts under $1,000; contracts which are subject to competitive bidding procedures; and standardized contracts which were developed under publicly established guidelines, and are generally available to the public.

In its advisory opinion, the ethics committee concluded that while the first two exceptions did *not* apply in Rep. Furnace's case, the third did, and advised him that it would be acceptable for the corporation which he serves, or served, as a member of the board of directors, and as a part-time financial consultant, to be awarded the $85 thousand dollar state contract.

In reaching its decision, the committee equated standardized contracts for professional services, with construction contracts awarded under the state's competitive bidding law when, in fact, they are not the same, and it required a tortured interpretation of the two mutually exclusive contracting processes to purport they *are* analogous.

Technical inconsistencies aside, the committee also failed to consider in Representative Furnace's case the far more compelling ethical question of whether any state agency would be unduely influenced — when deciding between applicants for a large state grant — by the fact that one of them is a member of the legislature; a ranking member of the majority; and a majority member of the house finance committee, which has a leading role in formulating the budgets of state agencies.

Apart from the substance of the committee's decision in Representative Furnace's case, the method it used to reach its decision clearly violated the very ethics law the committee is charged with implementing.

DISQUALIFIED

Under the Legislative Ethics Act, anyone covered by it — that is, legislators and certain legislative employees — can ask the Select Committee on Legislative Ethics for an advisory opinion on whether any action they have taken, or contemplate taking may be unethical or illegal.

If a legislator seeking an advisory opinions *happens* to be a member of the Ethics Committee, then under the act, he or she is disqualified from participating in the committee's proceedings pertaining to his or her request.

And when any committee member is disqualified under that provision, the ethics law *further* requires the presiding officer of that member's chamber to appoint *another* legislator to sit on the committee for the purposes of that proceedings.

But that requirement was not followed in the case of Representative Furnace, a member of the ethics committee, who had asked the committee for an advisory opinion on a perceived conflict of interest involving himself.

Instead, Rep. Furnace was excused from the meeting at which the committee rendered a decision on his request for an advisory opinion, in the *absence* of the substitute member required by the Ethics Law.

The committee approved the advisory opinion clearing Furnace of any conflict of interest in the award of an $85,000 contract to a company in which he had a financial stake, with only four of seven members present, since Senator Bob Mulcahey, a Republican of Kodiak, was absent; Furnace was excused; and a public member had not yet been appointed to the committee.

LAST MEETING

That meeting took place on January 13th of this year, the day *before* the 1985 legislature convened.

It was the last meeting of the Ethics Committee as it was constituted under the 1983-84 legislature, so it was the final meeting for two members who were no re-elected to their seats in the legislature — Senator Mulcahey and Representative Ramona Barnes, an Anchorage Republican, who at that time was the chairperson of the Ethics Committee.

When I asked the committee's chief staff aide why the committee did not follow the law in Representative Furnace's case, he said that appointing a substitute member to sit on that case would have required waiting for the 1985 legislature to convene the following day, so that the house speaker could name, and the house could vote on a replacement for Rep. Furnace.

At the same time, he said, another House member would have to be appointed to replace outgoing Representative Barnes; another would have to be appointed from the Senate to replace outgoing Senator Mulcahey; a newly-appointed public member would have to be confirmed by the House and Senate; and the newly-constituted committee, with *four* new members, would have to fully briefed on Representative Furnace's case.

So the committee decided, instead, the aide said, to proceed in violation of the legal requirement.

The aide noted that the situation disclosed a mechical flaw in the ethics statute, which does not provide for the appointment of substitute members during the interim when the legislature is not in session in the event of a conflict involving a commitee member.

While the committee and its members are expressly charged by the ethics statute with recommending legislation they consider desireable or necessary, neither introducted an amendment in the 1985 legislature which would remedy that acknowledged flaw in the statute.

In finding that Representative Furnace qualified for the state contract under one of the three exceptions allowed by the law, the committee said in its advisory opnion that it believed that — quote — "The language of this exception does not accurately reflect the intent of the legislature in enacting it."

The legislature is often accused of not knowing what it's doing. But this may be the first time its apologists have admitted it.

(To Be Continued)

Court . . .

—Continued from page 6

arrival from California, and opened pursuant to a warrant obtained shortly thereafter.

The seizure occurred based on the "postive alert" of a narcotics detection dog that indicated the presence of drugs in Pooley's suitcases. The luggage was subjected to the dog sniff search in Anchorage based on a tip from agents of the federal bureau of narcotic enforcement in California, who suspected Pooley of conveying drugs to Alaska.

The Alaska Court of Appeals, in an opinion by Cheif Judge Alexander O. Bryner, held that the exposure of luggage to a drug detection dog is a search under the Alaska Constitution. The search, however, is "minimally intrusive," and is therefore justified if the police have a reasonable suspicion that drugs may be present in the container and that the drugs are being illegally imported to Alaska or are being illegally possessed for distribution.

The Court of Appeals affirmed Pooley's conviction.

Restaurant Lease Dispute Revived

The Alaska Supreme Court has ruled that the buyers of a restaurant business will have another chance to show they did not get the lease they bargained for.

Alfred and Georgine Winn purchased the Country Kitchen Restaurant from Harold and Helen Mannhalter in 1978, through Area, Inc. Realtors. One of the business assets was a lease purported to expire in 1986.

The Hayes-Teekel Partnership bought the building after a nonjudicial deed of trust foreclosure sale in 1980. It eventually informed the Winns it believed the lease expired in 1981. The Winns sued the Mannhalters and the real estate broker and agents alleging breach of contract and negligence.

Superior Court Judge James A. Hanson dismissed the Winns' claims. He entered judgment for the Mannhalters against the Winns' for the purchase price and against Area, Inc. Realtors for its commission. Everyone appealed.

The high court affirmed in part, reversed in part and remanded. In an opinion by Justice Allen T. Compton, the court concluded that the Winns shall have the chance to prove that, although the lease survived the 1980 deed ot trust forclosure, it was not extended to 1986.

The court further ruled that the Mannhalters were under no duty to convey marketable title, provide title insurance, or protect the Winns' right to possession. The Winns' negligence case against the realtor was also revived.

The high court affirmed the Mannhalters' judgment against the realtor but vacated the damage award, concluding that forfeiture of the realtor's commission was not the correct measure of damages.

DWI Conviction Upheld

The Alaska Court of Appeals has upheld the DWI conviction of William Van Wormer. Van Wormer pled nolo contendere to driving with a blood alcohol level of .10 or higher.

Van Wormer argued before Valdez Superior Court Judge John Bosshard III that the police denied him his right to counsel by telling him that he had no right to have "somebody present" prior to taking the breathalyzer test.

Judge Bosshard ruled that the request was not specifically for an attorney and refused to suppress the evidence against Van Wormer. The Court of Appeals affirmed.

In an opinion by Judge James K. Singleton, the court ruled that Judge Bosshard's findings were not clearly erroneous, and that when an ambigunus statement is made it is up to the trail judge to decide whether the statement constituted a request for counsel.

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Another Statewide Race Gets Crowded . . .

Nine Candidates Throw Hats In Race for Lt. Governor

State GOP Chairman Ken Stout Latest Filer for No. 2 Spot

H. Pappy Moss, of Delta Junctions, Republican candidate for Lieutenant Governor.

Edna DeVries, of Palmer, Republican candidate for Lieutenant Governor.

Nels Anderson, of Dillingham, Democratic candidate for Lieutenant Governor.

Ross, Eaton Also Possible Contenders

By Tom Snapp
Editor

Not only has the race for governor at this early date become crowded with ten candidates already filed, but the race for lieutenant governor became crowded this week with nine candidates either filed for the number 2 spot or having announced their intentions to file for it.

reported to be waiting in the wings. Some of those in the wing are expected to make their decisions soon on whether or not to throw their hats in the races — to take advantage of gathering campaign funds in two years, while other potential candidates apparently are going to wait until next spring, to see how the races shape up, before announcing their intentions.

No less than six candidates made it official the past week that they were running for the No. 2 spot. Lt. Gov. Stephen McAlpine, who had filed for re-election in 1984, indicated he was going to stick with lieutenant governor and was not going to try for the governorship. Former Anchorage Assembly chairwoman Jane Angvik filed for the lieutenant governor nomination, as did former state legislator Nels Anderson, of Dillingham. Anderson served four terms in the State House and was appointed in 1982 to fill the vacated seat of George Hohman, who was removed from the office after a conviction of bribery. State Senate President Don Bennett, who had told the Farthest North Press Club he would file either for governor or lieutenant governor by Dec. 12, told a press conference Thursday in Anchorage he had opted to run for the No. 2 position. Also filing for lieutenant governor on the Republican ticket was State Senator Edna De Vries of Palmer.

The latest candidate to file for lieutenant governor is State Republican Chairman Ken Stout. He filed Monday, indicating he was stepping down as head of the State GOP, to be replaced by the former mayor of Nome, Leo Rasmussen, the current vice-chairman.

Former State Senator Pappy Moss, of Delta Junction, filed early as a candidate for lieutenant governor on the Republican ticket. A former Democrat, he switched to the Republican party and was defeated in the primary by Jack Coghill, of Nenana, who went on to win the senate seat in the general election.

Michael Beirne, an Anchorage physician and former legislator, also filed earlier this month for the GOP nomination. And Ed Hoch, of Fairbanks, filed earlier this month for the Libertarian nomination.

Two other potential candidates for the Republican nomination for lieutenant governor are Perry Eaton,

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analysis

Little in Ethics Act, Implementation To Suggest Purpose Being Fulfilled

By Joe La Rocca
Part II

During the debate over the legislative ethics law in 1983 and 84, the threshhold issue was whether ethical conduct can, or should, be legislated.

The prevailing conventional wisdom against that proposition held that either public officials are honest, or they are not, and nothing would change that.

In an interview recently, retired state Superior Court Judge Tom Stewart of Juneau, the first and only public member to be appointed to the legislative ethics committee, defended the ethics law.

Judge Stewart, a former Alaska legislator and secretary to the convention which drafted the state constitution nearly 30 years ago, said that — in his words — "the very existence of the law is helpful in making both the legislature and the public sensitive to the deep concern that exists with the legislature and the public . . . that ethical problems can be dimninished."

He added: I think the existence of the act is healthy in terms of keeping that sensitivity alive, and making . . . legislators think twice about what they're doing, to be sure that they are operating within an ethical realm.

Said Judge Stewart: "This isn't to say that (the law) is going to stop people from doing unethical things, but I think it gives them a healthy pause, helps them to do so, and I'm in favor of it."

COMPROMISE

The Legislative Ethics Act of 1984, like most controversial enactments, was a compromise which balanced the interests of those who wanted a tough, open ethics law, and those who wanted none.

The resit, in the opinion of some, was a watered down version which is largely cosmetic.

The major effect at its passage was to remove the attorney general's threat to enforce the much harsher ethical standards embodied in common law governing abuses of public office.

One of the statutory barriers inhibiting public access to the ethics committee's actions is a curious provision in the Ethics Law which authorizes the publication and release of advisory opinions only twice each year — once when the legislature convenes in January, and again at the end of June — even though the committee is required to *issue* advisory opinions to those who request them within 30 to 40 days.

So far, the committee has issued two semi-annual reports containing nine advisory opinions. There have been *no* decisions on formal complaints, because, according to a committee aide, no complaints have been filed.

And while the committee is required to issue *advisory opinion's* upon request, there is *no* requirement for
ions upon request, there is no requirement for it to investigate any *complaints* lodged, which can be summarily dismissed by the committee in closed session without any public knowledge of the filing, or the nature, of the complaints, or why they were dismissed.

Although early discussion, debate and drafts of the proposed ethics law also encompassed standards of conduct for state public officials in the executive branch, wide differ-

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Legislative Ethics Committee . . .

—Continued from Page 1

ences of opinion prompted the legislature to narrow the scope of the law to apply only to legislators and certain legislative employees.

It was assumed that the Sheffield administration would independently pursue a code of ethics governing executive employees, because they are also subject to the attorney general's 1982 opinio. applying common law sanctions to abuses of public office.

However, that effort soon petered out, although there are now indications that it has been revived in the wake of last summer's failed impeachment proceedings involving the governor.

CONFLICTS OF INTEREST

Among the activities prohibited by the legislative ethics act of 1984 are conflicts between a legislator's public and private interests.

Conflicts of interest are generally defined in the act as official actions such as introducing, opposing, or voting on legislation that could substantially benefit or harm a financial matter in which the legislator has a direct or indirect private interest.

In addition to those kinds of conflicts of interest, the act also prohibits legislators from accepting campaign contributions raised at events held in Juneau during the legislative session, except for Juneau lawmakers.

That provision stemmed from a controversial practice initiated in 1980 when, for the first time, local democrats and the democratic leadership in the state house of representatives formed a legislative fund raising committee to support democratic candidates in upcoming legislative races around the state.

That fund raising effort was launched towards the end of the 1980 session, when most of the legislation being considered for action that year was pending in the house finance committee.

The practice came to light when a momber of the press came across a letter from the legislative fundraising committee to the lobbyist for the liquor industry asking him to contribute alcoholic beverages for a fundraising event it was sponsoring.

At the time, the legislature was considering legislation, bitterly opposed by the liquor industry, which would increase the state excise tax on alcoholic beverages.

Among the members of the fundraising committee were the speaker of the house, and several members of the house finance committee, which would be instrumental in the passage or defeat of the proposed liquor tax increase.

Lobbyists in Juneau complained about the events sponsored by the legislative fundraising committee, particularly towards the end of the session, when many bills in which the lobbyists were interested tended to accumulate in the finance committees.

The lobbyists said that the timing of the fund raisera was calculated to compel them to buy tickets to the fundraisers, or risk adverse action on the bills in which they had an interest.

The same fundraising tactics were also being quietly employed on an individual basis by certain influential Republican state senators serving on the Finance Committee, who were holding events in Juneau and other communities during, and especially towards the and of the legislative session.

DEBATE

While the controversy which erupted over the disclosure of that practice curbed it or, in some cases, forced it underground, where it was less effective, it did *not* halt it completely, and that practice became one of the issues which was extensively addressed during the debate over the legislative ethics act in 1983 and 84.

The result was a provision in the 1984 act which makes it a prohibited conflict of interest for a member of the legislature — except those from Juneau — to accept money from an event held in the capital city during the session, if a substantial purpose of the event is to raise money on behalf of a legislator for campaign purposes, or for other legislative political purposes.

Shortly after the legislative ethics act became law last year, a legislator anonymously asked the select committee on legislative ethics for an advisory opinion interpreting the fundraising provisions of the act.

Among other things, the legislator wanted to know whether that provision would prevent lawmakers or a political organization from selling tickets to fundraisers not held in Juneau, or for raffles held in Juneau, or elsewhere.

In a lengthy and detailed advisory opinion; the legislative ethics committee concluded that the ethics act does not prohibit legislators from selling tickets in Juneau during the session for raffles, or for fundraising events held *ourside* of Juneau.

The ethics committee ruled — among other things — that a "raffle" is not an "event" under the ethics act, so legislators *would* be permitted to sell tickets to raffles held in Juneau during the legislative session to raise campaign funds for themselves or other candidates.

In short, the ethics act, in tandem with its interpretation of those provisions by the ethics committee, effectively authorized the continuation of the same fundraising abuses from which they sprang.

"EVENTS" VS. "RAFFLES"

Lobbyists argue that it's *immaterial* whether the fundraisers for which they asked to buy tickets are *"events"* such as receptions, dinners or cocktail parties; or merely "raffles." The effect, they say, is the same, since most of those who do purchase tickets to events have no intention of attending those events.

They buy the tickets in order to protect legislation pending before the legislature, in which they have an interest, from action which is inimical to their interests.

And they point out that continuing to allow fundraisers *outside* Juneau during the session has the same effect. They are still asked by legislators during the session in Juneau, and are compelled to buy, tickets to events outside of Juneau which they have no intention of attending.

Critics say that the principal evil of that fundraising practice, which has now been condoned by the ethics committee, is that it gives certain key legislators the ability to attract campaign funds for themselves or other candidates they support, buy manipulating legislation, over which they exercise a great deal of influence or control, irrespective of the legislation's merits, or lack thereof.

They say that disinterested persons could readily infer from the ethics committee's interpretation of the fundraising provisions of the ethics act that it has abrogated, rather than upheld, its charge under the act to "avoid conduct that even *appears* to violate the trust that people have placed in them."

COMPLAINTS

Under the Legislative Ethics Act, the Select Committee on Legislative Ethics, consisting of six legislators and one public member, is authorized to investigate questions arising about the conduct of legislators and certain legislative employees covered by the act.

The committee can look into, and issue advisory opinions on, requests filed by legislators to determine whether actions they have taken, or contemplate taking, conform to ethical standards under the law.

The committee is also empowered to investigate complaints filed by anyone else about the actions of legislators or certain legislative employees.

So far about a dozen requests for advisory opinions have been filed with and disposed of, by the committee, but no complaints have been filed.

One provision of the ethics law prohibits the filing or consideration of complaints against legislators within a 60 day period preceding a state election, *unless* two-thirds of the committee consents.

The express purpose of that provision is to prevent critics or adversaries of incumbent legislators from using or exploiting the ethics committee process as a campaign weapon against them.

But as it is drafted, the ethics law protects only those legislators who belong to the party or caucus which happens to be in power in either the House or Senate.

Since the law allows for the House and Senate leadership to appoint five of the seven members to the committee from the ranks of the party in power, the majority party controls decisions about whether a complaint concerning a minority member could be filed or processed during the 60-day period prior to the elections.

In short, the ethics law protects members of the party or caucus in power from abuse or exploitation of the committe's power to investigate complaints, prior to elections, but not minority members.

CHIEF JUSTICE

One member of the ethics committee, Rep. Pat Pourchet, a Democrat of Anchorage, introduced legislation during the 1985 session which would, among other things, remove the power of the legislature to appoint members to the ethics committee, and bestow it instead upon the chief justice of the state supreme court.

Pourchot's bill passed the house unanimously earlier this year, but has not moved from committee in the Senate, mainly because of opposition in the Senate to another provision which would increase the number of public, or non-legislator members, on the ethics committee from one to three.

The first and only public member appointed to the committee, retired state superior court judge Tom Stewart, said in an interview recently that he supports Pourchot's proposal to increase public membership on the committee.

But Judge Stewart said he *disagrees* with the idea of shifting the power to appoint the members of the ethics committee from the legislature to the chief justice, becaus of potential constitutional clashes before the two branched of government.

Judge Stewart said he thinks it would be more approrpiate to delegate that authority instead to the goernor, who is already in the business of appointing a wide array of members of boards and commissions, and who has the staff and resources to select and screen prospective appointees.

Judge Stewart's suggestion is not likely to find much favor in the legislature, particularly in the Senate which has jealously guarded against any dilution of the legislature's power to regulate the ethical conduct of its members.

PRIVATE GAIN

One of the main purposes of the Legislative Ethics Act is to deter legislators from using their public offices to enrich themselves at public expense.

The act says that it is a conflict of interest occurs when a legislator takes or withholds official action, or exerts official influence that could substantially benefit or harm a financial matter in which he or she has a direct or indirect interest.

On its face, that provision would appear to prohibit a legislator from voting on the budget of a state agency for which his or her spouse works.

Clearly, voting against, or to reduce, a state agency budget for which his or her spouse works officially influences action (could affect the spouse's job, particularly if it were decided by one vote.

But when that question was brought before the Select Committee on Legislative Ethics for a ruling on whether a legislator who was both a member of the finance committee and the subcommittee which considered the budget of the agency for which the legislator's spouse worked, the ethics committee

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Legislative Ethics Committee . . .

—Continued from page 7

ruled that there was *no* conflict, even though their earnings were combined.

More specifically, the ethics committee ruled that it *would* be appropriate for the legislator to refrain as a member of the finance committee or subcommittee from voting on the particular line item which funded the spouse's position; but there was no reason to refrain from voting on other matters affecting that agency, or from voting on its budget, of which that line item was only a small part.

The advisory opinion issued by the ethics committee does not identify either the legislator, the spouse or the agency involved, as that information is confidential under the ethics act.

In its opinion, the ethics committee pointed out that legislators should avoid situations which might prevent them from participating in the consideration of the state budgetary matters.

But by the same token, it said, "the committee should not impose artificial restrictions on voting in this area merely to protect the sensibilities of those persons who invariably perceive the appearance of impropriety, even when no real appearance of impropriety or conflict actually exists; or when the potential for conflict is clearly outweighed by other considerations."

The committee added that while the potential financial benefit to the legislator would exist, one has to assume that a legislator's judgment in voting on a $2 billion operating budget would not be affected by a potential personal benefit of several thousand dollars contained in it.

To assume otherwise, the committee said, would bring the legislative process to a halt, in that a large number of legislators, like many other state residents, are benefitted to some degree by the passage of the operating budget.

The advisory opinion in this case, like several others similar to it on which the committee has ruled previously, dwells singlemindedly upon the question of whether a legislator's judgment would be influenced by the indirect personal financial benefit which would or would not accrue to him or her as a result of voting one way or the other.

But it appears to ignore the equally compelling ethical question of whether the agency's decision to hire or retain the legislator's spouse would be influenced by the fact that the legislator is in a position to act favorably or unfavorably upon that agency's budget.

NON-BINDING

Soon after the select committee on legislative ethics created by the ethics act became operative in mid-1984, it was asked to address two questions dealing with the status of the advisory opinions it is authorized to issue concerning the ethical conduct of legislators.

One question was whether an advisory opinion pertaining to one legislator is binding on another legislator in similar circumstances.

The second was whether advisory opinions issued by one ethics committee are binding on future ethics committees.

In its response, the ethics committee pointed out that the act does not require even the person *seeking* an advisory opinion to comply with it, once one is issued.

If an advisory opinion concludes that a violation of ethical standards has occurred, the committee said, the person who sought the opinion *presumably* will — but is not required to — take steps to rectify the violation.

But if he or she does not, then the ethics committee, or anyone else, is free to initiate a formal complaint triggering an investigation by the committee into the alleged violation.

If the allegations are substantiated, then the committee can order the legislator involved to correct the violation, or face disciplinary action by the full legislature. The committee said its "authority to order a person to rectify violations of ethical standards *only* arises after the filing of a formal complaint, *not* after the filing of a request for an advisory opinion."

In short, it ruled, an advisory opinion is not binding on *either* the legislator who requests it, or another legislator in the same or similar circumstances.

GUIDANCE

In response to the second question of whether the ethics committee's advisory opinions are binding on a future ethics committee, the current ethics panel ruled that they are *not*.

It pointed out that a subsequent committee may interpret the ethics law differently than an earlier one. Said the committee: "In issuing advisory opinions over the years, the committee will gradually build up a body of decisions which can provide guidance to covered persons in a variety of circumstances. But much as a supreme court can overturn a precedent set by itself in the past, a future ethics committee may issue advisory opinions which overturn the principles set forth in earlier opinions."

At this point, the ethics committee appears to contradict itself. It says, on one hand, that advisory opinions are *not* binding on the legislators who *request* them. But on the other hand, it says in response to the second question — that an advisory opinion issued by one ethics committee is binding on future ethics committees as it relates to the specific person for whom it was issued.

For example, the committee said, if an ethics committee appointed by one legislature were to issue an advisory opinion telling the legislator who asked for it that certain conduct was *acceptable*, the ethics committee appointed by a succeeding legislature could not exercise sanctions against him or her for having relied on the opinion, merely because one committee believed the other committee wrongly interpreted the ethics law.

TEN OPINIONS

During the year and a half since the Select Committee on Legislative Ethics created by the Legislative Ethics Act of 1984 has been in operation, it has issued a total of 10 advisory opinions addressing questions anonymously raised by legislators concerning the ethical implications of certain legislative activities or conduct.

However, there are technically only *eight* advisory opinions of substance, because two were opinions advising the legislators who asked for them that the committee could *not* issue opinions to them concerning *other* legislators.

Under the Ethics Act, legislators or certain legislative employees covered by the act can request advisory opinions pertaining only to themselves.

Of the eight substantive advisory opinions issued by the ethics committee so far, three of them have dealt with questions involving political fundraising; two pertain to state contract awards in which the legislators who sought them had a financial stake; one involved the sale of game-of-chance tickets by the legislator for charitable purposes; one addressed a case in which a member of the Finance Committee voted on the budget of a state agency for which the legislator's spouse worked; and the eighth involved a case in which a legislator-attorney asked whether he could ethically introduce legislation possibly affecting the financial affairs of a client.

In all but one of the eight cases, the Ethics Committee ruled that actions taken or contemplated by the legislators who sought advisory opinions did not constitute a conflict of interest or ethical violation under the Ethics Act.

The sole exception involved the case of the legislator who asked whether he could ethically introduce legislation affecting a client.

In that case the legislator had contemplated the introduction of two bills proposing to change the regulatory authority of the State Dept. of Labor as a result of past litigation between the department and the legislator's client, and asked the committee whether that would be improper.

The committee ruled that the introduction of *one* of the bills would be inappropriate, but not the other.

NO PUBLIC MEMBER

While the Ethics Act establishing the Select Committee on Legislative Ethics calls for the appointment to the committee of six legislators — three each from the House and Senate — and one public member, it should be noted that the committee operated for about six months, publishing one report embodying four of the eight advisory opinions issued so far, *without* the required public member.

The first and only public member is retired state superior court judge Tom Stewart of Juneau, who was not appointed to the committee until January of this year, after the 1985 legislature convened.

At that time, the make-up of the committee changed somewhat, as two members were not re-elected to their seats in the legislature.

In general, a comparison of the four advisory opinions issued by the original committee appointed by the previous legislature; and the four issued by the committee appointed by the current legislature does not reveal any compelling distinctions between the two committees' interpretation and implementation of the Ethics Act. It may be noteworthy, however, that the only advisory opinion which identifies a potential conflict of interest on the part of a legislator, and advises against the contemplated action, was issued by the second, or current ethics committee.

Beyond that, both the tone and convoluted rhetorical style of the advisory opinions makes them virtual clones, which appear to have been drafted by the same committee staff person, or persons, probably a lawyer.

CONCLUSIONS AND COMMENTS

Some critics have characterized the legislative ethics law as one which posts the fox to guard the chicken coop, particularly in the absence of a strong public presence on the Ethics Committee.

The advisory opinion issued by the committee in Representative Walt Furnace's case discussed earlier in this analysis betrays the extraordinary lengths to which the committee will go to rationalize a legislator's perceived conflict of interest. And it is more or less typical of the other advisory opinions issued to date. They exemplify the circular reasoning that pervades the committee's decisions, carefully framing questions of ethical conduct so that they conform to preconceived answers which condone the conduct that has been questioned.

Because of the time-consuming analysis required to expose the deficiencies of the Legislative Ethics Act and the emerging interpretations and practices which are further undermining it, the Ethics Committee's activities have been largely ignored by Alaska's news media.

In the meantime, with eight substantive advisory opinions issued so far, a growing body of spurious "case law" is being insinuated into the legislature's ethical portfolio which is fiercely at odds with the stated purposes of the Ethics Act.

It says that "It is essential ... the conduct of public business that legislators hold the respect and confidence of the people. Legislators must avoid conduct that even appears to violate the trust people have placed in them."

There appears to be little in the Ethics Act or its implementation so far to suggest that its high purpose is being fulfilled.

STELLA L. BOLEY

Army Private Stella L. Boley, daughter of Lyle S. Boley Jr. of Soldotna, Alaska, has completed basic training at Fort CmClellan.

UNION DIRECTORY

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479-4154

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Rep. Pat Pourchot

SECTIONAL ANALYSIS - CSHB 218 (JUDICIARY)
LEGISLATIVE ETHICS LEGISLATION

This legislation makes several changes to statutes dealing with legislative ethics and the Select Committee on Legislative Ethics.

EXPANSION OF PUBLIC MEMBERSHIP ON THE SELECT COMMITTEE ON LEGISLATIVE ETHICS
Sections 7 and 8 (pages 3-4)

Public membership on the committee is expanded from one to three people, one of whom would be a former legislator. The three would be selected by the Chief Justice of the Alaska Supreme Court and would be confirmed by a two-thirds vote of each house of the Legislature. Presently, there is one public member on the committee, chosen by two-thirds vote of the House subcommittee and two thirds vote of the Senate subcommittee and ratified by two thirds of the full membership of both houses.

These provisions respond to public sentiment to expand public membership on the Ethics Committee and remove the possibility of charges of "legislative bias" by providing that public members are initially selected by the head of the judicial branch of government.

"FALSE REPORTING" PENALTIES
Section 1 (page 1)

This provision reduces the penalty for "false reporting" of a possible ethics violation from a felony to a misdemeanor. The current penalty has been criticized as extreme and acting as a deterrent to the filing of legitimate complaints of possible violations.

EXPANSION OF THE ETHICS LAW TO ALL LEGISLATIVE EMPLOYEES
Sections 2 and 11 (pages 1 and 5)

This change clarifies that staff employees of individual legislators and committees, range 18 and above, must comply with the provisions of the Ethics Act. Presently, it has been interpreted that the only legislative employees covered by the Ethics Act are those employed by a legislative agency--for example, House Research or the Division of Legal Services. There is no clear rationale for this discrepancy in the current law.

DELETION OF FAMILY EXEMPTION FOR LOBBYIST DISCLOSURE
Section 4 (page 2)

The current Act requires the filing of a notice in the Journal if a person covered by the Act has a "close economic association" with a registered lobbyist unless the lobbyist is a member of the person's immediate family. This section removes this exemption for family members. Similar notice requirements of "close economic association" with supervisors, legislators, and public officials currently do not contain this family member exemption. There is no clear rationale for this discrepancy in the current Act.

REPORTING DEADLINE CHANGES
Sections 3, 4, 5 and 6 (pages 1-3)

The deadlines for reporting "close economic associations," "representations before state agencies" and "conflicts of interest" are changed from the first to the fifth day of the legislative session. These technical changes will hopefully avoid the confusion that faced those covered by the Act, particularly new legislators and staff, at the beginning of this session as they hurried to comply with the provisions of the Ethics Act. Several notices were published in the Journal beyond the first day of this year's session.

Section 3 stipulates that the list of specified loans to persons covered by the Act be reported in the legislative journals by February 5. Although agencies are to provide the lists by February 1, there is currently no deadline for printing loan information in the journals.

CLEAN-UP PROVISIONS
Sections 4, 9 and 10 (pages 2 and 4)

Currently aides covered by the Ethics Statute have to report "close economic associations" with legislators, but the reverse is not required. Section 4 corrects this oversight by requiring legislators to report such associations with covered legislative staff.

Section 9 drops the requirement for the Committee's semi-annual reports to print "informal advisory opinions." The Ethics Committee as a matter of policy does not issue informal advisory opinions. Thus, the current printing requirement is unnecessary.

Section 10 would allow a person elected to the Legislature, but not yet sworn in, to request an advisory opinion from the Ethics Committee. This change will help newly elected legislators understand and comply with ethics requirements reporting deadlines.

Rep. Pat Pourchot
February 1986

SECTIONAL ANALYSIS
LEGISLATIVE ETHICS LEGISLATION, CSHB 218

EXPANSION OF PUBLIC MEMBERSHIP ON THE SELECT COMMITTEE ON LEGISLATIVE ETHICS
Sections 7 and 8

Public membership on the committee is expanded from one to three people. The three would be selected by the Chief Justice of the Alaska Supreme Court and would be confirmed by a two-thirds vote of each house of the Legislature. Presently, there is one public member on the committee, chosen by two-thirds vote of the House subcommittee and two-thirds vote of the Senate subcommittee and ratified by two-thirds of the full membership of both houses.

The provisions in this legislation accommodate public sentiment to expand public membership on the Ethics Committee and remove the possibility of charges of "legislative bias" by providing that public members are initially selected by the head of the judicial branch of government.

FALSE REPORTING
Section 1

This provision reduces the penalty for false reporting of a possible ethics violation from a felony to a misdemeanor. The current penalty has been criticized as extreme and acting as a deterrent to the filing of legitimate complaints of possible violations. It is also ironic that while there exists a felony penalty for "false" accusation, there is no statutory penalty for legislators violating the ethics law.

EXPANSION OF THE ETHICS LAW TO ALL LEGISLATIVE EMPLOYEES
Sections 2 and 11

This change clarifies that staff employees of individual legislators and committees, range 18 and above, must comply with the provisions of the Ethics Act. Presently, it has been interpreted that the only legislative employees covered by the Ethics Act are those employed by a legislative agency--for example, House Research or the Division of Legal Services. There is no clear rationale for this discrepancy in the current law.

DELETION OF FAMILY EXEMPTION FOR LOBBYIST DISCLOSURE
Section 4

The current Act requires the filing of a notice in the Journal if a person covered by the Act has a "close economic association" with a registered lobbyist unless the lobbyist is a member of the person's immediate family. Similar notice requirements of "close economic association" with supervisors, legislators, and public officials currently do not contain this family member exemption.

here is no clear rationale for this discrepancy in the current Act, and section 4 of the bill removes this exemption for family members who are lobbyists.

REPORTING DEADLINES
Sections 3, 4, 5 and 6

The deadlines for reporting "close economic associations," "representations before state agencies" and "conflicts of interest" are changed from the first to the fifth day of the legislative session. These technical changes will hopefully avoid the confusion that faced those covered by the Act, particularly new legislators and staff, at the beginning of both this session and last session as they hurried to comply with the provisions of the Ethics Act. Several notices were published in the Journal beyond the first day of the last two sessions.

Section 3 stipulates that the list of specified loans to persons covered by the Act be reported in the legislative journals by February 5. Although agencies are to provide the lists by February 1, there is currently no deadline for printing loan information in the journals.

CLEAN-UP PROVISIONS
Sections 9 and 10

Section 9 drops the requirement for the Committee's semi-annual reports to print "informal advisory opinions." The Ethics Committee as a matter of policy does not issue informal advisory opinions. Thus, the current printing requirement is unnecessary.

Section 10 would allow a person elected to the Legislature, but not yet sworn in, to request an advisory opinion from the Ethics Committee. Newly elected legislators are most often the individuals in need of conflict advice. This change will help newly elected legislators understand and comply with reporting deadlines.

PROPOSED AMENDMENTS TO CSHB 218 BY REP. POURCHOT

AMENDMENT #1, EXCEPTIONS TO STATE CONTRACT PROHIBITION

The Ethics law currently bars legislators and other covered persons from having an interest in a state contract or lease except in three specific cases: 1) competitive contracts under AS 37.05.230; 2) contracts of less than $1000; and 3) a "standardized contract" generally available to the public at large.

The Ethics Committee has issued an advisory opinion (#84-6) regarding a legislator having an interest in a company which gets state contracts for professional services. In this opinion the Committee found that the language of the first exception to state contracts was ambiguous. The Committee felt that the Legislature intended to except all competitively bid contracts, yet the citation only refers to the competitively sealed bid process used for "hard dollar" contracts. AS 36.98 covers the competitive "Request for Proposals" (RFPs) process used for professional services.

However, the Committee through a rather tortured analysis concluded that legislators could accept contracts for professional services with the state through the third exception involving a "standardized contract."

The issue was again raised later before a court. The case involved the award of a professional services contract to a company owned by another legislator. In this case the court, citing the Ethics Committee opinion, ruled against an unsuccessful bidder and said that a violation of the state's ethics law had not occurred.

Despite the opinions of the Ethics Committee and the court, the issue remains unclear and may again come up. If RFP-type competitive contracts are not to be allowed, then the words of this amendment should be enacted. The rationale is that while competitive, the process is subjective and favoritism could be charged.

If both "hard-dollar" and RFP contracts, such as for professional services, are to be permitted, then the language of the Act should still be clarified to read "by competitive sealed bid or by competitive sealed proposal" with the AS 37.05.230 citation removed. The rationale permitting these contracts is that we desire a citizen Legislature, that the State is deeply involved with many aspects of the Alaskan economy and that legislators may deal with state contracts in their regular business or work.

AMENDMENT #2, DISCLOSURE OF CLOSE ECONOMIC ASSOCIATION WITH PUBLIC OFFICIALS

Under the Ethics Act legislators and other covered persons must declare a close economic association with legislators, lobbyists, certain staff and certain public officials. "Public officials" are defined as those

in "another branch" if the official has to file a financial disclosure statement.

The Ethics Committee in an advisory opinion (#85-5) concluded that associations with municipal elected officials must be declared. However, it found that the statute was unclear because while municipal elected officials must file financial disclosures under state law, they are not normally considered officials in "another branch." This term is most often used in reference to the executive, judicial, and legislative "branches" of government. The Committee concluded that it was not the intent of the Legislature to exclude municipal elected officials because they were not in another "branch," but rather to include them on the basis of their financial disclosure requirement.

The amendment would simply remove the reference to "another branch" and make disclosures required for close economic associations with all public officials who are required to file financial disclosures under AS 39.50.

AMENDMENT #3, MEMBERSHIP ON THE ETHICS COMMITTEE

The House Judiciary Committee added an amendment to the original bill requiring that one of the three public members must be a former member of the Legislature. It was felt that this would provide valuable experience to the decision-making process.

However, a concern has since been raised that it might be possible for a recently defeated legislator to be appointed who might not be removed enough from the Legislature to escape criticisms of bias, particularly in potential cases or opinions involving his or her opponent.

The amendment would simply require at least a one-year lapse of time for a former legislator to be appointed to the Ethics Committee from the time he or she served in the Legislature.

AMENDMENT #4, TEMPORARY REPLACEMENT OF MEMBERS OF THE ETHICS COMMITTEE

On January 13, 1985, prior to the beginning of the 14th Legislature, the Ethics Committee met to issue an advisory opinion requested by a current member of the Committee. The requesting member excused himself from the discussion and voted on the advisory opinion (#84-6) pursuant to AS 24.60.130(h). That part of the Ethics law also states that in the case of such a disqualification the presiding officer of the member's house shall appoint a temporary replacement for the particular procedings with the concurrence of two-thirds of the full membership of that house.

The Ethics Committee meets year-round and could have a member disqualified from procedings, as did occur, during the interim when confirmation of a replacement member is not possible. The amendment would allow the Speaker of the House or the President of the Senate to appoint another member of the Committee in the case of a disqualification when the Legislature is not in session. The temporary appointment would require the concurrence of a majority vote of the other Committee members from the respective house.

Bradley ✓

A M E N D M E N T

Offered in the House By Pourchot

TO: CSHB 218 (Judiciary)

Page 1, following line 27, insert:

"* Sec. 3. AS 24.60.040(a) is amended to read:

(a) A person to whom this chapter applies may not be a party to or have an interest in a state contract or lease unless the contract or lease is let by competitive sealed bid [UNDER AS 37.05.230] or the total annual amount of the state contract or lease is $1,000 or less, or is a standardized contract or lease which was developed under publicly established guidelines and is generally available to the public at large, members of a profession, occupation or group. A person has an interest in a state contract or lease under this section if the person receives direct or indirect financial benefits."

Renumber succeeding bill sections accordingly.

Page 2, lines 21 - 23, delete all material and insert:

"(3) a public official who [IN ANOTHER BRANCH, IF THE PUBLIC OFFICIAL] is required to file a financial disclosure statement under AS 39.50;"

Page 4, line 15, delete all material and insert:

"legislature who has not held office as a member of the legislature for the 12 months before the appointment."

Page 4, following line 15, insert:

"* Sec. 10. AS 24.60.130(h) is amended to read:

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an advisory opinion requested by the member. If the legislature is in session when [WHEN] a legislative member is disqualified under this subsection, the presiding officer of that member's house shall, with the concurrence by roll call vote of two-thirds of the full membership of that house, appoint another member from that house to act as a member of the committee in the proceeding. If the legislature is not in session when a legislative member is disqualified, the presiding officer of the house of which the disqualified legislator is a member shall appoint another member from that house, with the concurrence of a majority vote of the subcommittee of that house, to act as a member of the committee in the proceeding."

Renumber succeeding bill sections accordingly.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF GENERAL SERVICES AND SUPPLY

POUCH C (MS-0210)
JUNEAU, ALASKA 99811
(907) 465-2250

February 20, 1986

The Honorable Pat Pourchot
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Pourchot:

Re: HB 218

I am responding to your staff's request for additional information regarding Commissioner Eleanor Andrews' memorandum of January 28, 1986.

There are two main competitive procurement methods: (1) competitive sealed bids and (2) competitive sealed proposals. Competitive sealed bids are utilized to acquire commodities, leases or nonprofessional services. Awards are based primarily on an objective low bid process. Competitive sealed proposals are utilized primarily to secure professional services such as architects, economists or other consultants. The award is primarily based on a subjective evaluation of submitted proposals.

If the purpose of HB 218 is to allow legislators to compete for both types of contracts, then the most appropriate change would be [BY COMPETITIVE BID] by competitive sealed bid or competitive sealed proposal.

I hope this is of some assistance.

Sincerely,

Robert J. Link
Director

RJL/mms
15/11D1/0220-01

TELECOPIER NUMBER 465-2189

02 87LH

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

January 28, 1986

JAN 31 1986

The Honorable Pat Pourchot
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Pourchot:

Re: HB 218

We have reviewed your proposed amendment. It appears the intent is to allow applicable persons to have an interest in State contracts or leases if the contract or lease was let through a bid process which is predominantly based on an objective low bid process. If that is true I would suggest you change (BY COMPETITIVE BID) to by competitive sealed bid.

This would not include competitive processes with a large portion of subjective evaluation such as competitive sealed proposals submitted for professional services. This terminology would also conform with the language of the proposed procurement bill--SB 341.

I hope this is of some assistance.

Sincerely,

Eleanor Andrews
Commissioner

EA/RJL/jbh
8/11D2/0128-02
cc: Division of General Services
& Supply
Department of Administration

561-4221
April 23, 1985

Anchorage Daily News

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Ethics bill shows good faith to public

Rep. Pat Pourchot's bill to revise the legislature's Select Committee on Ethics may not be the last word on legislative ethics but it's an improvement over current law.

Today the ethics committee, which lawmakers created last year to settle conflict-of-interest and other questions of legislative conduct, has seven members: six legislators and only one member of the public. That's an intolerable tilt toward the interests of the legislature.

Rep. Pourchot's bill would change the makeup of the committee to nine members: six legislators and three public citizens. With three public members, Alaskans would be better ensured diverse representation on the committee and a louder voice in its deliberations. Judge Thomas Stewart of Juneau, the lone public member in the committee today, has excellent credentials for the job but he should not be alone.

Rep. Pourchot's bill does not address provisions in the ethics legislation that allow the committee to meet in secret; nor does it dispense with a noxious provision of the law that labels anyone found guilty of making "false accusation" against a legislator a felon.

But there's an extra bonus: All legislative employees above a range 18 on the pay scale — about the wage paid a secretary — would be required to report any close economic ties with legislators or lobbyists. This is especially important because of the influence legislative staff can have on legislation and legislative deliberations.

Legislators are talking of biting the bullet as they approach the final days in Juneau. They couldn't find a better way to demonstrate their seriousness to the public purpose than by approving Rep. Pourchot's bill.

Nazi issue is one o

anthony
abro

BOSTON — When the Nazi death camps are discussed, there is a scene that comes to my mind. An SS guard holds the hand of a small child, a 4-year-old, and leads him up the steps to the gas chamber.

We who were not there can never fully know what it was like to experience such horror — to be in a world of absolute evil. But we know one thing from those who were there and survived: They were sustained by the faith that one day the human spirit would prevail, that mankind would see the evil for what it was and condemn it forever.

That is the framework in which to place President Reagan's statement that the German soldiers of World War II "were victims just as surely as the victims in the concentration camps." For what his words tell us is that he sees nothing unique in the evil of the Holocaust; he sees no dif-

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least 2 percent. But he pledged to "protect the poor, elderly and disabled" in his budget.

tery visit

r cable went to Kohl from ne National Security Coun-il. But another White House fficial expressed certainty hat Kohl was asked by the Iational Security Council es-entially to ease his insistence hat Reagan visit Bitburg.

The weekend effort came ıfter Reagan told Kohl, in a ɔrivate phone call on Friday, hat he would visit the mili-ary cemetery at Bitburg, where 47 Waffen SS soldiers ıre buried among the 2,000 lead.

corrections

Tuesday's Daily News editorial on Rep. Pat Pourchot's bill to revise the legislature's Select Commitee on Ethics erroneously stated that under the measure false accusations against a legislator would continue to be a felony. The bill actually specifies that false accusations would become a class A misdemeanor.

□

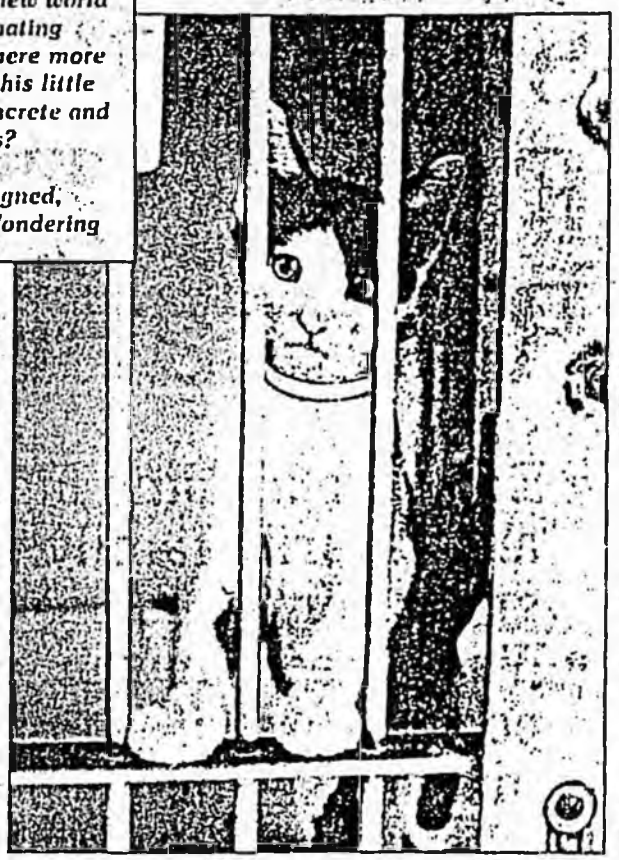
In a Daily News story April 16, a chart on local childbirth procedures provided by the Childbirth Education Association did not make clear that the information listed related to Caesarean births only. In addition, the chart did not include the Caesarean rate at the Alaska Native Health Service Hospital, which in 1984 was 12.2 percent, or 97 out of 798 births. In a related story the same day, the word "clinics" was incorrectly used. Native women are encouraged to have their babies at "field hospitals" or the Alaska Native Health Service Hospital.

4/24/85

SPAY or NEUTER YOUR PET

This brand new world is fascinating but...isn't there more to it than this little space of concrete and bars?

Signed, Wondering



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Ethics bill eases charge on reporting

by Dean Fosdick
Associated Press

Juneau — A measure that would add two public members to the Select Committee on Legislative Ethics and water down the law's false reporting penalties was approved Saturday by the House, but lawmakers doubt there's enough time to deal with the issue this year.

Senate President Don Bennett, R-Fairbanks and a member of the ethics panel, indicated he supports the measure. But Bennett said that with only nine days left in what is supposed to be a 120-day session, the issue probably will be awaiting lawmakers next session.

The House passed the bill 37-1 after more than an hour of debate. The only vote against the measure came from Rep. Walt Furnace, R-Anchorage. Reconsideration was asked on the measure, which means it could be brought up again before being shipped to the Senate.

Rep. Pat Pourchot, D-Anchorage and a prime sponsor, commended veteran legislators for getting an ethics law on the books after three years of wrangling, but he said it had two major flaws.

"One, there's limited public participation. The public thinks the foxes are in charge of the chicken coop," Pourchot said. "And two, somebody tagged on a clause (last year) that made false accusations a felony. That discourages anyone from filing (a complaint)."

Under this year's bill, the crime of false accusation would be changed from a felony to a misdemeanor.

Also, the makeup of the ethics committee would grow from seven to nine, with three public members to be selected by the chief justice of the Alaska Supreme Court and be ratified by two-thirds of the full membership of the House and Senate.

The panel currently includes one public member along with three people from the House and three from the Senate.

The law also would be amended to apply to any legislative employees over range 18. That classification would include administrative assistants and researchers.

Notes on Ethics Legislation

* Sets ethical standards in the law for state agencies, boards and commissions, university and railroad employees.
  - Reduces confusion
  - Makes sure everyone knows the rules and sticks to them
  - Enhances public confidence

* Sets up independent ethics commission.
  - Takes over some of the duties of APOC
  - Seven members
  - Appointed by Gov.; approved by Leg.
  - Only one can be a public official

* Board will be set up in July of 1986.
  - Advisory opinions open up January 1987
  - Actual rules go into effect July 1987
  - That gives people with conflicts time to work them out

* Sets up a process for making, processing and hearing complaints about alleged violations of the code.
  - Information gathering and investigations are <u>confidential</u>
  - Formal proceedings are public.

* If employees are unsure if they have a conflict, they can ask the ethics board for an opinion.
  - Eliminates doubt in the employee's mind
  - Recognizes there are honest or <u>unintended</u> conflicts
  - Sets up an education program on the ethics code for executive branch employees

* The code is flexible.
  - Ethics board will have flexibility to distinguish between unavoidable or insignificant conflicts and substantial ones that deserve action

* The code prohibits:
  - Misuse of position for personal gain
  - Accepting gifts that "a reasonable person" would conclude were given to influence a decision
  - Using "insider information" to get a jump on the public
  - Accepting a loan, grant, lease etc., if you can influence the decision to award it
  - Giving advice or assistance to someone who has a matter pending before your agency
  - Having work outside of government that conflicts with your state job
  - After leaving state service, representing (for pay) anyone on a matter in which you had "personal and substantial" involvement while on the state payroll
  - Knowingly helping someone violate the ethics law

* The code also protects state employees who "blow the whistle" on wrongdoers within government.

ethic notes/RB2

Submitted by the Dept. of L

Effect of amendments. — The 1985 amendment, effective January 1, 1986, repealed paragraph (3), which defined "municipality."

Sec. 24.55.340. Short title. This chapter may be cited as The Ombudsman Act. (§ 1 ch 32 SLA 1975)

Chapter 60. Standards of Conduct.

Section
10. Legislative findings and purpose
20. Applicability
30. Conflicts of interest
40. Contracts or leases
45. Hazardous waste contracts
50. State loans
60. Confidential information
70. Interests between public officials
80. Gifts
90. Nepotism
100. Representation
110. Action on a conflict of interest
120. State property and funds
130. Select committee on legislative ethics
140. Authority of the committee
150. Duties of the committee
160. Advisory opinions
170. Proceedings before the committee
180. Cooperation by state agencies
190. Definition of "committee"

Cross references. — For limitation of applicability of this chapter to acts committed after July 18, 1984, see § 4, ch. 36, SLA 1984 in the Temporary and Special Acts.

Sec. 24.60.010. Legislative findings and purpose. The legislature finds that it is essential in the conduct of public business that legislators hold the respect and confidence of the people. Legislators must avoid conduct that even appears to violate the trust the people have placed in them. To ensure and preserve public confidence, legislators should have the benefit of specific standards to guide their conduct. Article II, sec. 12, Constitution of the State of Alaska grants to each house of the legislature the power to judge the qualifications of its members. It is the purpose of this act to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter. (§ 1 ch 36 SLA 1984)

Sec. 24.60.020. Applicability. (a) This chapter applies to a member of the legislature and to a permanent or temporary employee of an agency of the legislature. This chapter does not apply to

(1) a former member of the legislature or to a person formerly employed by a member of the legislature or an agency of the legislature unless the provision specifically states that it so applies;

(2) a person elected to the legislature who at the time of election is not a member of the legislature;

(3) a person employed by the legislature or an employee of an agency of the legislature whose compensation is below Step A, Range 18 of the state salary schedule established in AS 39.27.011(a).

(b) The provisions of this chapter specifically supersede the provisions of the common law relating to legislative conflict of interest that may apply to a member of the legislature, a person employed by a member of the legislature, or to a permanent or temporary employee of an agency of the legislature. They do not supersede or repeal provisions of the criminal laws of the state. (§ 1 ch 36 SLA 1984)

Sec. 24.60.030. Conflicts of interest. (a) A person to whom this chapter applies may not use public office for private advancement or gain.

(b) A conflict of interest exists when a person to whom this chapter applies takes or withholds official action or exerts official influence that could substantially benefit or harm a financial matter in which the person has a direct or indirect private interest.

(c) Conflicts of interest are prohibited but there is not a conflict of interest if, as to a specific matter, there is no substantial impropriety or appearance of impropriety because

(1) the person's interest is relatively insignificant;

(2) the person's authority is relatively far removed from any official action that could reasonably be affected by the potential conflict of interest, provided that no attempt has been made to remove the appearance of impropriety by delegating responsibility for official action.

(d) A conflict exists if benefits accrue to a person to whom this chapter applies beyond that which may accrue uniformly to members of the profession, occupation or group to which the person belongs, or to the public at large.

(e) It is not a conflict of interest under this section if a person to whom this chapter applies accepts

(1) hospitality at another person's residence within the state, including meals, lodging or transportation;

(2) discounts that are generally available to the public or a large class of persons to which the person belongs;

(3) an invitation to attend a meal or social event;

(4) food and foodstuffs indigenous to the state that are generally shared as a cultural or social norm;

(5) gifts from the person's family; or

(6) gifts of nominal value given by a nonprofit organization in recognition of public service by the recipient.

(f) It is a conflict of interest for a member of the legislature to accept money from an event held within the capital city during the session if a substantial purpose of the event is to raise money on

behalf of the member for state legislative campaign purposes or for other state legislative political purposes.

(g) Members of the legislature elected to represent the capital city are exempt from the requirements of (f) of this section. (§ 1 ch 36 SLA 1984)

Sec. 24.60.040. Contracts or leases. (a) A person to whom this chapter applies may not be a party to or have an interest in a state contract or lease unless the contract or lease is let under AS 37.05.230 or the total annual amount of the state contract or lease is $1,000 or less, or is a standardized contract or lease which was developed under publicly established guidelines and is generally available to the public at large, members of a profession, occupation or group. A person has an interest in a state contract or lease under this section if the person receives direct or indirect financial benefits.

(b) In this section, "direct or indirect financial benefits" means income, profits or other financial benefits under a state contract, without regard to whether the income, profits or other financial benefits ensue to the person as a partner, shareholder, investor, agent, employee, consultant, or joint venturer of the contractor. (§ 1 ch 36 SLA 1984)

Sec. 24.60.045. Hazardous waste contracts. A legislative staff member may not solicit or receive a contract concerning hazardous waste from a state agency or department other than the legislature during the interim following a session in which the person worked. This section applies to legislative staff members Range 18 or higher. In this section "hazardous waste" has the meaning given in AS 46.03.900. (§ 10 ch 77 SLA 1984)

Sec. 24.60.050. State loans. (a) It is not a conflict of interest for a person to whom this chapter applies to participate in a state program or to receive a loan from the state if the program or loan is generally available to members of the public, is subject to fixed eligibility standards, and minimal discretion is exercised in determining qualification. The committee shall issue a list of those state programs and loans from the state that it considers to meet the standards of this paragraph within 30 days after July 19, 1984. It shall annually issue a revised list.

(b) In determining whether a conflict of interest exists with respect to a state program or to a state loan other than those described in (a) of this section, because a person to whom this chapter applies may be in a position to influence the loan agency, the committee must consider, but is not limited to, the adequacy of existing administrative procedures for granting and reviewing loans to legislators.

(c) Upon application for a state loan by a person to whom this chapter applies, other than loans described in (a) of this section, the person shall send a notice of the application to the Alaska Public Offices Commission, which will incorporate the material into the applicant's financial disclosure statement, if the applicant is required to file a disclosure statement or if the applicant is not required to file a disclosure statement will place the notice in a legislative employee loan file that is open to the public. All records relating to a state loan to a person to whom this chapter applies may be disclosed to the committee.

(d) Each February 1, each state loan agency must deliver a listing of all outstanding loans to persons to whom this chapter applies, except for loans described in (a) of this section, to the presiding officer of each house. The list must include the name of the person, the date of issuance and current status of the loan. The list shall be published in the supplemental journa'.

(e) The division of legislative audit shall annually review state loans granted to or held by persons to whom this chapter applies to determine whether appropriate procedures were observed in granting or reviewing the loans and whether loan conditions imposed by the lending agency are being enforced. The division shall report its findings to the committee by April 1.

(f) In this section "state program" means a program in which tangible assets of the state or a right to use tangible assets of the state are transferred from the state to a private person. (§ 1 ch 36 SLA 1984)

Sec. 24.60.060. Confidential information. It is a conflict of interest if a person to whom this chapter applies willfully discloses, or knowingly uses, for personal gain or for the personal gain of another, information that by law is not available to the public and that the person acquired in the course of official duties. (§ 1 ch 36 SLA 1984)

Sec. 24.60.070. Interests between public officials. A person to whom this chapter applies shall disclose in the journal of the appropriate body or if the legislature is not in session to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal for the first day of the session, the formation or maintenance of a close economic association involving a substantial financial matter with

(1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions;

(2) legislators;

(3) a public official in another branch, if the public official is required to file a financial disclosure statement under AS 39.50;

(4) a registered lobbyist who is not a member of the immediate family of the person. (§ 1 ch 36 SLA 1984)

Sec. 24.60.080. Gifts. Unless otherwise provided for under AS 24.60.030, a person to whom this chapter applies may not solicit a gift in any amount, or accept or receive, directly or indirectly, a gift, whether in the form of money, services, a loan, travel, entertainment, hospitality, or other form, if the gift was intended as a reward or inducement for an official action by the person. A gift of travel and hospitality within the state received by a member of the legislature in obtaining information on matters of legislative concern is not prohibited by this section, nor are political contributions received and reported under AS 15.13.040. (§ 1 ch 36 SLA 1984)

Sec. 24.60.090. Nepotism. (a) A spouse or an individual other than a spouse who is related to a member of the legislature may not be employed in the house in which the legislator is a member, by an agency of the legislature established under AS 24.20, or in either house during the interim between sessions. An individual who is related to an employee of the legislature may not be employed in a position over which the employee has supervisory authority. In this subsection, "an individual who is related to" means a child, stepchild, husband, wife, mother, father, sister, or brother.

(b) For purposes of this section an individual is not employed if no compensation is received from the state for the services provided.

(c) For purposes of this section, a legislator is not an employee of the legislature. (§ 1 ch 36 SLA 1984)

Sec. 24.60.100. Representation. A person to whom this chapter applies who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body or if the legislature is not in session to the committee. The committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal for the first day of the session. (§ 1 ch 36 SLA 1984)

Sec. 24.60.110. Action on a conflict of interest. A legislator who knowingly has a conflict of interest or has been notified of a conflict of interest shall immediately

(1) resign the conflicting position;

(2) divest the interest that has resulted in the conflict or potential conflict; or

(3) disclose the conflict of interest in the journal of the appropriate body or if the legislature is not in session to the committee; the committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal for the first day of the session but disclosure does not remove the conflict of interest. (§ 1 ch 36 SLA 1984)

Sec. 24.60.120. State property and funds. A person to whom this chapter applies may not use state property, except property under lease from the state, or state funds for private gain. (§ 1 ch 36 SLA 1984)

Sec. 24.60.130. Select committee on legislative ethics. (a) There is established within the legislative branch of state government the Select Committee on Legislative Ethics.

(b) The committee consists of seven members, in two subcommittees, as follows:

(1) the senate subcommittee consists of three members of the senate, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate; and

(2) the house subcommittee consists of three members of the house, appointed by the speaker of the house with the concurrence by roll call vote of two-thirds of the full membership of the house; and

(3) one public member, who is selected by two-thirds of each subcommittee and who is ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house, shall serve on both the full committee and each subcommittee.

(c) No more than two legislative members of each subcommittee may be members of the same political party or the same organizational caucus.

(d) The members of each subcommittee shall elect a chair. The chair selected by the senate subcommittee shall chair the full committee in odd-numbered years and the chair selected by the house subcommittee shall chair the full committee in even-numbered years.

(e) A vacancy on the committee shall be filled under (b) of this section.

(f) The committee or a subcommittee may contract for professional services and may employ staff as it considers necessary.

(g) Each member serves for the duration of the legislature during which the member is appointed.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an advisory opinion requested by the member. When a legislative member is disqualified under this subsection, the presiding officer of that member's house shall, with the concurrence by roll call vote of two-thirds of the full membership of that house, appoint another member from that house to act as a member of the committee in the proceeding. (§ 1 ch 36 SLA 1984)

Sec. 24.60.140. Authority of the committee. (a) The senate subcommittee has authority over proceedings concerning conduct by a member or former member of the senate or a person employed by a member or a committee of the senate.

(b) The house subcommittee has authority over proceedings concerning the conduct by a member or former member of the house or a person employed by a member or a committee of the house.

(c) The full committee has authority

(1) over proceedings concerning the conduct by an employee of an agency of the legislature;

(2) to review any matter arising under this chapter that would result in action being required by both houses of the legislature; and

(3) to issue advisory opinions under AS 24.60.160. (§ 1 ch 36 SLA 1984)

Sec. 24.60.150. Duties of the committee. (a) The committee shall

(1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;

(2) publish semi-annual summaries of decisions, advisory opinions and informal advisory opinions, with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions that have remained confidential.

(b) The committee may

(1) recommend legislation to the legislature the committee considers desirable or necessary to promote and maintain high standards of ethical conduct in government;

(2) subpoena witnesses, administer oaths, and take testimony relating to matters before the committee, and may require the production for examination of any books or papers relating to any matter under investigation before the committee. (§ 1 ch 36 SLA 1984)

Sec. 24.60.160. Advisory opinions. The committee shall issue an advisory opinion within 30 days on the request of a person to whom the chapter applies as to whether the facts and circumstances of a particular case constitute a violation of ethical standards. The 30-day period for issuing an opinion may be extended by the committee for not more than an additional 10 days if the person requesting the opinion consents. The opinion issued is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. Except as provided in this chapter an advisory opinion is confidential but may be made public if a written request by the person who requested the opinion is filed with the committee. (§ 1 ch 36 SLA 1984)

Sec. 24.60.170. Proceedings before the committee. (a) The committee may initiate, receive and consider complaints alleging a violation of this chapter.

(b) The committee may investigate a violation of this chapter in a proceeding begun within two years after the alleged violation occurs and within one year after termination of state service. Nothing in this subsection bars proceedings against a person who intentionally prevents discovery of a violation of this chapter.

(c) Before the committee may exercise power authorized in this section, the committee shall by resolution supported by a majority vote of the full membership of the committee, define the nature and scope of the inquiry. The committee shall investigate all complaints on a confidential basis.

(d) A proceeding is commenced by the filing of a complaint with the committee. A complaint may be initiated by any person. A complaint shall be in writing and signed under oath by the person making the complaint. No complaint, other than a complaint initiated by at least two-thirds of the members of the committee, may be filed within a period of 60 days preceding a state primary or general election. All proceedings pending before the committee on the 60th day preceding a state primary or general election are stayed until certification of the election unless the proceedings are based on a complaint initiated by at least two-thirds of the members of the committee. The committee shall notify in writing a person against whom a complaint has been filed of a stay of the proceeding. If the person objects in writing to the stay the proceedings shall continue.

(e) The committee shall notify in writing each person against whom a complaint is received and afford the person an opportunity to explain the conduct alleged to be a violation of this chapter. If the committee determines that a complaint does not contain allegations of facts sufficient, if the alleged facts are treated as true, to constitute a

HB

237

Cramer
3/14/86 ✓

Original sponsor: Rules/Governor

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 237 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to pension reform; and providing for an effective date."

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

* Section 1. AS 14.25.110(a) is amended to read:

(a) Subject to AS 14.25.167, a [A] member is eligible for a normal retirement benefit if the member

(1) was first hired before July 1, 1975, has attained the age of 55 years, and has at least 15 years of credited service, the last five of which have been membership service;

(2) has attained the age of 55 years and has at least eight years of membership service;

(3) has attained the age of 55 years, has at least five years of membership service, and has at least three years of Alaska BIA service;

(4) has at least 25 years of credited service, the last five of which have been membership service;

(5) has at least 20 years of membership service; or

(6) has at least 20 years of combined membership service and Alaska BIA service, the last five of which have been membership service.

* Sec. 2. AS 14.25.110(b) is amended to read:

(b) Subject to AS 14.25.167, a [A] member is eligible for an early retirement benefit upon completing any one of the service requirements in (a)(1), (2), or (3) of this section and attaining the

age of 50 years.

* Sec. 3. AS 14.25.125(a) is amended to read:

(a) Subject to AS 14.25.167, a [A] member is eligible for a normal retirement salary at age 55 with at least two years membership service if the member also is eligible for a normal retirement benefit under the public employees' retirement system (AS 39.35).

* Sec. 4. AS 14.25.125(b) is amended to read:

(b) Subject to AS 14.25.167, a [A] member is eligible for an early retirement salary at age 50 with at least two years of membership service if the member also is eligible for an early retirement benefit under the public employees' retirement system (AS 39.35).

* Sec. 5. AS 14.25.150 is amended to read:

Sec. 14.25.150. REFUND UPON TERMINATION. (a) Except as provided in (b) of this section, a [A] terminated member is entitled to a refund of the balance of the member contribution account. A member is not entitled to a refund of supplemental contributions except as provided in AS 14.25.160(a).

* Sec. 6. AS 14.25.150 is amended by adding a new subsection to read:

(b) A member who is terminated and is a vested member, deferred vested member, or who is entitled to benefits under AS 14.25.125, and who is married at the time of application for a refund or whose rights to a refund are subject to a qualified domestic relations order is entitled to receive a refund of the balance of the member contribution account only if the member's present spouse and each person entitled under the order consents to the refund in writing on a form provided by the administrator. The administrator may waive written consent from the person entitled under the order if the administrator determines that the person cannot be located or for other reasons established by regulation. The administrator may waive written consent

from the spouse if the administrator determines that

(1) the member was not married to the spouse during any period of the member's employment with an employer;

(2) the spouse has no rights to benefits under this chapter because of the terms of a qualified domestic relations order;

(3) the spouse cannot be located; or

(4) for other reasons established by regulation.

* Sec. 7. AS 14.25 is amended by adding a new section to read:

Sec. 14.25.153. RIGHTS UNDER QUALIFIED DOMESTIC RELATIONS ORDER. In this chapter the rights of a person under a qualified domestic relations order take precedence over the rights of a spouse, surviving spouse, or dependent child to the extent required by the order. A person granted rights under a qualified domestic relations order shall be treated as a spouse or surviving spouse under this chapter to the extent required by the order. Rights under the order do not take effect until the order is filed with the administrator.

* Sec. 8. AS 14.25.155(c) is amended to read:

(c) If the death of a vested member or deferred vested member occurs and the proximate cause of death is not a bodily injury sustained or hazard undergone while in the performance and within the scope of the member's duties of employment, the surviving spouse may elect to receive either the benefits described in (b) of this section or a 50 percent joint and survivor option as provided under AS 14.25.-167(a)(2) based on credited service to the date of the member's termination. If no spouse survives a vested or deferred vested member, or if a person other than the spouse is designated as beneficiary <u>in accordance with AS 14.25.166, the administrator shall pay</u> [,] the designated beneficiary [SHALL BE PAID] the benefits described in AS 14.25.160(b) and (c). Benefits accrue from the first day of the

month following the member's death and are payable the last day of the month.

* Sec. 9. AS 14.25.157(a) is amended to read:

(a) If (1) the death of a member occurs before the member first attains eligibility for normal retirement, and (2) the proximate cause of death is a bodily injury sustained or hazard undergone while in the performance and within the scope of the member's duties of employment, and (3) the injury or hazard is not the proximate result of wilful negligence on the part of the member, the administrator shall pay a monthly survivor's pension equal to 40 percent of the member's base salary at the time of termination of employment, divided by 12, [SHALL BE PAID] to the member's surviving spouse. If there is no surviving spouse, the administrator shall pay the monthly survivor's pension [SHALL BE PAID] in equal parts to the dependent children of the member. On the date the normal retirement of the member would have occurred if the member had lived, monthly payments must [SHALL] equal the monthly amount of the normal retirement benefit to which the member, had the member lived and continued employment until the member's normal retirement date, would have been entitled with an average base salary as existed at the member's death and the credited service to which the member would have been entitled. If the member does not have a [NO SURVIVING] spouse or dependent children [EXIST] at the time of death or if the member designates as beneficiary under AS 14.25.166 someone other than the surviving spouse or dependent children, the administrator shall pay the member's designated beneficiary [SHALL BE PAID] those benefits available to a beneficiary under AS 14.25.160(b) and (c) and may not pay a [NO] benefit [WILL BE PAID] to the surviving spouse or dependent children.

* Sec. 10. AS 14.25.166(a) is amended to read:

(a) Each member shall designate the beneficiary or beneficiaries to whom the administrator shall distribute benefits payable under this chapter as a consequence of the member's death. Notwithstanding a previous designation of beneficiary, a person who is the spouse of a member at the time of the member's death automatically becomes the designated beneficiary if the spouse was married to the member during part of the member's employment for an employer

(1) except to the extent a qualified domestic relations order filed with the administrator provides for payment to a former spouse or other dependent of the member; or

(2) unless the member files a revocation of beneficiary accompanied by a written consent to the revocation from the spouse and each person entitled under the order [SHALL BE DISTRIBUTED].

* Sec. 11. AS 14.25.166(b) is amended to read:

(b) Except as provided in (a) of this section, the member may change or revoke the [THE] designation [MAY BE CHANGED OR REVOKED BY THE MEMBER] without notice to the beneficiary or beneficiaries at any time. If a member designates more than one beneficiary, each shares [SHALL SHARE] equally unless the member specifies a different allocation or preference. The designation of a beneficiary, [AND] a change or revocation of a beneficiary, and a consent to revocation of a beneficiary shall be made on a form provided by the administrator and is not effective until filed with the administrator.

* Sec. 12. AS 14.25.166 is amended by adding a new subsection to read:

(d) A person claiming entitlement to benefits payable under this chapter as a consequence of a member's death shall provide the administrator with a marriage certificate, divorce or dissolution judgment, or other evidence of entitlement. Documents establishing entitlement may be filed with the administrator immediately after a change in the

member's marital status. If the administrator does not receive notification of a claim before the date 10 days after the member's death, the person claiming entitlement is not entitled to receive from the division of retirement and benefits any benefit already paid by the administrator.

* Sec. 13. AS 14.25.167(a) is repealed and reenacted to read:

(a) Benefits payable under this section are in place of benefits payable under AS 14.25.110, 14.25.125, 14.25.155, 14.25.157, 14.25.160, 14.25.162, or 14.25.164. Upon filing an application for retirement with the administrator, or when a disabled member becomes eligible for normal retirement under AS 14.25.130(e), the member shall designate the person who is the member's spouse at the time of appointment to retirement as the contingent beneficiary. However, if the designation of the spouse is revoked under (c) of this section, the member may designate a dependent approved by the administrator as the contingent beneficiary or may take normal or early retirement under AS 14.25.110 or 14.25.125. The administrator shall pay benefits under the option elected by the member. The member may elect an option that provides that

(1) the member is entitled to receive a reduced benefit payable for life, and, after the member's death, the contingent beneficiary is entitled to receive payments in the amount of 75 percent of the reduced benefit for life;

(2) the member is entitled to receive a reduced benefit payable for life, and, after the member's death, the contingent beneficiary is entitled to receive payments in the amount of 50 percent of the reduced benefit for life; or

(3) the member is entitled to receive a reduced benefit payable during the joint lifetime of the member and the contingent

beneficiary, and, after the death of either the member or the contingent beneficiary, the survivor is entitled to receive payments in the amount of 66-2/3 percent of the reduced benefit for life.

* Sec. 14. AS 14.25.167(c) is amended to read:

(c) A member may elect or [,] change [, OR REVOKE] an option without the approval of the administrator if the member's election or [,] change [, OR REVOCATION] is filed in writing with the administrator before the effective date of the member's retirement. A member may revoke a joint and survivor option if the member files with the administrator before the effective date of the member's retirement a revocation and a consent to the revocation signed by the member's present spouse and each person entitled to benefits under a qualified domestic relations order on forms provided by the administrator. The administrator may waive the requirement for written consent from

(1) a person entitled under the order if the person cannot be located or for other reasons established by regulation; or

(2) the spouse if the member is not married, the member was not married to the spouse during any period of the member's employment with an employer, the spouse has no rights to the option because of the terms of a qualified domestic relations order, the spouse cannot be located, or for other reasons established by regulation.

* Sec. 15. AS 14.25.167 is amended by adding new subsections to read:

(f) The member and any person claiming to be a contingent beneficiary shall file with the administrator a marriage certificate, divorce or dissolution judgment, or other evidence necessary to determine the applicability of this section and the identity of any contingent beneficiary.

(g) If the administrator determines, based on the affidavit of the member and other evidence, that a member is eligible to elect a

form of payment other than a joint and survivor option under this section, and no contrary evidence is presented to the administrator within 60 days after the effective date of the member's retirement, no claim under this section, made by a spouse or former spouse of the member, may be paid if payment would result in an increase in actuarial liability to the system.

(h) If a member fails to elect an option under (a) of this section and no effective revocation is filed with the administrator, the member is considered to have elected the option provided in (a)(2) of this section.

* Sec. 16. AS 14.25.200(a) is amended to read:

(a) Benefits and other amounts held in the retirement fund on behalf of the members are exempt from Alaska state and municipal taxes and are not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge of any kind, either voluntary or involuntary, before they are received by the person entitled to the amount under the terms of the system, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of any right to amounts accrued in the retirement fund is void. <u>However, a member's right to receive benefits may be assigned under a qualified domestic relations order.</u>

* Sec. 17. AS 14.25.220 is amended by adding a new paragraph to read:

(43) "qualified domestic relations order" means a divorce or dissolution judgment under AS 25.24, including an order approving a property settlement, that

(A) creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a member;

(B) sets out the name and last known mailing address, if any, of the member and of each alternate payee covered by the order;

(C) sets out the amount or percentage of the member's benefit, or of any survivor's benefit, to be paid to the alternate payee, or sets out the manner in which that amount or percentage is to be determined;

(D) sets out the number of payments or period to which the order applies;

(E) does not require any type or form of benefit or any option not otherwise provided by this chapter;

(F) does not require an increase of benefits in excess of the amount provided by this chapter, determined on the basis of actuarial value; and

(G) does not require the payment, to an alternate payee, of benefits that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

* Sec. 18. AS 22.25.030(b) is amended to read:

(b) To be eligible for the survivors' benefits, the surviving spouse must have been married to the justice or judge for at least <u>one year</u> [TWO YEARS] immediately preceding the death of the justice or judge. The benefits continue until the remarriage or death of the surviving spouse.

* Sec. 19. AS 22.25.030 is amended by adding a new subsection to read:

(f) The rights of a surviving spouse or dependent child under this section are subject to the rights of a previous spouse or a dependent under a qualified domestic relations order.

* Sec. 20. AS 22.25 is amended by adding a new section to read:

Sec. 22.25.035. RIGHTS UNDER A QUALIFIED DOMESTIC RELATIONS ORDER. A person who was married to a justice or judge for at least one year, who has not remarried, and who has been granted rights to benefits under this chapter by the terms of a qualified domestic relations order, shall be treated as a spouse or surviving spouse under this chapter to the extent required by the order. Rights under the order do not take effect until the order is filed with the administrator. The benefits continue until the remarriage or death of the person.

* Sec. 21. AS 22.25 is amended by adding a new section to read:

Sec. 22.25.900. DEFINITION. In this chapter, "qualified domestic relations order" means a divorce or dissolution judgment under AS 25.24, including an order approving a property settlement, that

(1) creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a justice or judge;

(2) sets out the name and last known mailing address, if any, of the justice or judge and of each alternate payee covered by the order;

(3) sets out the amount or percentage of the justice's or judge's benefit, or of any survivor's benefit, to be paid to the alternate payee, or sets out the manner in which that amount or percentage is to be determined;

(4) sets out the number of payments or period to which the order applies;

(5) does not require any type or form of benefit or any option not otherwise provided by this chapter;

(6) does not require an increase of benefits in excess of

the amount provided by this chapter, determined on the basis of actuarial value;

(7) does not require the payment, to an alternate payee, of benefits that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

* Sec. 22. AS 25.24.160 is amended by adding a new subsection to read:

(b) If a judgment under this section distributes benefits to an alternate payee under AS 14.24, AS 22.25, AS 26.05.222 - 26.05.226, or AS 39.35, the judgment must meet the requirements of a qualified domestic relations order under the definition of that phrase that is applicable to those provisions.

* Sec. 23. AS 25.24.230 is amended by adding a new subsection to read:

(g) If a judgment under this section distributes benefits to an alternate payee under AS 14.24, AS 22.25, AS 26.05.222 - 26.05.226, or AS 39.35, the judgment must meet the requirements of a qualified domestic relations order under the definition of that phrase that is applicable to those provisions.

* Sec. 24. AS 26.05.224(d) is amended to read:

(d) Upon the death of an active member who has at least five years service in the Alaska National Guard or Alaska Naval Militia or a combination of these components, the member's designated beneficiary is entitled to a lump sum benefit calculated in accordance with (b) of this section. Upon the death of a former member who has at least 20 years service, the former member's designated beneficiary is entitled to a lump sum benefit calculated in accordance with (b) of this section less any retirement benefits previously paid. Except as provided in (e) of this section, a [A] member may change or revoke the designation of a beneficiary without notice to the beneficiary at any time.

If a member designates more than one beneficiary, each shares [SHALL SHARE] equally unless the member specifies a different allocation. The member shall make a designation of a beneficiary or [AND] a change or revocation of a beneficiary [SHALL BE MADE] on a form provided by the Department of Military and Veterans' Affairs. It [AND] is not effective until filed with the Department of Military and Veterans' Affairs. If a member fails to designate a beneficiary or if no designated beneficiary survives the member, the department, except to the extent provided otherwise in a qualified domestic relations order, shall pay the death benefit under this subsection to the member's surviving spouse or, if there is no spouse surviving, [SHALL BE PAID] to the member's estate.

* Sec. 25. AS 26.05.224 is amended by adding new subsections to read:

(e) Notwithstanding any previous designation of beneficiary, the spouse of a member at the time of the member's death automatically becomes the designated beneficiary if the spouse was married to the member during part of the member's service under this chapter

(1) except to the extent a qualified domestic relations order provides for payment to a former spouse or other dependent of the member; or

(2) unless the member files with the Department of Military and Veterans' Affairs a revocation of beneficiary and a written consent to the revocation signed by the present spouse and each person entitled to benefits under the order on forms provided by the department.

(f) A person claiming entitlement to any benefits payable under this section shall provide the department with a marriage certificate, divorce or dissolution decree, or other evidence of entitlement. Documents showing entitlement may be filed with the department

immediately after a change in the member's marital status. If the department does not receive notification of a claim before the date 10 days after the member's death, the person claiming entitlement to the benefits is not entitled to receive from the Department of Administration or Department of Military and Veterans' Affairs any benefit already paid under this section.

* Sec. 26. AS 26.05.227 is amended by adding a new paragraph to read:

(4) "qualified domestic relations order" means a divorce or dissolution judgment under AS 25.24, including an order approving a property settlement, that

(A) creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a member;

(B) sets out the name and last known mailing address, if any, of the member and of each alternate payee covered by the order;

(C) sets out the amount or percentage of the member's benefit, or of any survivor's benefit, to be paid to the alternate payee, or sets out the manner in which that amount or percentage is to be determined;

(D) sets out the number of payments or period to which the order applies;

(E) does not require any type or form of benefit or any option not otherwise provided by AS 26.05.222 - 26.05.228;

(F) does not require an increase of benefits in excess of the amount provided by AS 26.05.222 - 26.05.228, determined on the basis of actuarial value; and

(G) does not require the payment, to an alternate

payee, of benefits that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

* Sec. 27. AS 39.35.200(a) is amended to read:

(a) Except as provided in (c) of this section, an [AN] inactive employee, not on leave-without-pay status or layoff status, is entitled to receive a refund of the balance of the employee contribution account.

* Sec. 28. AS 39.35.200 is amended by adding a new subsection to read:

(c) An employee who is terminated and is a vested employee, deferred vested employee, or who is entitled to benefits under AS 39.-35.385, and who is married at the time of application for a refund or whose rights to a refund are subject to a qualified domestic relations order is entitled to receive a refund of the balance of the employee contribution account only if the employee's present spouse and each person entitled under the order consent to the refund in writing on a form provided by the administrator. The administrator may waive written consent from the person entitled to benefits under the order if the administrator determines that the person cannot be located or for other reasons established by regulation. The administrator may waive written consent from the spouse if the administrator determines that

(1) the employee was not married to the spouse during any period of the employee's employment with an employer;

(2) the spouse has no rights under this chapter because of the terms of a qualified domestic relations order;

(3) the spouse cannot be located; or

(4) for other reasons established by regulation.

* Sec. 29. AS 39.35.370(a) is amended to read:

(a) Subject to AS 39.35.450, a [A] terminated employee is eligible for a normal retirement benefit

(1) at age 55 with at least five years credited service, or

(2) with at least 20 years of credited service as a peace officer or fireman, or

(3) with at least 30 years of credited service for all other employees.

* Sec. 30. AS 39.35.370(b) is amended to read:

(b) Subject to AS 39.35.450, a [A] terminated employee is eligible for an early retirement benefit at age 50 with at least five years credited service.

* Sec. 31. AS 39.35.385(a) is amended to read:

(a) Subject to AS 39.35.450, an [AN] employee is eligible for a normal retirement benefit at age 55 with at least two years of credited service if the employee also is eligible for a normal retirement salary under the teachers' retirement system (AS 14.25).

* Sec. 32. AS 39.35.385(b) is amended to read:

(b) Subject to AS 39.35.450, an [AN] employee is eligible for an early retirement benefit at age 50 with at least two years of credited service if the employee also is eligible for an early retirement salary under the teachers' retirement system (AS 14.25).

* Sec. 33. AS 39.35.420(c) is amended to read:

(c) If, under AS 39.35.490, a vested or deferred vested member designates as beneficiary to receive nonoccupational benefits someone other than the surviving spouse to whom the member has been married for at least one year, the administrator shall pay [TO RECEIVE NONOCCUPATIONAL DEATH BENEFITS,] the designated beneficiary [SHALL BE PAID]: (1) the balance of the deceased member's employee contribution account; and (2) a lump-sum death benefit. The amount of the lump-sum

death benefit is $100 times the years of credited service of the deceased member plus $1,000.

* Sec. 34. AS 39.35.430(f) is amended to read:

(f) If the death of an employee occurs from occupational causes but no surviving spouse or dependent children exist at the time of the death or if the employee designates as beneficiary under AS 39.35.490 someone other than the surviving spouse or dependent children, the employee's designated beneficiary is entitled to receive those benefits available to a beneficiary under AS 39.35.420(c) and no occupational death benefit will be paid to the surviving spouse or dependent children. [IF THE DESIGNATED BENEFICIARY IS THE SURVIVING SPOUSE OR DEPENDENT CHILDREN, THE BENEFICIARY SHALL RECEIVE THE BENEFIT DESCRIBED IN (b) OF THIS SECTION.]

* Sec. 35. AS 39.35.440(b) is amended to read:

(b) Upon the death of a disabled employee who is receiving or is entitled to receive an occupational disability benefit, the administrator shall pay the surviving spouse a surviving spouse's pension, equal to 40 percent of the employee's monthly compensation at the termination of employment because of occupational disability [SHALL BE PAID TO THE SURVIVING SPOUSE]. If there is no surviving spouse, the administrator shall pay the survivor's pension [SHALL BE PAID] in equal parts to the dependent children of the employee. On the date the normal retirement of the employee would have occurred if the employee had lived, the administrator shall adjust the monthly payments to [SHALL] equal the monthly amount of the normal retirement benefit to which the employee, had the employee lived and continued employment until the employee's normal retirement date, would have been entitled with an average monthly compensation as existed at death and the credited service to which the employee would have been

entitled. If the death of an employee occurs from occupational causes but no surviving spouse or dependent children exist at the time of the death, or if the employee designates as beneficiary under AS 39.35.490 someone other than the surviving spouse or dependent children, the administrator shall pay the employee's designated beneficiary [SHALL BE PAID] those benefits available to a beneficiary under AS 39.35.-420(c) and may not pay an [NO] occupational death benefit [WILL BE PAID] to the surviving spouse or dependent children.

* Sec. 36. AS 39.35.450(a) is repealed and reenacted to read:

(a) Benefits payable under this section are in place of benefits payable under AS 39.35.370, 39.35.385, and 39.35.460. Upon filing an application with the administrator or when a disabled employee first attains eligibility for normal retirement under AS 39.35.400(f) or 39.35.410(h), the employee shall designate the person who is the employee's spouse at the time of appointment to retirement as the contingent beneficiary. However, if the designation of the spouse is revoked under (c) of this section, the employee may designate a dependent approved by the administrator as the contingent beneficiary or may take normal or early retirement under AS 39.35.370 or 39.35.385 or a level income option under AS 39.35.460. The administrator shall pay benefits under the option elected by the employee. The employee may elect an option that provides that

(1) the employee is entitled to receive a reduced benefit payable for life, and, after the employee's death, the contingent beneficiary is entitled to payments in the amount of 75 percent of the reduced benefit payable for life;

(2) the employee is entitled to receive a reduced benefit payable for life, and, after the employee's death, the contingent beneficiary is entitled to receive payments in the amount of 50

percent of the reduced benefit payable for life;

(3) the employee is entitled to receive a reduced benefit payable during the joint lifetime of the employee and the contingent beneficiary, and, after the death of either the employee or the contingent beneficiary, the survivor is entitled to receive payments in the amount of 66-2/3 percent of the reduced benefit payable for life.

* Sec. 37. AS 39.35.450(c) is amended to read:

(c) An employee may elect or [,] change [, OR REVOKE] an option without the approval of the administrator if the election or [,] change [, OR REVOCATION] is filed in writing with the administrator before the effective date of the employee's retirement. An employee may revoke a joint and survivor option if the employee files with the administrator before the effective date of the employee's retirement a revocation and consent to the revocation signed by the employee's present spouse and each person entitled to benefits under a qualified domestic relations order on forms provided by the administrator. The administrator may waive the requirement for written consent from

(1) a person entitled under the order if the person cannot be located or for other reason established by regulation; or

(2) the spouse if the employee is not married, the employee was not married to the spouse during any period of the employee's employment with an employer, the spouse has no rights to the option because of the terms of a qualified domestic relations order, the spouse cannot be located, or for other reason established by regulation.

* Sec. 38. AS 39.35.450 is amended by adding new subsections to read:

(f) The employee and any person claiming to be a contingent beneficiary shall file with the administrator a marriage certificate, divorce or dissolution judgment, or other evidence necessary to

determine the applicability of this section and the identity of any contingent beneficiary.

(g) If the administrator determines, based on the affidavit of the employee and other evidence that an employee is eligible to elect a form of payment other than a joint and survivor option under this section, and no contrary evidence is presented to the administrator within 60 days after the effective date of the employee's retirement, no claim under this section, made by a spouse or former spouse of the member, may be paid if payment would result in an increase in actuarial liability to the system.

(h) If an employee fails to elect an option under this section, and if no effective revocation is filed with the administrator, the employee is considered to have elected the option provided in (a)(2) of this section.

* Sec. 39. AS 39.35 is amended by adding a new section to read:

Sec. 39.35.455. RIGHTS UNDER QUALIFIED DOMESTIC RELATIONS ORDER. In this chapter the rights of a person under a qualified domestic relations order take precedence over the rights of a spouse, surviving spouse, or dependent child to the extent required by the order. A person granted rights under a qualified domestic relations order shall be treated as a spouse or surviving spouse to the extent required by the order. Rights under the order are effective when the order is filed with the administrator.

* Sec. 40. AS 39.35.490 is amended to read:

Sec. 39.35.490. DESIGNATION OF BENEFICIARY. (a) Each employee shall designate the beneficiary or beneficiaries to whom <u>the administrator shall distribute</u> benefits payable under this chapter as a consequence of the employee's death. <u>Notwithstanding a previous designation of beneficiary, a person who is the spouse of an employee</u>

at the time of the employee's death automatically becomes the designated beneficiary if the spouse was married to the employee during part of the employee's employment for an employer

(1) except to the extent a qualified domestic relations order filed with the administrator provides for payment to a former spouse or other dependent of the employee; or

(2) unless the employee files a revocation of beneficiary accompanied by a written consent to the revocation signed by the present spouse and each person entitled under the order [SHALL BE DISTRIBUTED].

(b) Except as provided in (a) of this section, the [THE] designation may be changed or revoked by the employee without notice to the beneficiary or beneficiaries at any time. If an employee designates more than one beneficiary, each shares [SHALL SHARE] equally unless the employee specifies a different allocation or preference. The designation of [A] beneficiary, [AND] a change or revocation of a beneficiary, or a consent to a revocation of a beneficiary shall be made on a form provided by the administrator and is not effective until filed with the administrator.

(c) If an employee fails to designate a beneficiary, or if no designated beneficiary survives the employee, the administrator shall pay the death benefit [SHALL BE PAID]

(1) to the surviving spouse or, if there is none surviving,

(2) to the surviving children in equal parts or, if there is none surviving,

(3) to the surviving parents in equal parts or, if there is none surviving,

(4) to the employee's estate.

* Sec. 41. AS 39.35.490 is amended by adding a new subsection to read:

(d) A person claiming entitlement to benefits payable under this chapter as a consequence of an employee's death shall provide the administrator with a marriage certificate, divorce or dissolution decree, or other evidence of entitlement. Documents establishing entitlement may be filed with the administrator immediately after a change in the employee's marital status. If the administrator does not receive notification of a claim before the date 10 days after the employee's death, the person claiming entitlement to the benefits is not entitled to receive from the division of retirement and benefits any benefit already paid by the administrator.

* Sec. 42. AS 39.35.500 is amended to read:

Sec. 39.35.500. SAFEGUARD OF EMPLOYEE FUNDS HELD BY THE SYSTEM. Employee contributions and other amounts held in the pension fund are exempt from Alaska state and local taxes. Amounts held on behalf of, or payable to, any employee or other person who is or may become eligible for benefits under the system are not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge of any kind, either voluntary or involuntary, before being received by the person entitled to the amount under the terms of the system. An attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of a right to amounts held under the system is void. <u>However, an employee's right to receive benefits may be assigned under a qualified domestic relations order.</u>

* Sec. 43. AS 39.35.680 is amended by adding a new paragraph to read:

(40) "qualified domestic relations order" means a divorce or dissolution judgment under AS 25.24, including an order approving a property settlement, that

(A) creates or recognizes the existence of an

alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to an employee;

(B) sets out the name and last known mailing address, if any, of the employee and of each alternate payee covered by the order;

(C) sets out the amount or percentage of the employee's benefit, or of any survivor's benefit, to be paid to the alternate payee, or sets out the manner in which that amount or percentage is to be determined;

(D) sets out the number of payments or period to which the order applies;

(E) does not require any type or form of benefit or any option not otherwise provided by this chapter;

(F) does not require an increase of benefits in excess of the amount provided by this chapter, determined on the basis of actuarial value; and

(G) does not require the payment to an alternate payee of benefits that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

* Sec. 44. Notwithstanding former AS 39.37.060(b), the surviving spouse of an elected public officer who has retirement rights under the Elected Public Officers Retirement System is eligible for survivors' benefits under former AS 39.37.060 if the surviving spouse was married to the elected public officer for at least one year immediately preceding the death of the elected public officer. The benefits continue until the remarriage or death of the surviving spouse.

* Sec. 45. Within 90 days after the effective date of this section, the

Department of Administration shall publish notice of the provisions of this Act in the regularly published newsletters of the division of retirement and benefits and in newspapers of general distribution in each judicial district of the state, and shall make available the forms necessary to implement this Act.

* Sec. 46. Section 45 of this Act takes effect immediately in accordance with AS 01.10.070(c).

* Sec. 47. Sections 1 - 44 of this Act take effect January 1, 1987.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ *1031 W 4th AVENUE*
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ *1st NATIONAL CENTER*
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

☑ *POUCH K - STATE CAPITOL*
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

April 16, 1986

Honorable Mitch Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: CSHB 237(Rls), retirement bill

Dear Senator Abood:

At the committee's March 18, 1986 hearing on CSHB 237 (Rls), the committee instructed me to draft changes to be included in the committee substitute as follows:

1. simplification of language concerning rights under a qualified domestic relations order (QDRO); and

2. addition of language to the bill to allow a spouse "veto power" over only 50 percent of the benefits.

After consultation with the two agencies interested in this bill, the Alaska Women's Commission and the division of retirement and benefits, we recommend that in sections 7 and 39, the following language be substituted for the current language:

> A former spouse shall be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. Rights under the order do not take effect until the order is filed with the administrator.

In section 20, we recommend that the following language be substituted for the current language:

> A former spouse who was married to the justice or judge for at least one year and who has not remarried shall be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. Rights under the order do not take effect until the order is filed with the administrator.

The committee has also instructed that language be added to the committee substitute to provide that a spouse has "veto power" only over 50 percent of the benefits. This instruction was given after a discussion about the right of a vested member to withdraw the member's contribution account upon termination of employment. However, under this bill, the spouse has other "veto" rights, including the rights to withhold consent to payment of a benefit in a form other than a joint and survivor option and to withhold consent to designation of a person other than the spouse as beneficiary for survivors' benefits.

A. Contribution account. The bill currently provides that, when a vested member terminates employment, he or she may receive a refund of the contribution account only with consent of the spouse and other persons entitled under a QDRO. Allowing "veto power" over only 50 percent of the refund of the contribution account could be accomplished in several ways, none of which is supported by both the Alaska Women's Commission and the division of retirement and benefits. Therefore, the committee must determine which, if any, option it wants to include in the committee substitute, after considering the problems each option presents.

First, if a member has no former spouse or dependents entitled under a QDRO and if the spouse does not consent to withdrawal of the contribution account, the contribution account can be paid out in two checks, one to the member, and one to the spouse. This option is strongly opposed by the Women's Commission. Under the state's retirement systems, the value of the benefits that may be received upon retirement, including the monthly benefit and medical benefits for a member's spouse and dependents, is much greater than the value of the contribution account. The main purpose of this bill is to acknowledge and protect the interest of a spouse in those benefits.

Second, if there are persons entitled under a QDRO, those persons can be paid a portion of the contribution account proportionate to their interest in benefits established by the order. The remainder of the contribution account can be paid to the member or, if the member has a new spouse, half of the remainder can be paid to the member and half to the spouse. In addition to the objections set out for the first option, this option is objectionable due to the fact that it would be very difficult for the division of retirement and benefits to administer. Furthermore, if marital property is divided under a QDRO based on an assumption that a member will receive benefits from a state retirement system, a portion of which will be paid to persons entitled under the QDRO, the member should not be permitted

to forfeit the benefits by withdrawing the contribution account without the consent of the persons entitled under the order.

Third, if the member has no former spouse or dependents entitled under a QDRO and if the present spouse does not consent to withdrawal of the contribution account, the bill could provide that one-half of the account would be paid to the member and one-half must remain in the system to provide the spouse with a benefit. New sections would have to be enacted to define what benefit the spouse will receive. Will the benefit be one-half of what the former member's benefit would have been, based on a normal or early retirement benefit or a joint and survivor option? When is the benefit payable to the spouse? Can the spouse select a joint and survivor option? If the member becomes reemployed by the state and wants to reinstate the service credit, can the member reinstate all of the service credit under his or her own account, or only half of the service credit, with the spouse remaining entitled to a separate benefit? If the member and the spouse divorce, is the spouse's benefit subject to a qualified domestic relations order?

Fourth, if there are persons entitled under a QDRO, the bill could provide that an amount proportionate to the share of the member's benefit that is due those persons must remain in the contribution account. The remainder would be refunded to the member or, if the member has a new spouse, one-half of the remainder would be paid to the member and one-half would remain in the system to provide the spouse with a benefit. Again, new sections would have to be enacted to define the benefit the spouse would receive and the questions raised in option three must be resolved. In addition, it could be extremely difficult, administratively, for the division of retirement and benefits to determine what proportion of the contribution account must remain in the system to result in payment of benefits required under a QDRO.

The division of retirement and benefits has indicated that it is strongly opposed to options 2, 3 and 4, due to the extraordinary difficulties it anticipates will occur in administration of those options. The division has further noted that the instances of a vested member even wanting a refund of the contribution account has become quite rare, due to the value of the benefits payable under the state's retirement systems. Because of the division's increased counselling efforts encouraging terminated vested members to leave their contributions in the system, it is expected that even fewer vested members will request refunds of their contribution accounts in the future.

We also note that, because the federal Retirement Equity Act of 1984 applies to our supplemental benefits system (SBS) plan, a married employee who terminates state employment may not receive his or her SBS account in a lump sum payment without consent of the spouse. Furthermore, the only form of payment that can be received under SBS without consent of the spouse is a joint and survivor option. This requirement of the federal Retirement Equity Act also applies to private pension plans.

B. Joint and survivor option. The bill currently requires a married member to choose a joint and survivor option upon retiring, unless the spouse consents to another form of benefit payment. We can think of no way to change this to a 50 percent "veto power."

It should be pointed out that selection of a joint and survivor benefit typically does not result in anything close to a 50 percent reduction in the retirement benefit payable to a member. For example, depending upon which of the three available joint and survivor options is chosen, a member who is age 55 and whose spouse is age 50 could receive as much as 93.466 percent of a normal benefit. Thus, a member does not lose much in terms of benefits paid to the member, but does gain coverage for his or her spouse in the event the member predeceases the spouse.

C. Spouse as designated beneficiary. The bill currently provides that the spouse of a member is automatically the designated beneficiary for survivors' benefits, except to the extent required by a QDRO, unless the spouse consents to designation of some other person as the beneficiary. This could be changed to provide that, notwithstanding the designation of another person as beneficiary and except to the extent required by a QDRO, the spouse is automatically the designated beneficiary entitled to receive one-half of the survivors' benefit that he or she would have been entitled to receive if he or she had been designated the sole beneficiary. Other beneficiaries would receive one-half of what they would otherwise have received. The spouse could consent to designation of someone other than the spouse as beneficiary for 100 percent of the survivors' benefits.

We recommend that the changes suggested in this memorandum to sections 7, 20, and 39 be included in the draft committee substitute. In addition, in accordance with the committee's instruction at a previous hearing on this bill, the word "present" should be inserted on page 5, line 12 of the March 14, 1986 draft, between the words "the" and "spouse." At the hearing on this bill scheduled for April 17, 1986, we will attempt to pro-

vide proposed language that we believe will implement the options the committee may choose to add to the bill.

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Virginia B. Ragle
Virginia B. Ragle
Assistant Attorney General

VBR/pjg

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Page 1 of 2

Revision Date:

Page 1 of 2

REQUEST
Bill/Resolution No.: 237
Title: An Act Relating to Pension Reform
Sponsor:
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: All State Agencies
Program Category Affected: Elementary & Secondary Education, Labor Services
BRU, Program or Subprogram(s) Affected: PERS, JRS, TRS

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs		10.0				
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual						
400 Supplies		5.0				
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING	-0-	15.0	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		15.0				
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	15.0	-0-	-0-	-0-	-0-
POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY		2.0				

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director — Phone: 465-4470
Division: Retirement & Benefits — Date: 2/20/85

Approved by Commissioner: Lisa Rudd — Date: 2-21-85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Rev. 7/1/84

HB 237

Fiscal Note Analysis

Prepared by Division of Retirement & Benefits

Department of Administration

February 20, 1985

IV Analysis:

Passage of this bill will; 1) require a married member of the Public Employees' (PERS), Teachers' (TRS) and Judicial (JRS) Retirement Systems to select one of the joint and survivor options upon retirement unless the requirement is waived by the spouse and would require that the spouse be the primary beneficiary of death benefits, and 2) would allow any benefit payable from the PERS, TRS and JRS to be subject to attachment to satisfy orders by divorce or dissolution of marriage orders.

The fiscal impact of this will be due to the research and notification efforts by the Division to inform effected members of the legislation.

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to pension reform. This bill amends statutes pertaining to the state's retirement systems to include provisions similar to those enacted by the U.S. Congress in the Retirement Equity Act of 1984 (P.L. 98-397).

The bill amends a number of sections of the public employees' retirement system and teachers' retirement system statutes to require consent of an employee's spouse before the employee may waive a joint and survivor benefit, obtain a refund of contributions if the employee has a vested interest in benefits, or revoke a designation of the spouse as the employee's beneficiary for various death benefits. Consent of the spouse is also required by this bill for revocation of a designation of the spouse as beneficiary for death benefits under AS 26.05.224. Until consent is obtained, the joint and survivor benefit and designation of the spouse as beneficiary are required. The judicial retirement system statute is amended to allow the spouse of a justice or judge to receive survivors' benefits if the spouse was married to the justice or judge for one year before death, instead of the current two years.

The bill allows former spouses to share in survivor's benefits, to the extent provided in a "qualified domestic relations order," as defined in secs. 16, 18, 23, and 39 of the bill.

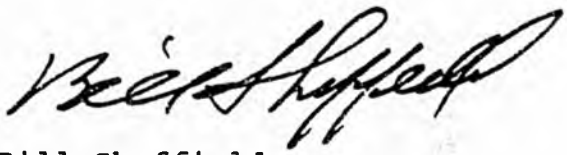
Prohibitions against assignment of retirement benefits are removed with respect to assignments of those benefits made to satisfy marital property rights, spousal support, and child support under a qualified domestic relations order.

The commissioner of administration is required to inform retirement system participants and their spouses of the changes accomplished by this bill, and effective dates are established to assure an orderly transition to the provisions of this pension reform bill.

This bill recognizes, as does the federal Retirement Equity Act of 1984, that rights to benefits accrued during a marriage are property rights in which both partners to the marriage have an interest. The bill has been drafted to require the joint and survivor option, and spousal consent for revocation of designation of the spouse as beneficiary for benefits, only if the spouse was married to the employee during a period when rights to those benefits were being accrued.

I note that the state's Supplemental Benefits System (SBS) plan has already been amended to comply with the Retirement Equity Act requirements that the plan require a joint and survivor benefit unless the spouse waives that form of benefit, and that the plan require payment of a preretirement survivor benefit to the spouse unless the spouse waives that form of benefit. These amendments to the SBS were necessary to maintain the plan's tax-deferred status under the Internal Revenue Code.

Sincerely,



Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 237

Title: pension reform

Sponsor: Governor Sheffield

Requestor: House Finance Committee

Date of Request: 4/22/85

FISCAL DETAIL

Agency Affected: Dept. of Administrati

Program Category Affected:

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The cost of printing new forms and notifying members can be absorbed in the Department's FY 86 budget.

APA

Prepared By: Al Adams, Chair Phone: 465-3706

Division: House Finance Committee Date: 4/22/85

Approved by Commissioner: Date:

Agency:

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

BILL SHEFFIELD
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STATE OF ALASKA
OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

RECEIVED
MAR 1 1 1986

MEMO

TO: Senator Mitch Abood
Senate State Affairs Committee

FROM: Kathy Marshall KM
Executive Director

SUBJECT: HB 237,
an act relating to Pension Reform

DATE: March 7, 1986

HB 237, the Pension Reform bill was heard in Senate Affairs March 5, 1986. During the testimony I referred to a study completed last year which is published in The Divorce Revolution, THe Social and Economic Consequences fcr Women and Children. Senator Fischer asked that I provide the committee with a summary of the book. Attached are copies of an article which appeared in the Anchorage Daily News, which briefly summarizes the book. I have the actual book here in Juneau and would be more than happy to lend it to any member of the Committee. If I can provide you with any additional information, please don't hesitate to contact me.

KM/dn

attachments

nchorage Daily News Thursday, October 3, 1985

-fault divorce 'disaster' for women, study says

WRENCE
ed Press

NGTON — No-fault n force in all 50 f July 1, has turned 'simply an econom- for divorced wom- inor children," a Jniversity sociolo- ednesday.

ılly have reduced ıy and trauma. The is we haven't t the economics of aid Leonore Weitz- reports on more de of research in a "The Divorce Rev- ıe Unexpected So- Economic Conse- Women and Chil-dren in America."

"I thought only good could come out of no-fault," Weitzman said in a speech to the Women's Legal Defense Fund. But, she said, analyses of property division, alimony and child support proved her expectations to be overly optimistic.

Based on 2,500 court cases in Los Angeles and San Francisco, Weitzman concluded that women and minor children experienced a 73 percent decline in their standard of living in the first year after a divorce. The divorced men experienced an average increase of 42 percent in the same period, she said.

According to Weitzman, if a man makes $1,000 a month an average judge will award him $700 and give $300 to the ex-wife and two children. She said older women and former wives of middle-class professionals experience the most deprivation and downward mobility compared with their ex-husbands.

"Our aim should be to equalize the standards of living of men and women after divorce," she said. "I don't see how anybody can be unaffected by these statistics. They're so powerful and so devastating."

In addition to examining court cases, Weitzman said she interviewed divorced men and women; all judges hearing matrimonial cases in Los Angeles and San Francisco; the entire matrimonial bar in San Francisco, and 92 Los Angeles attorneys. She also did a national survey of state laws.

Studies and statistics from other states indicate the California findings are typical of the national situation, Weitzman said. She said her research provides the first data on what has happened under no-fault.

In the area of property, Weitzman said a 1970 California law requiring equal division of property "seemed like a feminist dream come true." Prior to that, she said, when judges had full discretion, women usually received one-third of the property and men two-thirds.

But she said women have been hurt by the equal division law. Before 1970, she said, only one out of 10 homes was sold as a result of a divorce proceeding and women typically received the house. Two years after the law was passed, she said, one out of three homes was being sold to meet the equal division requirement — disrupting the family at a time when stability was most needed.

In addition, Weitzman said, courts do not generally take into account new kinds of property that she calls career assets — future earnings ability based on education and skills, pensions and retirement funds.

Alimony is largely a myth in America, Weitzman said. She said 85 percent of divorced women "don't receive a penny" although lawyers believe 75 percent are awarded alimony and judges put the figure at 50 percent.

Even in longer marriages, she said, alimony is awarded to less than half the women and only to one of three who had never had careers outside the home.

No-fault divorce law falls short

Continued from Page D-1

continues. "Standards that seem appropriate for a young woman of 25 who has a career and has no children are suddenly being applied to women of 55 who have never had a career and have spent their lives raising children. That seems totally unfair. This has to be in part a backlash. The evidence is just inescapable that some lawyers and judges are saying, 'Well, if women want equality, we'll give them equality.' "

These technical attempts at equality are misguided, Weitzman believes, because of the economic inequalities that marriage creates and the economic inequalities between men and women in the larger society.

"I don't see us in the near future getting the kind of equality among women that would allow the premise of the current law, which is that men and women can be equal — equally responsible for supporting themselves after a divorce," she says. "That's because I assume we're still going to have children in most families. Women are still much more likely to be the primary caretakers. That always disadvantages that spouse's career."

Even in two-paycheck marriages, she notes, the husband's career is usually the center of the marriage. Citing a study of two-career PhD couples, she indicates that 80 percent of the women let the husband take the initiative in the job market. "Even when a woman has invested in a PhD, probably six years of her life in a professional education, she's still moving so he can take the first job. So I don't see this great egalitarian revolution in internal family patterns."

Alleviating some of the injustices in the current system, she says, requires a redefinition of marital property. Instead of counting only tangible assets such as the family home, furnishings, cars, and investments, courts must also consider career assets. These include pensions, health insurance, education, and professional licenses. To exclude these from divorce settlements, she notes, is "like promising to divide the family jewels equally but allowing the husbands to keep all of the diamonds."

Alaska State Legislature

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IN SESSION:
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Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

3/14/86

SUMMARY OF AMENDMENTS MADE TO CSHB 237 (RULES)

1. Page 2, line 24. After "members" insert "present".

2. Page 22, lines 22-28. New Section 44. Amends EPORS (Elected Public Employees Retirement System). Eligibility for survivor benefits has been amended from two years to one year.

3. Page 23, line 8. Effective date has been changed to 1987..

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

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March 12, 1986

Honorable Mitch Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: CSHB 237(Rls), retirement bill

Dear Senator Abood:

You have requested a section-by-section analysis of CSHB 237(Rls), relating to the rights of spouses to be beneficiaries under the state's pension systems. The sections of that bill provide:

Sec. 1. Amends AS 14.25.110(a). Makes eligibility for a normal teacher's retirement benefit subject to the requirements of amended AS 14.25.167. See secs. 13-15.

Sec. 2. Amends AS 14.25.110(b). Makes eligibility for an early teacher's retirement benefit subject to the requirements of amended AS 14.25.167. See secs. 13-15.

Sec. 3. Amends AS 14.25.125(a). Makes a teacher's eligibility for a normal conditional service retirement benefit subject to the requirements of amended AS 14.25.167. See secs. 13-15.

Sec. 4. Amends AS 14.25.125(b). Makes a teacher's eligibility for an early conditional service retirement benefit subject to the requirements of amended AS 14.25.167. See secs. 13-15.

Sec. 5. Amends AS 14.25.150. Makes current provisions into subsection (a); makes terminated teacher's entitlement to refund of contribution account subject to provisions of new AS 14.25.150(b). See sec. 6.

Sec. 6. Amends AS 14.25.150. Adds new subsection (b) that makes terminated teacher's entitlement to refund of contribution account subject to consent of the teacher's spouse and of each person entitled to benefits under a "qualified domestic re-

lations order" if the teacher is vested, deferred vested, or entitled to a conditional service retirement benefit. Consent of the spouse may be waived by the administrator if the teacher was not married to the spouse during the teacher's employment with an employer; if the spouse has no rights to benefits under AS 14.25 because of the terms of a qualified domestic relations order (see sec. 17); if the spouse cannot be located; or for other reasons established by regulation.

Sec. 7. Amends AS 14.25. Adds a new section 14.25.153 which establishes a person's priority of rights to benefits of under a qualified domestic relations order over rights of a spouse, surviving spouse or dependent child. Establishes right of a person to be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. See sec. 17. Provides that the person's rights do not take effect until the order is filed with the administrator.

Sec. 8. Amends AS 14.25.155(c). Makes teacher's designation of person other than spouse as beneficiary for nonoccupational death benefits subject to requirements of amended AS 14.25.166. See secs. 10-12.

Sec. 9. Amends AS 14.25.157(a). Makes teacher's designation of person other than spouse as beneficiary for occupational death benefits subject to requirements of amended AS 14.-25.166. See secs. 10-12.

Sec. 10. Amends AS 14.25.166(a). Makes teacher's spouse at time of death automatically the teacher's designated beneficiary for death benefits, unless the spouse was not married to the teacher during a period of the teacher's employment with an employer. The spouse is the automatic designated beneficiary except to the extent that a qualified domestic relations order requires payment to a former spouse or dependent of the teacher. The designation of the spouse as beneficiary can be revoked if the spouse consents in writing to revocation. A person's entitlement under a qualified domestic relations order can be revoked if the person consents in writing to revocation.

Sec. 11. Amends AS 14.25.166(b). Makes teacher's right to revoke beneficiary subject to requirements of amended AS 14.25.166(a). See sec. 10.

Sec. 12. Amends AS 14.25.166. Adds new subsection (d) that requires persons who claim entitlement to death benefits under AS 14.25 to provide the administrator with evidence of entitlement, such as a marriage certificate, divorce or dissolution

judgment, or other evidence. Marriage certificates and divorce or dissolution decrees may be filed with the administrator immediately after the teacher is married or divorced. A person who claims entitlement to death benefits under AS 14.25 is not entitled to receive from the division of retirement and benefits any death benefits already paid by the administrator if the administrator does not receive notification of a claim before 10 days after the teacher's death.

Sec. 13. AS 14.25.167(a) is repealed and reenacted. The new provisions of AS 14.25.167(a) require a teacher who retires or who becomes eligible for retirement under AS 14.25.130-(e) to designate his or her spouse at the time of appointment to retirement as the contingent beneficiary for a joint and survivor benefit, unless the designation is revoked under AS 14.25.167(c). See sec. 14. If the designation is revoked, the teacher may choose normal or early retirement benefits under AS 14.25.110 or 14.25.125.

Sec. 14. Amends AS 14.25.167(c). Permits a teacher to revoke a joint and survivor option only by filing a revocation and a written consent to the revocation signed by the teacher's spouse and each person entitled to benefits under a qualified domestic relations order. See sec. 17. The administrator may waive the requirement of written consent from a person entitled under a qualified domestic relations order if the person cannot be located or for other reasons established by regulation. The administrator may waive the requirement that the teacher file written consent to a revocation signed by the teacher's spouse if the teacher is not married, if the teacher was not married to the spouse during any period of the teacher's employment with an employer, if the spouse has no right to be contingent beneficiary because of the terms of a qualified domestic relations order, if the spouse cannot be located, or for other reasons established by regulation.

Sec. 15. Amends AS 14.25.167. Adds a new subsection (f) which requires the teacher and any person who claims to be a contingent beneficiary to file with the administrator evidence necessary to determine the identity of any contingent beneficiary. New subsection (g) limits the liability of the Teachers' Retirement System if the administrator determines that a teacher may choose a benefit other than a joint and survivor option and no contrary evidence is presented to the administrator within 60 days after the teacher's retirement. Under those circumstances, no claim of a spouse or former spouse may be paid if payment would result in an increase in actuarial liability to the system. Under new subsection (h), if the teacher fails to specify which

of the three joint and survivor options is elected, the 50 percent option provided in AS 14.25.167(a)(2) is considered elected.

Sec. 16. Amends AS 14.25.200(a). Provides that a teacher's right to receive benefits under AS 14.25 may be assigned under a qualified domestic relations order. See sec. 17.

Sec. 17. Amends AS 14.25.220. Adds a new paragraph (43), defining "qualified domestic relations order." A qualified domestic relations order is a divorce or dissolution judgment, including an order approving a property settlement, that recognizes the right of an alternate payee to receive all or a portion of a benefit payable with respect to a teacher. The order must set out the names and addresses of the member and of each alternate payee covered by the order. It must set out the amount or percentage (or manner of determining the amount or percentage) of any benefit to be paid to the alternate payee and the number of payments or period to which the order applies.

A qualified domestic relations order may not require any type or form of benefit or option not otherwise provided by AS 14.25, nor may it require an increase, based on actuarial value, of benefits in excess of the amount provided by AS 14.25. A qualified domestic relations order may not require the payment to an alternate payee of benefits that are required to be paid to another alternate payee under an order previously determined to be a qualified domestic relations order. An example of the effect of these provisions is that, since the systems do not provide for any form of partial health benefit for a spouse of a member and since provision of a full health benefit to more than one spouse would require an increase of benefits in excess of the amount provided by AS 14.25, a qualified domestic relations order cannot require that more than one person is entitled to the health benefits provided to the spouse of a retiree.

Sec. 18. Amends AS 22.25.030(b). Reduces from two to one the number of years a spouse must have been married to a judge for the spouse to be eligible for a survivors' benefit under the Judicial Retirement System (JRS).

Sec. 19. Amends AS 22.25.030. Adds a new subsection (f), providing that the rights of a surviving spouse or dependent to JRS survivors' benefits are subject to the rights of a previous spouse or a dependent under a qualified domestic relations order. See sec. 21.

Sec. 20. Amends AS 22.25. Adds a new section 22.25.-035 which provides that a person who was married to a judge for

at least one year and has not remarried may be treated as the spouse or surviving spouse of a judge to the extent required by a qualified domestic relations order. See sec. 21.

Sec. 21. Amends AS 22.25. Adds a new section 22.25.-900, defining "qualified domestic relations order." See sec. 17.

Sec. 22. Amends AS 25.24.160. Adds a new subsection (b), providing that, in order to distribute Teachers', Judicial, Public Employees' or Alaska National Guard and Naval Militia retirement or death benefits to an alternate payee, a divorce judgment must meet the requirements of a qualified domestic relations order. See secs. 17, 21, 26, 43.

Sec. 23. Amends AS 25.24.230. Adds a new subsection (g), providing that, in order to distribute Teachers', Judicial, Public Employees' or Alaska National Guard and Naval Militia retirement or death benefits to an alternate payee, a dissolution judgment must meet the requirements of a qualified domestic relations order. See secs. 17, 21, 26, 43.

Sec. 24. Amends AS 26.05.224(d). Makes Alaska National Guard or Naval Milita member's right to revoke designation of spouse as beneficiary for death benefits subject to requirements of new AS 26.25.224(e). See sec. 25. If no beneficiary is designated or if the designated beneficiary does not survive the member, the Department of Military and Veterans' Affairs is required to pay the death benefit to the member's surviving spouse, except as required by a qualified domestic relations order. See sec. 26.

Sec. 25. Amends AS 26.05.224. A new subsection (e) is added which makes Alaska National Guard or Naval Milita member's spouse at time of death automatically the member's designated beneficiary, unless the spouse was not married to the member during a period of the member's service. The spouse is the automatic designated beneficiary except to the extent that a qualified domestic relations order requires payment to a former spouse or dependent of the member. See sec. 26. Designation of the spouse as beneficiary can be revoked if the spouse consents in writing to revocation. A person's entitlement under a qualified domestic relations order can be revoked if the person consents in writing to revocation. A new subsection (f) requires persons who claim entitlement to death benefits under AS 26.05.224 to provide the department with evidence of entitlement, such as a marriage certificate, divorce or dissolution judgment, or other evidence. Marriage certificates and divorce or dissolution decrees may be filed with the department immediately after the member is married

or divorced. A person who claims entitlement to death benefits under AS 26.05.224 is not entitled to receive from the Departments of Administration or Military and Veterans' Affairs any death benefits already paid by the department if the department does not receive notification of a claim before 10 days after the member's death.

Sec. 26. Amends AS 26.05.227. Adds a new paragraph (4), defining "qualified domestic relations order." See sec. 17.

Sec. 27. Amends AS 39.35.200(a). Makes terminated employee's right to refund of contribution account subject to requirements of new AS 39.35.200(c). See sec. 28.

Sec. 28. Amends AS 39.35.200. Adds new subsection (c) that makes terminated employee's entitlement to refund of contributions subject to consent of spouse and each person entitled to benefits under a "qualified domestic relations order" (see sec. 43 if the employee is vested, deferred vested, or entitled to a conditional service retirement benefit. Consent of the spouse may be waived by the administrator if the employee was not married to the spouse during any period of the employee's employment with an employer; if the spouse has no rights to benefits under AS 39.35 because of the terms of a qualified domestic relations order; if the spouse cannot be located; or for other reasons established by regulation.

Sec. 29. Amends AS 39.35.370(a). Makes employee's eligibility for a normal retirement benefit subject to the requirements of amended AS 39.35.450. See secs. 36-38.

Sec. 30. Amends AS 39.35.370(b). Makes employee's eligibility for an early retirement benefit subject to the requirements of amended AS 39.35.450. See secs. 36-38.

Sec. 31. Amends AS 39.35.385(a). Makes an employee's eligibility for a normal conditional service retirement benefit subject to the requirements of amended AS 39.35.450. See secs. 36-38.

Sec. 32. Amends AS 39.35.385(b). Makes an employee's eligibility for an early conditional service retirement benefit subject to the requirements of amended AS 39.35.450. See secs. 36-38.

Sec. 33. Amends AS 39.35.420(c). Makes employee's designation of beneficiary other than spouse for nonoccupational

death benefits subject to requirements of amended AS 39.35.490. See sec. 40.

Sec. 34. Amends AS 39.35.430(f). Makes employee's designation of beneficiary other than spouse for occupational death benefits subject to requirements of amended AS 39.35.490. See sec. 40.

Sec. 35. Amends AS 39.35.440(b). Makes employee's designation of beneficiary other than spouse for benefits payable upon death of employee after occupational disability subject to requirements of amended AS 39.35.490. See sec. 40.

Sec. 36. AS 39.35.450(a) is repealed and reenacted. The new provisions of AS 39.35.450(a) require an employee who retires or who becomes eligible for normal retirement under AS 39.35.400(f) or 39.35.410(h) to designate his or her spouse at the time of appointment to retirement as the contingent beneficiary for a joint and survivor benefit, unless the designation is revoked under AS 39.35.450(c). See sec. 37. If the designation is revoked, the employee may choose normal or early retirement benefits under AS 39.35.370 or 39.35.385 or a level income option under AS 39.35.460.

Sec. 37. Amends AS 39.35.450(c). Permits an employee to revoke a joint and survivor option only by filing a revocation and a written consent to the revocation signed by the employee's spouse and each person entitled to benefits under a qualified domestic relations order. See sec. 43. The administrator may waive the requirement of written consent from a person entitled under a qualified domestic relations order if the person cannot be located or for other reasons established by regulation. The administrator may waive the requirement that the employee file written consent to a revocation signed by the employee's spouse if the employee is not married, if the employee was not married to the spouse during any period of the employee's employment with an employer, if the spouse has no right to be contingent beneficiary because of the terms of a qualified domestic relations order, if the spouse cannot be located, or for other reasons established by regulation.

Sec. 38. Amends AS 39.35.450. Adds a new subsection (f) which requires the employee and any person who claims to be a contingent beneficiary to file with the administrator evidence necessary to determine the identity of any contingent beneficiary. New subsection (g) limits the liability of the Public Employees' Retirement System if the administrator determines that an employee may choose a benefit other than a joint and survivor

option and no contrary evidence is presented to the administrator within 60 days after the employee's retirement. Under those circumstances, no claim of a spouse or former spouse may be paid if payment would result in an increase in actuarial liability to the system. Under new subsection (h), if the employee fails to specify which of the three joint and survivor options is elected, the 50 percent option provided in AS 39.35.450(a)(2) is considered elected.

Sec. 39. Amends AS 39.35. Adds a new section 39.35.-455, which establishes a person's priority of rights under a qualified domestic relations order over rights of a spouse, surviving spouse or dependent child. See sec. 43. Establishes right of a person to be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. Provides that the person's rights do not take effect until the order is filed with the administrator.

Sec. 40. Amends AS 39.35.490. Makes employee's spouse at time of death automatically the employee's designated beneficiary for death benefits, unless the spouse was not married to the employee during a period of the employee's employment with an employer. The spouse is the automatic designated beneficiary except to the extent that a qualified domestic relations order requires payment to a former spouse or dependent of the employee. The designation of the spouse as beneficiary can be revoked if the spouse consents in writing to revocation. A person's entitlement under a qualified domestic relations order can be revoked if the person consents in writing to revocation.

Sec. 41. Amends AS 39.35.490. Adds new subsection (d) that requires persons who claim entitlement to death benefits under AS 39.35 to provide the administrator with evidence of entitlement, such as a marriage certificate, divorce or dissolution judgment, or other evidence. Marriage certificates and divorce or dissolution decrees may be filed with the administrator immediately after the employee is married or divorced. A person who claims entitlement to death benefits under AS 39.35 is not entitled to receive from the division of retirement and benefits any death benefits already paid by the administrator if the administrator does not receive notification of a claim before 10 days after the employee's death.

Sec. 42. Amends AS 39.35.500. Provides that an employee's right to receive benefits under AS 39.35 may be assigned under a qualified domestic relations order. See sec. 43.

Sec. 43. Amends AS 39.35.680. Adds a new paragraph (40), defining "qualified domestic relations order." See sec. 17.

Sec. 44. Requires the Department of Administration to publish notice of the provisions of the Act and make available the forms necessary to implement the Act within 90 days after the effective date of sec. 44.

Sec. 45. Gives sec. 44 an immediate effective date.

Sec. 46. Makes secs. 1-43 of the Act effective on January 1, 1986. (This date should be changed to January 1, 1987.)

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Virginia B. Ragle
Virginia B. Ragle
Assistant Attorney General

VBR/pjg

cc: J. Kenneth Humphreys, Director
Division of Retirement & Benefits
Department of Administration

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

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Public Employees' Retirement System
Teachers' Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees' Voluntary Dental-Vision-Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

Bill Sheffield, Governor

March 24, 1986

RECEIVED
MAR 25 1986

The Honorable Mitch Abood
Chairman
Senate State Affairs
P.O. Box V
Juneau, AK 99811

Dear Mr. Chairman:

I am writing in response to your request to John Logan of March 18, 1986, in which you asked for an explanation of the payment options from a Supplemental Benefits System (SBS) annuity account.

An employee is eligible to receive his or her SBS annuity account 90 days following termination of employment.

There are nine forms of payment. Payment may be made in:

1) a lump sum

2) guaranteed monthly payments over five years
(to the employee or the employee's beneficiary)

3) guaranteed monthly payments over ten years
(to the employee or the employee's beneficiary)

4) guaranteed monthly payments over 15 years
(to the employee or the employee's beneficiary)

5) a single life annuity
(monthly payments over the employee's lifetime only)

6) a lifetime annuity with ten years certain
(monthly payments over the employee's lifetime with ten years payments guaranteed)

7) a lifetime annuity with 15 years certain
(monthly payments over the employee's lifetime with 15 years payments guaranteed)

8) a 50% joint and survivor annuity
(monthly payments over the employee's lifetime with monthly payments of half that amount for the employee's surviving spouse)

9) a 100% joint and survivor annuity
(equal monthly payments over the employee's and spouse's lifetimes)

If an employee is married at the time payment is to commence, the Federal Retirement Equity Act of 1984 requires that payment be made in the form of a joint and survivor annuity, unless the employee's spouse signs a waiver. The waiver indicates the spouse's understanding and agreement with the form of payment selected.

If the spouse does not sign a waiver, the employee must select either a 50% or 100% joint and survivor annuity (items 8 and 9 above), or the employee may elect to defer receipt of payment until a later date.

If you have additional questions, please let me know.

Sincerely,

J.K. Humphreys

J.K. Humphreys
Director

JKH/JAL/cam/4

DRAFT

April 10, 1986

Honorable Mitch Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: CSHB 237(Rls), retirement bill

Dear Senator Abood:

At the committee's March 18, 1986 hearing on CSHB 237 (Rls), the committee instructed me to draft changes to be included in the committee substitute as follows:

1. simplification of language concerning rights under a qualified domestic relations order (QDRO); and

2. addition of language to the bill to allow a spouse "veto power" over only 50 percent of the benefits.

After consultation with the two agencies interested in this bill, the Alaska Women's Commission and the division of retirement and benefits, we recommend that in sections 7 and 39, the following language be substituted for the current language:

> A former spouse shall be treated as a spouse or surviving spouse to the extent required by a qual-

ified domestic relations order. Rights under the order do not take effect until the order is filed with the administrator.

In section 20, we recommend that the following language be substituted for the current language:

A former spouse who was married to the justice or judge for at least one year and who has not remarried shall be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. Rights under the order do not take effect until the order is filed with the administrator.

The committee has also instructed that language be added to the committee substitute to provide that a spouse has "veto power" only over 50 percent of the benefits. This instruction was given after a discussion about the right of a member to withdraw the member's contribution account upon termination of employment. However, under this bill, the spouse has other "veto" rights, including the rights to withhold consent to payment of a benefit in a form other than a joint and survivor option and to withhold consent to designation of a person other than the spouse as beneficiary for survivors' benefits.

A. Contribution account. The bill currently provides that, when a vested member terminates employment, he or she may receive a refund of the contribution account only with consent of

the spouse and other persons entitled under a QDRO. Allowing "veto power" over only 50 percent of the refund of the contribution account could be accomplished in several ways, none of which is supported by both the Alaska Women's Commission and the division of retirement and benefits. Therefore, the committee must determine which, if any, option it wants to include in the committee substitute, after considering the problems each option presents.

First, if a member has no former spouse or dependents entitled under a QDRO and if the spouse does not consent to withdrawal of the contribution account, the contribution account can be paid out in two checks, one to the member, and one to the spouse. This option is strongly opposed by the Women's Commission. Under the state's retirement systems, the value of the benefits that will/may received upon retirement, including the monthly benefit and medical benefits for a member's spouse and dependents, is much greater than the value of the contribution account. The main purpose of this bill is to acknowledge and protect the interest of a spouse in those benefits.

Second, if there are persons entitled under a QDRO, those persons can be paid a portion of the contribution account proportionate to their interest in benefits established by the

order. The remainder of the contribution account can be paid to the member or, if the member has a new spouse, half of the remainder can be paid to the member and half to the spouse. In addition to the objections set out for the first option, this option is objectionable due to the fact that it would be very difficult for the division of retirement and benefits to administer. Furthermore, if marital property is divided under a QDRO based on an assumption that a member will receive benefits from a state retirement system, a portion of which will be paid to persons entitled under the QDRO, the member should not be permitted to forfeit the benefits by withdrawing the contribution account without the consent of the persons entitled under the order.

Third, if the member has no former spouse or dependents entitled under a QDRO and if the present spouse does not consent to withdrawal of the contribution account, the bill could provide that one-half of the account would be paid to the member and one-half must remain in the system to provide the spouse with a benefit. New sections would have to be enacted to define what benefit the spouse will receive. Will the benefit be one-half of what the member's benefit would have been? When is the benefit payable to the spouse? Can the spouse select a joint and survivor option? If the member becomes reemployed by the state and wants to reinstate the service credit, can the member reinstate

all of the service credit under his or her own account, or only half of the service credit, with the spouse remaining entitled to a separate benefit? If the member and the spouse divorce, is the spouse's benefit subject to a qualified domestic relations order?

Fourth, if there are persons entitled under a QDRO, the bill could provide that an amount proportionate to the share of the member's benefit that is due those persons must remain in the contribution account. The remainder would be refunded to the member or, if the member has a new spouse, one-half of the remainder would be paid to the member and one-half would remain in the system to provide the spouse with a benefit. Again, new sections would have to be enacted to define the benefit the spouse would receive and the questions raised in option three must be resolved. In addition, it could be extremely difficult, administratively, for the division of retirement and benefits to determine what proportion of the contribution account must remain in the system to result in payment of benefits required under a QDRO.

B. Joint and survivor option. The bill currently requires a married member to choose a joint and survivor option upon retiring, unless the spouse consents to another form of benefit payment. We can think of no way to change this to a 50

percent "veto power."

C. Spouse as designated beneficiary. The bill currently provides that the spouse of a member is automatically the designated beneficiary for survivors' benefits, except to the extent required by a QDRO, unless the spouse consents to designation of some other person as the beneficiary. This could be changed to provide that, notwithstanding the designation of another person as beneficiary and except to the extent required by a QDRO, the spouse is automatically the designated beneficiary entitled to receive one-half of the survivors' benefit that he or she would have been entitled to receive if he or she had been designated the sole beneficiary. Other beneficiaries would receive one-half of what they would otherwise have received. The spouse could consent to designation of someone other than the spouse as beneficiary for 100 percent of the survivors' benefits.

Before the committee hearing on April 16, 1986, we will provide proposed language to add to the March 14, 1986 draft committee substitute to implement the options identified in this memorandum. We recommend that the changes suggested in this memorandum to sections 7, 20, and 39 be included in the draft committee substitute. In addition, in accordance with the committee's instruction at a previous hearing on this bill, the word

DRAFT

"present" should be inserted on page 5, line 12 of the March 14, 1986 draft, between the words "the" and "spouse."

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By:
Virginia B. Ragle
Assistant Attorney General

VBR/pjg

(f) When more than one-half of one per cent of the aggregate of all loans purchased from a financial institution becomes delinquent for 60 days, the pension fund shall discontinue purchasing loans from that financial institution until the delinquency is reduced to less than one-half of one per cent.

(g) The commissioner of revenue may enter into futures contracts for the sale of investments purchased under (b) of this section only for the purpose of hedging an existing equivalent ownership position in the investments.

(h) The commissioner of revenue may transfer at any time a portion of the assets of the retirement fund to a trust which is qualified under sec. 401(a) of the Internal Revenue Code (26 U.S.C. sec. 401(a)) and exempt from taxation under sec. 501(a) of the Internal Revenue Code (26 U.S.C. sec. 501(a)) and which is maintained as a medium for pooling a portion of the funds of pension and profit-sharing trusts for diversifying investments in real estate and interests in real estate.

(i) The commissioner of revenue may enter into a contract or trust agreement necessary to effectuate the transfer of assets of the retirement fund or to maintain the assets of the retirement fund to be transferred to a trust under (h) of this section. (§ 19 ch 145 SLA 1955; am § 15 ch 89 SLA 1960; am § 1 ch 128 SLA 1961; am § 1 ch 90 SLA 1962; am § 3 ch 4 SLA 1964; am §§ 1, 2 ch 66 SLA 1964; am § 1 ch 110 SLA 1964; am § 1 ch 55 SLA 1967; am § 3 ch 73 SLA 1969; am §§ 1, 2 ch 17 SLA 1970; am § 1 ch 112 SLA 1972; am § 26 ch 53 SLA 1973; am §§ 1, 2 ch 25 SLA 1974; am §§ 1, 2 ch 59 SLA 1977; am §§ 1-5 ch 122 SLA 1980)

Editor's notes. — This section is set out above to correct an error in the main pamphlet.

Sec. 14.25.220. Definitions. In this chapter, unless the context requires otherwise,

(1) "active member" means a member who is employed by an employer, is receiving compensation on a full-time or part-time basis and is making contributions to the system, or a member making contributions under AS 14.20.330 or 14.20.345;

(2) "actuarial adjustment" means equality in value of the aggregate expected payments under two different forms of pension payments, considering expected mortality and interest earnings on the basis of tables adopted from time to time by the board;

(3) "administrator" means the person appointed by the commissioner of administration under AS 14.25.015;

(4) "annuitant" means a retired member or a disabled member who is receiving a benefit under this system;

(5) "average base salary" means the result obtained by dividing the sum of the member's three highest years' base salary by three, or if a member does not have three years base salary, then by dividing the sum of all base salaries by the number of years of base salary; the base salary for a year in which credit is granted for disability totaling more than one-third of a year may not be used in the computation of the average base salary; the base salary in a school year for which the member receives compensation for less than two-thirds of a year may not be used in the computation of the average base salary; if compensation is received for more than two-thirds of a year, the full base salary for that school year shall be used in the computation of the average base salary;

(6) "base salary"

(A) means the total remuneration payable under contract for a full year of membership service, including addenda to the contract;

(B) has the same meaning as "compensation" under AS 39.35.680(8) when applied to a state legislator who elects membership under AS 14.25.040(b);

(7) "beneficiary" means a person designated by a member to receive benefits that may be due from the system upon the member's death;

(8) "BIA service" means service, including partial years, as a teacher, a certificated person employed in a full-time position requiring a teaching certificate as a condition of employment, or a Bureau of Indian Affairs professional educator in a school or school system operated by the Bureau of Indian Affairs in Alaska;

(9) "compensation" means the total remuneration paid under contract to a member for services rendered during a school year, including cost-of-living differentials, payments for leave that is actually used by the member, the amount by which the member's wages are reduced under AS 39.30.150(c), and the amount deferred under an employer-sponsored deferred compensation plan or the tax shelter annuity plan approved by the Department of Education, but does not include retirement benefits, welfare benefits, per diem, expense allowances, workers' compensation payments, or payments for leave not used by the member, whether those leave payments are scheduled payments, lump-sum payments, donations, or cash-ins; for purposes of AS 14.25.050, compensation paid includes any payment made after June 30 of a school year for services rendered before the end of the school year;

(10) "credited service" means all membership service as provided in (20) of this section, territorial employment as defined in (41) of this section, plus outside, military, and Alaska BIA service, with outside and military service limited to 10 years except under the conditions set out in AS 14.25.100;

(11) "deferred vested member" means an inactive member who meets the service requirements of a vested member.

(12) "dependent child" means an unmarried child of a member, including an adopted child, who is dependent upon the member for support and who is either (A) less than 19 years old, or (B) less than 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education; the age limits set out in this paragraph do not apply to a child who is totally and permanently disabled;

(13) "disabled member" means a member who is terminated, who has not received a refund from the system, and who is receiving a disability benefit from the system;

(14) "early retirement" means retirement under AS 14.25.110(b);

(15) "employer" means a public school district, the Board of Regents of the University of Alaska, the Department of Education, the National Education Association of Alaska, the Regional Resource Centers or the state legislature with respect to a state legislator who elects membership under AS 14.25.040(b);

(16) "former member" means a member who is terminated and who received a total refund of the balance of the mandatory contribution account, or who has requested in writing a refund of the balance of the mandatory contribution account;

(17) "full-time teacher" means a teacher occupying a position requiring teaching on a regular basis for the normal work period per day or week at a teaching assignment, excluding teaching as an assistant or graduate assistant or teaching on a substitute, temporary, or per diem basis;

(18) "inactive teacher or member" means a member who is terminated and who has not received a refund from the system or a member who is on leave of absence and who is not making contributions under AS 14.20.345;

(19) "member contribution account" means the total maintained by the system of the member's mandatory contributions, indebtedness principal and interest contributions, interest credited to each of those accounts, and adjustments to the account in accordance with AS 14.25.170;

(20) "membership service" means

(A) full or part-time service as a teacher in a public school in the Territory or State of Alaska, or both, under the supervision and control of the Territorial Board of Education or the Department of Education or the school board of a city, regional educational attendance area, or borough school district;

(B) full-time or part-time teaching at the University of Alaska or a full-time administrative position at the University of Alaska which requires academic standing and which has been approved for inclusion in the system by the administrator;

(C) any period during which the teacher receives a disability benefit under this system or is on an approved sabbatical leave granted in accordance with AS 14.20.310; or

(D) continuous service as a state legislator when performed by a state legislator who elects membership under AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);

(21) "military service" means active duty in the armed forces of the United States;

(22) "nonpublic school" means a school established by an agency other than a state which is primarily supported by other than public funds, and operation of whose program rests with other than publicly elected or appointed officials, and is state approved or accredited;

(23) "non-vested member" means an active or inactive member who does not meet the requirements of a vested member or deferred vested member;

(24) "normal retirement" means retirement under AS 14.25.110(a);

(25) "outside service" means service

(A) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an out-of-state public school within the United States, or in a school outside the United States supported by funds of the United States;

(B) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an approved or accredited nonpublic school within the United States, or in a school outside the United States supported by funds of the United States;

(C) in a full-time position requiring academic standing in an out-of-state institution of higher learning accredited by a nationally recognized accrediting agency as listed in the Education Directory — Colleges and Universities by the National Center for Education Statistics;

(D) as a full-time teacher in an approved or accredited nonpublic institution of higher learning in Alaska;

(26) "part-time teacher" means a teacher occupying a position requiring teaching on a regular basis for at least 50 percent of the normal workweek at a teaching assignment, excluding teaching as an assistant or graduate assistant, or teaching on a substitute, temporary, or per diem basis;

(27) "permanent disability" means a physical or mental condition which, in the judgment of the administrator, based upon medical reports and other evidence satisfactory to the administrator, presumably prevents a member from satisfactorily performing the member's usual duties for the member's employer or the duties of another position or job which an employer makes available for which the member is qualified by training or education;

(28) "prescribed rate of interest" means the rate of interest used for computing employer contributions, for preparing actuarial tables used by the system, for crediting interest to members' contributions, and for charging interest on members' indebtedness accounts;

(29) "public school" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of those officials and which is supported by public funds;

(30) "retired teacher or member" means a member who is terminated, who has not received a refund from the system, and who is receiving a benefit, other than disability, from the system;

(31) "retirement" means that period of time from the first day of the month following

(A) the date of termination; and

(B) application for retirement in which a person is appointed to receive a retirement benefit, other than a disability benefit;

(32) "retirement benefit" means the annuity received by a retired member from the system;

(33) "retirement fund" means the fund consisting of all matching contributions by local school districts, money made available by appropriations by the state legislature and from all contributions from whatever source, and income and interest derived from the investment of money;

(34) "Retirement System of 1945" and "Retirement Fund of 1945" or like terms mean the system and fund established in sections 37-5-21 — 37-5-35, ACLA 1949;

(35) "school year" means the 12-month period beginning July 1 of each year and ending June 30 of the following year;

(36) "supplemental contribution account" means the account maintained by the system to record the supplemental contributions of each member, including interest and adjustments to the account in accordance with AS 14.25.170;

(37) "system" means the Teachers' Retirement System of Alaska;

(38) "teacher or member" means a person eligible to participate in the system and who is covered by the system, including:

(A) a certificated full-time or part-time elementary or secondary teacher, a certificated school nurse, or a certificated person in a position requiring a teaching certificate as a condition of employment in a public school of the state;

(B) the commissioner of education and all supervisory positions in the Department of Education;

(C) a full-time or part-time teacher of the University of Alaska or a person occupying a full-time administrative position at the University of Alaska which requires academic standing; the approval of the administrator must be obtained before an administrative position qualifies for membership in the system;

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(D) a state legislator who elects membership under AS 4.25.040(b);

(39) "vested member" or "vested teacher" means an active member who has completed either

(A) 15 years of service, the last five of which have been membership service, for a member first hired before July 1, 1975; or

(B) eight years of membership service; or

(C) five years of membership and three years of BIA service;

(40) "year of service" means membership service during the dates set for a school year;

(A) partial-year service credit is given for membership service before July 1, 1969, during any school year as follows:

(i) less than 20 days, no credit;

(ii) 20 days or more but less than 35 days, 0.2 years;

(iii) 35 days or more but less than 49 days, 0.3 years;

(iv) 49 days or more but less than 63 days, 0.4 years;

(v) 63 days or more but less than 77 days, 0.5 years;

(vi) 77 days or more but less than 91 days, 0.6 years;

(vii) 91 days or more but less than 105 days, 0.7 years;

(viii) 105 days or more but less than 119 days, 0.8 years;

(ix) 119 days or more but less than 133 days, 0.9 years;

(x) 133 days or more, 1.0 years;

(B) partial-year service credit is given for membership service after July 1, 1969, during any school year as follows:

(i) less than nine days, no credit;

(ii) nine days or more but less than 27 days, 0.1 years;

(iii) 27 days or more but less than 45 days, 0.2 years;

(iv) 45 days or more but less than 63 days, 0.3 years;

(v) 63 days or more but less than 81 days, 0.4 years;

(vi) 81 days or more but less than 100 days, 0.5 years;

(vii) 100 days or more but less than 118 days, 0.6 years;

(viii) 118 days or more but less than 136 days, 0.7 years;

(ix) 136 days or more but less than 154 days, 0.8 years;

(x) 154 days or more but less than 172 days, 0.9 years;

(xi) 172 days or more, 1.0 years;

(C) if service is performed on a part-time basis, one-half credit shall be given for each day of service;

(41) "territorial employment" means non-teaching employment with the Territory of Alaska as provided under AS 14.25.105; territorial employment is not membership service;

(42) "board" means the Alaska Teachers' Retirement Board established under AS 14.25.035. (§ 2 ch 145 SLA 1955; am § 1 ch 142 SLA 1957; am § 2 ch 89 SLA 1960; am § 7 ch 179 SLA 1960; am §§ 1 ch 2 SLA 1962; am §§ 8 — 12 ch 86 SLA 1963; am § 1 ch 76 SLA 1968; am §§ 15 — 19 ch 84 SLA 1969; am § 21 ch 46 SLA 1970; am §§ 13 — 18 ch 138 SLA 1970; am §§ 3 — 5 ch 229 SLA 1970; am §§ 16 — 18 ch 32

SLA 1971; am §§ 6 — 8 ch 86 SLA 1971; am §§ 30 — 33 ch 66 SLA 1973; am § 3 ch 57 SLA 1974; am § 21 ch 127 SLA 1974; am §§ 12, 13 ch 173 SLA 1975; am §§ 1, 6 ch. 155 SLA 1976; am § 5 ch 169 SLA 1976; am §§ 12, 13 ch 128 SLA 1977; am §§ 4, 5 ch 174 SLA 1978; am §§ 4 — 7 ch 82 SLA 1979; am § 24 ch 13 SLA 1980; am §§ 25 — 28 ch 137 SLA 1982; am § 1 ch 55 SLA 1985)

Effect of amendments. — The 1985 amendment rewrote paragraph (8).

Editor's notes. — Section 2, ch. 55, SLA 1985 provides that a member qualified under the 1985 amendment to paragraph (8) of this section may claim prior service if the member pays the arrearage indebtedness in accordance with AS 14.25.060.

NOTES TO DECISIONS

"Membership years" in AS 14.25.130(a). — Teachers' Retirement Board erred when it interpreted the term "membership years" in AS 14.25.130(a) as being the equivalent of "years of service" as defined in paragraph (16). Casperson v. Alaska Teachers' Retirement Bd., Sup. Ct. Op. No. 2677 (File No. 6198), 664 P.2d 583 (1983).

Chapter 30. Pupils and Educational Programs for Pupils.

Article
1. Compulsory Education (§§ 14.30.010, 14.30.030)
3. Education for Exceptional Children (§§ 14.30.180, 14.30.186, 14.30.191, 14.30.195, 14.30.231, 14.30.250, 14.30.255, 14.30.260, 14.30.270. 14.30.272, 14.30.274, 14.30.276, 14.30.278, 14.30.280, 14.30.285, 14.30.305, 14.30.310, 14.30.315, 14.30.320, 14.30.325, 14.30.330, 14.30.335, 14.30.347, 14.30.350)
4. Health Education (§ 14.30.360)

Article 1. Compulsory Education.

Section
10. When attendance compulsory
30. Report of violations and procedures

Sec. 14.30.010. When attendance compulsory. (a) Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall insure that the child is not absent from attendance.

(b) This section does not apply if a child

(1) is provided an academic education comparable to that offered by the public schools in the area, either by

(A) attendance at a private school in which the teachers are certificated according to AS 14.20.020;

(B) tutoring by personnel certificated according to AS 14.20.020; or

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Sec. 39.35.200. Refund upon termination of employment for reason other than death. (a) An inactive employee, not on leave-without-pay status or layoff status, is entitled to receive a refund of the balance of the employee contribution account.

(b) If, upon termination of employment, an employee has credited service of less than five years and has less than $1,000 in the employee contribution account, a refund of the employee contribution account must be made unless the employee indicates in writing that future retirement is intended and contributions should not be refunded. An employee who is reemployed with an employer and whose contributions have not been refunded before reemployment is not eligible for a refund. (§ 9 a ch 143 SLA 1960; am § 12 ch 1 SLA 1974; am § 1 ch 81 SLA 1976; am § 22 ch 128 SLA 1977; am § 45 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment, in subsection (a), deleted the item (1) designation preceding "the employee contribution account" and deleted "and (2) his employee savings account" from the end of that subsection. In subsection (b), the amendment substituted "the" for "his" preceding "employee contribution account" and the language beginning "must be made unless the employee indicates" for "and the employee savings account must be made" in the first sentence.

Sec. 39.35.210. Refund upon termination of employment by death. [Repealed, § 55 ch 128 SLA 1977.]

Sec. 39.35.220. Refund upon retirement. [Repealed, § 55 ch 128 SLA 1977.]

Sec. 39.35.230. Refund upon death of retired employee. Upon the death of a retired employee, the employee's beneficiary shall be paid

(1) the excess of the balance in the employee contribution account of the deceased employee as of the date of the beginning of the employee's pension payments over the sum of the pension payments previously received by the employee, but this amount may not be paid if a joint and survivor option under AS 39.35.450 is in effect or if a surviving spouse's pension under AS 39.35.440 is payable; and

(2) the remaining payments purchased by the balance in the employee savings account of the deceased employee as of the date the employee retired. (§ 9 d ch 143 SLA 1960; am § 107 ch 127 SLA 1974)

Sec. 39.35.240. Withdrawal of voluntary contributions. An active employee may withdraw a savings account only if the employee receives the consent of the administrator. The administrator may permit a withdrawal before termination of employment only in cases of financial need. (§ 9 e ch 143 SLA 1960; am § 23 ch 128 SLA 1977)

Article 4. Contributions by Employers.

Section
250. Calculation of employer's contribution rate
260. Annual calculation
270. Amount of employer's contributions
280. Determination and payment of state contributions
290. Regulations governing transmittal of employer contributions

Sec. 39.35.250. Calculation of employer's contribution rate. (a) An employer shall make contributions to the system in amounts determined in accordance with this section. For the purposes of this section, the past service date for each employer is the entry date of the employer or December 31, 1972, whichever is later. After December 31, 1972, if amendments to this chapter are enacted that substantially affect benefits accrued before the effective date of the amendment, the past service date will be changed to December 31 of the year immediately preceding that in which the amendment is enacted. The contribution rate is the sum of the consolidated employer rate and the past service rate.

(b) As used in (a) of this section, "consolidated employer rate" means the percentage of compensation of all active employees in the system which, if paid over the period of their credited service after their past service date and when combined with all employee contributions, is sufficient to provide the benefits earned after such past service dates. This percentage is uniformly determined for all employers and is applicable to each employer.

(c) As used in (a) of this section, "past service rate" means the percentage of compensation of all active employees in the system necessary to provide the annual amount required to amortize the unfunded obligations of the employer for benefits earned before the employer's past service date over a period not to exceed 40 years. The period of amortization begins at the past service date of each employer. The percentage is separately determined for each employer. (§ 10 a ch 143 SLA 1960; am § 13 ch 1 SLA 1974; am § 24 ch 128 SLA 1977)

Sec. 39.35.260. Annual calculation. The contribution rate for each employer shall be calculated every fiscal year, using the information available at the time the computation is made. The computation shall be completed in time to be considered in the state budget. Each employer shall provide in its budget for the payment of contributions according to its current contribution rate. (§ 10 b ch 143 SLA 1960)

Sec. 39.35.270. Amount of employer's contributions. The amount of each employer's contributions shall be determined by applying the employer's contribution rate to the total compensation paid to the active employees of the employer for each payroll period. This amount shall be remitted by the employer to the administrator in accordance with AS 39.35.610. (§ 10 c ch 143 SLA 1960; am § 14 ch 1 SLA 1974; am § 25 ch 128 SLA 1977)

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Sec. 39.35.280. Determination and payment of state contributions. The total amount of contributions required under AS 39.35.250 — 39.35.290 to be made by the state into the system shall be ascertained by the department of administration as soon as practicable after the end of each calendar month and shall be paid from the general fund of the state, except as provided in this section. If an employee is paid wages by the state during the month from a special or administrative fund provided by law, the payment to the system shall be made from that special or administrative fund. If the wages of an employee include both wages for state employment paid from the general fund of the state and wages for state employment paid from special or administrative funds, the amount to be paid into the system shall be prorated among the state funds in proportion to the wages paid to the individuals from each fund. However, payment may not be made from the special or administrative fund if the statute covering the special or administrative funds prohibits it. (§ 10 d ch 143 SLA 1960)

Sec. 39.35.290. Regulations governing transmittal of employer contributions. The board shall adopt regulations to ensure the orderly and efficient transmittal of employer contributions. (§ 10 e ch 143 SLA 1960)

Article 5. Service.

Section	Section
300. Employment with the state	345. Temporary service credit
310. Employment with other employer	350. Reinstatement of credited service
330. Leave of absence	360. Earlier service
340. Military service	

Sec. 39.35.300. Employment with the state. (a) An active employee is entitled to credited service for periods of employment with the state after January 1, 1961, regardless of the office, department, division, or agency of the state in which the person was employed. For purposes of this chapter, the University of Alaska is not an office, department, division, or agency of the state. Service credit may not be granted under this chapter for service that is creditable under the teachers' retirement system, AS 14.25.

(b) A permanent part-time employee of the state receives credited service on a pro rata basis to that which would have been earned as a permanent full-time employee. (§ 11 ch 143 SLA 1960; am § 4 ch 155 SLA 1966; am § 4 ch 27 SLA 1976; am § 26 ch 128 SLA 1977; am § 29 ch 13 SLA 1980)

Effect of amendments. — The 1980 amendment added the present second and third sentences in subsection (a).

Sec. 39.35.310. Employment with other employers. (a) An active employee is entitled to credited service for periods of employment with a political subdivision or a public organization beginning with the effective date of the employer's participation in the system. The employee is also entitled to credited service for periods of employment as designated in the employer's participation agreement.

(b) A permanent part-time employee of a political subdivision or a public organization receives credited service on a basis proportionate to that which would have been earned as a permanent full-time employee. (§ 12 ch 143 SLA 1960; am § 27 ch 128 SLA 1977; am § 30 ch 13 SLA 1980)

Effect of amendments. — The 1980 amendment deleted "or quasi-public" preceding "organization" in the first sentence of subsection (a) and in subsection (b).

Sec. 39.35.320. Transfers between employers. [Repealed, § 55 ch 128 SLA 1977.]

Sec. 39.35.330. Leave of absence. (a) A leave of absence with pay authorized by an employer will not be considered as interrupting employment. If the employee is a permanent part-time employee, credited service will be granted on a basis proportionate to that which would have been earned as a permanent full-time employee.

(b) A leave of absence without pay that exceeds 10 working days in any calendar year or layoff status authorized by an employer will be considered as an interruption of employment and no credited service will be granted. (§ 14 ch 143 SLA 1960; am § 28 ch 128 SLA 1977)

Sec. 39.35.340. Military service. (a) A vested employee is entitled to credited service for active military service in the armed forces of the United States, either by enlistment or induction, if the employee did not receive a dishonorable discharge. The credited service allowed may not exceed an aggregate period of five years. Benefits are not payable on credited service for military service unless the employee makes retroactive contributions to the system for the period of time that service credit is claimed. However, if the employee was in the employ of an employer on the date of entry into the armed forces and returned to the employ of an employer within 90 days after the date of discharge from military service, the employee is not required to make retroactive contributions under this system for the period of credited service.

(b) In order to obtain credited service under this section, an employee shall make an election to do so and shall verify the period of military service. When eligibility for credited service for military service has been established, an indebtedness shall be determined as follows: (1) the employee's actual compensation, or the calculated annual compensation for those employees working less than 12 months, during the calendar year 1976 or the year in which an

employee first becomes vested under this chapter, whichever is later, multiplied by (2) six percent, this product multiplied by (3) the number of years of military service credited under this section. Interest as prescribed by regulation accrues on this indebtedness commencing on July 1, 1977, or one year following the date a person first becomes vested, whichever is later. Any outstanding indebtedness which exists at the time a person is appointed to retirement will necessitate an actuarial adjustment to the benefits payable based upon that military service.

(c) A retired employee on July 1, 1976, is eligible to receive increased benefits based upon military service as described in (a) of this section. To receive credited service for military service, a retired employee must verify the military service. When verified, a retired employee is entitled to receive an increased benefit that shall be actuarially adjusted to reflect the employee's indebtedness for that credit. The indebtedness shall be calculated in the same manner as described in (b) of this section except that it shall be based on the average monthly compensation used in calculating the benefit. The effective date of this increased benefit is the beginning of the month following that in which eligibility has been established.

(d) The credited service granted under this section may not be used to satisfy the credited service requirements for normal retirement.

(e) A deferred vested employee on July 1, 1976, is eligible to claim credited service under (a) of this section. In order to obtain credited service under this section, such an employee must make an election to do so and must verify the period of military service. When eligibility for military service has been established, an indebtedness shall be determined as follows: the employee's actual compensation, or the calculated annual compensation for those employees working less than 12 months, during the calendar year the employee terminated, shall be multiplied by six percent; this product shall then be multiplied by the number of years of military service credit under this section. Interest as prescribed by regulation accrues on this indebtedness commencing July 1, 1978. Any outstanding indebtedness that exists at the time a person is appointed to retirement will necessitate an actuarial adjustment to the benefits payable based upon that military service.

(f) An employee cannot be credited with a period of active military service in the armed forces of the United States under this section if credit for that military service was granted under AS 14.25.

(g) A surviving spouse receiving or entitled to receive benefits under AS 39.35.420(b), 39.35.430, or 39.35.440 or benefits under a joint and survivor option filed under AS 39.35.450 is eligible to receive increased benefits based on military service as described in (a) of this section. To receive credited service for military service, the surviving spouse must verify the employee's military service. When verified, the surviving spouse is entitled to receive an increased benefit which shall be actuar-

ially adjusted to reflect the indebtedness for that credit. The indebtedness shall be calculated in the same manner as described in (b) of this section except that it shall be based on the average monthly compensation used in calculating the benefit. Benefits payable under this subsection are effective the first day of the month following that in which eligibility has been established.

(h) The combined period of military service claimed under this section and under AS 14.25 may not exceed five years. (§ 15 ch 143 SLA 1960; am § 1 ch 123 SLA 1976; am § 29 ch 128 SLA 1977; am § 6 ch 174 SLA 1978; am §§ 31 — 36 ch 13 SLA 1980; am § 46 ch 137 SLA 1982)

Effect of amendments. — The 1980 amendment in subsection (b), deleted "before July 1, 1977 or within one year following the date when the employee first becomes vested under this chapter, if later" at the end of the first sentence, and added a comma following "July 1, 1977" in the next to last sentence; in subsection (c), inserted a comma following "July 1, 1976" near the beginning of the subsection, deleted "before July 1, 1977" at the end of the second sentence, and substituted "that credit" for "such credit" at the end of the third sentence; in subsection (e), inserted a comma following "July 1, 1976" near the beginning of the subsection, and deleted "before July 1, 1978" at the end of the second sentence; in subsection (f) inserted "a period of" preceding "active military service" near the beginning of the subsection, and inserted "that" preceding "military service" near the end of the subsection; in subsection (g) deleted "within one year of the effective date of this act" at the end of the second sentence, and substituted "effective the first day of the month following that in which eligibility has been established" for "payable retroactively to July 1, 1977" at the end of the subsection; and added present subsection (h).

The 1982 amendment substituted "benefits under AS 39.35.420(b), 39.35.430, or 39.35.440" for "a surviving spouse's pension under AS 39.35.440" in the first sentence of subsection (g).

Sec. 39.35.345. Temporary service credit. (a) A vested employee is entitled to credited service for periods in which the employee regularly rendered full-time personal service to an employer but was not qualified to participate in the system because of the exclusion of temporary workers as described in AS 39.35.680(21)(C)(iii). Benefits are not payable on this credited service unless the employee makes retroactive contributions to the system for the period of time that credited service is claimed. The retroactive contribution is the full actuarial cost of providing benefits for the credited service claimed.

(b) To obtain credited service under this section, an employee must elect to do so and must verify the period of temporary service before July 1, 1981, or within one year following the date when the employee first becomes vested under this chapter, if later. When eligibility for temporary service credit has been established, an indebtedness shall be determined as provided in (a) of this section. Interest as prescribed by regulation accrues on that indebtedness beginning July 1, 1981, or one year following the date an employee first becomes vested, whichever is later. Any outstanding indebtedness existing at the time an employee retires will require an actuarial adjustment to the benefits payable based on the temporary service.

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(c) A deferred vested employee on July 1, 1980, is eligible to claim credited service under (a) of this section. To obtain credited service under this section, a deferred vested employee must elect to do so and must verify the period of temporary service before July 1, 1981. When eligibility for temporary service credit has been established, an indebtedness shall be determined as provided in (a) of this section. Interest as prescribed by regulation accrues on that indebtedness beginning July 1, 1981. Any outstanding indebtedness existing at the time a deferred vested employee retires will require an actuarial adjustment to the benefits payable based on the temporary service.

(d) The credited service granted under this section may not be used to satisfy the credited service requirements for normal or early retirement. (§ 29 ch 146 SLA 1980)

Revisor's notes. — Enacted as AS 39.35.156. Renumbered in 1980.

Sec. 39.35.350. Reinstatement of credited service. (a) An employee who receives a refund of contributions in accordance with AS 39.35.200 forfeits corresponding credited service under this chapter.

(b) An employee may reinstate credited service associated with a refund by repaying the total amount of the refund. Interest will accrue from the date of the refund until repayment of the refund or retirement, whichever occurs first. Payments will apply first to accrued interest and then to principal.

(c) Any outstanding indebtedness that exists at the time an employee is appointed to retirement will necessitate an actuarial adjustment to the benefits payable based on service reinstated under this section. (§ 16 ch 143 SLA 1960; am § 3 ch 235 SLA 1968; am § 2 ch 81 SLA 1976; am § 30 ch 128 SLA 1977; am § 84 ch 59 SLA 1982; am § 47 ch 137 SLA 1982)

Effect of amendments. — The first 1982 amendment inserted "credited" in subsection (a). The second 1982 amendment rewrote subsection (c).

Sec. 39.35.360. Earlier service. (a) An employee employed before January 1, 1980, who completes three years of credited service with the state aft. January 1, 1961, for which the employee makes contributions required by this chapter is entitled to credited service for service rendered (1) before January 1, 1961, as an employee of the state and former Territory of Alaska; (2) before January 1, 1961, as an employee of the United States government in Alaska, excluding service in the armed forces of the United States; or (3) after January 1, 1961, as a peace officer, correctional officer, or fireman of a participating political subdivision of the state if the employee is vested and is an active peace officer, correctional officer, or fireman in the system as of

July 1, 1980. The retirement benefits payable to an employee under this section shall be reduced by the amount of the retirement pension benefits paid to the employee by the United States government for the same period of service.

(b) An employee who, under (a) of this section, is entitled to credited service for employment before January 1, 1961, is not required to make retroactive contributions under this chapter.

(c) *[Repealed, § 41 ch 146 SLA 1980.]*

(d) *[Repealed, § 2 ch 26 SLA 1974.]*

(e) An employee of a detention facility provided by a local government unit to the territorial or state government under AS 33.30.060, who continues in state employment upon transfer of the facility to the state, is entitled to credited service for prior service with the facility if the employee remains in continuous employment with the state until July 1, 1976. To obtain credited service the employee is required to make retroactive contributions for the period of service between January 1, 1961, and the effective date of the transfer of the facility to the state.

(f) A surviving spouse receiving or entitled to receive a surviving spouse's pension under AS 39.35.440 or benefits under a joint and survivor option filed under AS 39.35.450 is eligible for increased benefits for any service credit authorized under (a) of this section, but not claimed or authorized by law before the employee's death.

(g) An employee is eligible to receive up to 10 years of credited service for service rendered before July 1, 1979, as a temporary employee of the legislature of the state or territory during legislative sessions. To receive retroactive credited service under this subsection, an employee must claim the service before July 1, 1980. When the employee claims the service, an indebtedness of the employee to the system shall be established. The amount of this indebtedness is equal to the contributions the employee would have made if the employee had been eligible for membership in the system. The rate used to calculate these contributions may not be less than the rate in effect on January 1, 1961. Interest as prescribed by regulation accrues on this indebtedness beginning July 1, 1980. Any outstanding indebtedness that exists at the time the employee retires will require an actuarial adjustment to the benefits that are based upon retroactive credited service under this subsection.

(h) An employee of the state is eligible to receive credited service as provided under AS 39.35.300(b) for service rendered as a permanent part-time employee before January 1, 1976. To receive retroactive credited service under this subsection, the employee must claim the service before July 1, 1981. When the employee claims retroactive credited service, an indebtedness of the employee to the system shall be established. The amount of this indebtedness is equal to the contributions the employee would have made if the employee had been

eligible for membership in the system. The rate used to calculate the contributions may not be less than the rate in effect on January 1, 1961. Interest as prescribed by regulation accrues on the indebtedness beginning July 1, 1981. Any outstanding indebtedness that exists at the time the employee retires will require an actuarial adjustment to the benefits that are based on retroactive credited service under this subsection.

(i) An employee who completes three years of credited service with an employer, for which the employee makes contributions required by this chapter, is entitled to credited service on a year-for-year basis for service credited in the Civil Service Retirement System, rendered as an employee of an Alaska Bureau of Indian Affairs (BIA) school, other than service as a teacher. Retroactive credited service under this section must be claimed before the employee retires. When eligibility for retroactive credited service under this section has been established, an indebtedness of the employee to the system shall be established. The amount of this indebtedness is determined by multiplying six percent of the employee's actual annual compensation, or the calculated annual compensation for an employee who works fewer than 12 months, for the most recent calendar year in which service is rendered to an employer before the calendar year in which the employee first becomes eligible to claim service under this subsection, by the number of years of service in Alaska BIA schools that is credited under this subsection. Interest as prescribed by regulation accrues on the indebtedness beginning on the date the employee may first claim the retroactive credited service. Any outstanding indebtedness that exists at the time the employee retires requires an actuarial adjustment to the benefits that are based on retroactive credited service under this section. Service may not be claimed under this subsection and benefits may not be paid for service claimed under this subsection if the employee has, at any point in time, enough service credit in the Civil Service Retirement System to be eligible for a retirement benefit under that system.

(j) An employee who has not completed three years of credited service with an employer may claim credited service as an employee of an Alaska Bureau of Indian Affairs (BIA) school, other than service as a teacher under (i) of this section if, on the date of transfer of the Alaska BIA school to the state, the employee is employed at the school and needs fewer than three additional years of continuous full-time employment for normal retirement in the federal Civil Service Retirement System, and the employee completes a period of service with an employer, for which the employee makes contributions required by this chapter, equal to the additional period of service that would have been required for that employee's normal retirement under the federal Civil Service Retirement System. An employee who claims credited service under this subsection must provide federal government verification of the employee's federal Civil Service Retirement System status when

the claim is filed. (§ 17 ch 143 SLA 1960; am § 4 ch 80 SLA 1964; am §§ 5, 6 ch 155 SLA 1966; am § 4 ch 235 SLA 1968; am § 1 ch 55 SLA 1973; am §§ 1, 2 ch 26 SLA 1974; am §§ 1, 2 ch 245 SLA 1976; am §§ 31 — 33 ch 128 SLA 1977; am §§ 1, 7 ch 174 SLA 1978; am § 3 ch 81 SLA 1979; am § 10 ch 82 SLA 1979; am §§ 31, 32, 41 ch 146 SLA 1980; am §§ 48, 49 ch 137 SLA 1982; am § 2 ch 170 SLA 1984)

Revisor's notes. — Subsection (a) of this section apparently has no effect after January 1, 1980, since it applies only to employees employed before that date.

Subsection (g) of this section apparently has no effect after July 1, 1980, since credited service under this subsection must have been claimed by that date.

Effect of amendments. — The 1980 amendment rewrote subsection (a), repealed subsection (c) and added subsection (h).

The 1982 amendment, in the first sentence of item (3) of subsection (a), deleted "or" preceding "correctional officer" and inserted "or fireman" preceding "of a participating political subdivision" and "correctional officer, or fireman" preceding "in the system." In subsection (b), the amendment inserted "under (a) of this section."

The 1984 amendment added subsections (i) and (j).

Editor's notes. — Section 15, ch. 32, SLA 1979 provides that AS 39.35.360(g) applies to a temporary employee of the Eleventh Legislature, First Session, even though he may not be an employee under the public employee's retirement system on July 1, 1979.

Article 6. Benefits.

Section
370. Retirement benefits
385. Conditional service retirement benefits
395. Voluntary contribution benefit
400. Nonoccupational disability pensions
410. Occupational disability pensions
420. Nonoccupational death benefits
430. Occupational death benefit
440. Death after occupational disability
450. Joint and survivor option
451. Spouse survivor benefits under Public Employees Retirement Act of 1949
460. Level income option
475. Post-retirement pension adjustment
480. Cost-of-living allowance
485. Minimum benefit
490. Designation of beneficiary
495. Time limit for application
500. Safeguard of employee funds held by the system
505. Exemption of employee funds and benefits
510. Voluntary waiver of benefits
520. Adjustments
522. Waiver of adjustments
525. Limitation on use of credited service as peace officer or fireman
527. Election to terminate coverage as a peace officer or fireman
530. Limit on pension
535. Medical benefits
541. Actuarial reduction of benefit
546. Tax exemption
547. Effect of amendments

NOTES TO DECISIONS

Vested benefits. — Benefits under Public Employees' Retirement System are in the nature of deferred compensation and the right to such benefits vests immediately upon an employee's enrollment in that system. Hammond v. Hoffbeck, Sup. Ct. Op. No. 2345 (File No. 4742), 627 P.2d 1052 (1981).

The vested benefits protected by Alaska Const., art. XII, § 7, necessarily include not only the dollar amount of the benefits payable, but the requirements for eligibil-

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The fact that rights in Public Employees' Retirement System vest on employment does not preclude modifications of the system; that fact does, however, require that any changes in the system that operate to a given employee's disadvantage must be offset by comparable new advantages to that employee. Hammond v. Hoffbeck, Sup. Ct. Op. No. 2345 (File No. 4742), 627 P.2d 1052 (1981).

Sec. 39.35.370. Retirement benefits. (a) A terminated employee is eligible for a normal retirement benefit (1) at age 55 with at least five years credited service, or (2) with at least 20 years of credited service as a peace officer or fireman, or (3) with at least 30 years of credited service for all other employees.

(b) A terminated employee is eligible for an early retirement benefit at age 50 with at least five years credited service.

(c) The monthly amount of a retirement benefit for a peace officer or fireman is two per cent of the average monthly compensation times the years of credited service up through 10 years, plus two and one-half per cent of the average monthly compensation times the years of service over 10 years. For all other employees it is two per cent of the average monthly compensation times the years of service. An actuarial adjustment must be made for an early retirement benefit.

(d) The monthly amount of a retirement benefit for a deferred vested member shall be determined in accordance with (c) of this section as it was in effect on the date of the employee's termination of employment.

(e) Benefits payable under this section accrue from the first day of the month after which all of the following requirements are met: (1) the member meets the eligibility requirements of this section; (2) the member terminates employment; and (3) the member applies for retirement. The benefits are payable the last day of the month. If payment is delayed, a retroactive payment shall be made to cover the period of deferment. The last payment shall be made for the month in which a benefit is payable under this section.

(f) A member who is vested in the system as a peace officer or fireman at the time the member incurs a permanent disability of at least 33-1/3 per cent under workers' compensation and who (1) undergoes retraining because of the disability; and (2) is subsequently employed with the state or other employer in a position other than peace officer or fireman, is eligible for a normal retirement benefit as a peace officer or fireman under (a) and (c) of this section upon completing 20 years of credited service. (§ 18 ch 143 SLA 1960; am § 2 ch 102 SLA 1963; am § 7 ch 155 SLA 1966; am § 5 ch 235 SLA 1968; am § 6 ch 109 SLA 1970; am §§ 6, 7 ch 159 SLA 1972; am § 15 ch 47 SLA 1974; am § 34 ch 128 SLA 1977; am § 33 ch 146 SLA 1980)

Effect of amendments. — The 1980 amendment added subsection (f).

Editor's notes. — Section 49, ch. 146, SLA 1980, provides: "The retirement benefit payable to a member of the public employees' retirement system who is receiving a normal retirement benefit under AS 39.35.370 on the effective date of this Act, and who at the time of his retirement was receiving a disability pension under the public employees' retirement system, shall be increased by a percentage equal to the percentage of all post-retirement pension adjustments payable under AS 39.35.475 during the period that the member was receiving a disability benefit."

Collateral references. — 67 C.J.S. Officers, § 243 et seq.

Rights and liabilities as between employer and employee with respect to general pension or retirement plan, 42 ALR2d 461.

Mandatory retirement of public officer or employee based on age, 81 ALR3d 811.

Sec. 39.35.380. Early retirement benefits. [Repealed, § 55 ch 128 SLA 1977.]

Sec. 39.35.385. Conditional service retirement benefits. (a) An employee is eligible for a normal retirement benefit at age 55 with at least two years of credited service if the employee also is eligible for a normal retirement salary under the teachers' retirement system (AS 14.25).

(b) An employee is eligible for an early retirement benefit at age 50 with at least two years of credited service if the employee also is eligible for an early retirement salary under the teachers' retirement system (AS 14.25).

(c) Credited service for which contributions were refunded is not creditable under this section unless the refunded contributions have been repaid. For purposes of (a) and (b) of this section, a member or former member does not have to be reemployed under this system in order to pay refunded contributions. Compound interest at the rate prescribed by regulation must be added to the reinstatement indebtedness from the date of the refund to the date of repayment.

(d) The monthly amount of a conditional service retirement benefit shall be calculated on the years of fully paid credited service in accordance with AS 39.35.370(c), except that the member may irrevocably elect to substitute one-twelfth of the "average base salary" as defined in AS 14.25.220(5) in place of average monthly compensation.

(e) Benefits payable under this section accrue from the first day of the month (1) in which the member meets the eligibility requirements of this section, (2) following the date of termination, and (3) following application for retirement, and are payable the last day of the month. If payment is delayed, a retroactive payment shall be made to cover the period of deferment. The last payment shall be made for the month in which the member dies or is no longer eligible for a benefit under this section.

(f) An employee is eligible for a normal retirement benefit at age 55 or an early retirement benefit at age 50 if the employee has at least 60 days of credited service as a temporary employee of the legislature during each of five legislative sessions. (§ 3 ch 174 SLA 1978; am § 11

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Effect of amendments. The 1980 amendment added the present second and third sentences in subsection (c).

The 1982 amendment inserted "(a) and (b) of" in the second sentence of subsection (c) and rewrote subsection (d).

Editor's notes. — Section 15, ch. 82, SLA 1979, provides that AS 39.35.385 (f) applies to a temporary employee of the Eleventh Legislature, First Session, even though he may not be an employee under the public employee's retirement system on July 1, 1979.

Sec. 39.35.390. Deferred retirement benefit. [Repealed, § 55 ch 128 SLA 1977.]

Sec. 39.35.395. Voluntary contribution benefit. The balance of the employee's savings account will be paid in one of the following options as elected by the employee: (1) a lump sum payment; or (2) a life annuity on a full cash refund or term-certain basis; or (3) installments over a designated period of time. (§ 35 ch 128 SLA 1977)

Sec. 39.35.400. Nonoccupational disability pensions. (a) An employee is eligible for a nonoccupational disability pension if the employee's employment is terminated because of a total and apparently permanent nonoccupational disability, as defined in AS 39.35.680, before the employee's normal retirement date and after five or more years of credited service.

(b) The nonoccupational disability benefits accrue beginning the first day of the month following termination of employment as a result of the disability and are payable the last day of the month. If a final determination granting the benefit is not made in time to pay the benefit when due, a retroactive payment shall be made to cover the period of deferment. Benefits shall be continued after one year from the date of appointment to nonoccupational disability only if the disabled employee fulfills the requirements set out in (e) of this section. The last payment shall be for (1) the month in which the death of the disabled employee occurs, or (2) the month in which the disabled employee recovers from disability, or (3) the month in which the disabled employee ceases to be eligible for disability benefits under 42 U.S.C. 301 — 1397f (Social Security Act), or (4) the month in which the disabled employee reaches normal retirement age, whichever occurs first.

(c) If the disabled employee becomes ineligible to receive nonoccupational disability benefits, the employee is entitled to receive a normal or early retirement pension if the employee would have been eligible for the pension had employment continued during the period of disability. However, the period of disability does not constitute credited service.

(d) The monthly amount of the nonoccupational disability pension shall be determined in accordance with AS 39.35.370(c), considering

the employee's credited service and compensation before termination of employment.

(e) A disabled employee receiving a nonoccupational disability benefit shall provide the administrator, one year after appointment to disability benefits and once each year thereafter until disability benefits cease, proof of continuing eligibility to receive disability payments under the Social Security Act. If the disabled employee is otherwise ineligible for a social security payment, the employee shall provide the administrator with sufficient medical evidence once each year to demonstrate that disability payments under the Social Security Act would be payable had the employee been otherwise eligible. If the disabled employee fails to provide the administrator with evidence of continuing eligibility for disability payments under the Social Security Act or other medical evidence required by the administrator within 30 days following each anniversary date, the disability benefits from the system shall cease. If that information is subsequently provided to the administrator, benefit payments will resume beginning for the month following that in which the information is provided. When disability payments under the Social Security Act cease, it is the responsibility of the disabled employee to notify the administrator immediately.

(f) A disabled employee's nonoccupational disability pension terminates when the employee first attains eligibility for normal retirement. At that time, retirement benefits will be calculated under the provisions of AS 39.35.370(c). (§ 21 ch 143 SLA 1960; am § 9 ch 155 SLA 1966; am §§ 9, 10 ch 109 SLA 1970; am § 10 ch 159 SLA 1972; am §§ 15 — 17 ch 1 SLA 1974; am §§ 4—8 ch 123 SLA 1976; am §§ 36, 37 ch 128 SLA 1977)

Sec. 39.35.410. Occupational disability pensions. (a) An employee is eligible for an occupational disability pension if employment is terminated because of a total and apparently permanent occupational disability, as defined in AS 39.35.680, before the employee's normal retirement date.

(b) The occupational disability benefits accrue beginning the first day of the month following termination of employment as a result of the disability and are payable the last day of the month. If a final determination granting the benefit is not made in time to pay the benefit when due, a retroactive payment shall be made to cover the period of deferment. Benefits shall be continued after one year from date of appointment to occupational disability only if the disabled employee fulfills the requirements set out in (g) of this section. The last payment shall be for the month in which (1) the death of the disabled employee occurs, or (2) the month in which the disabled employee recovers from disability, or (3) the month in which the disabled employee ceases to be eligible for disability payments under 42 U.S.C. 301 — 1397f (Social Security Act), or (4) the month the disabled employee reaches normal retirement age, whichever occurs first.

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(d) The monthly amount of an occupational disability pension is 40 per cent of the disabled employee's gross monthly compensation at the time of termination due to disability.

(e) *[Repealed, § 12 ch 123 SLA 1976.]*

(f) An employee is not entitled to an occupational disability pension unless the employee files an application for it with the administrator within six months after the date of the accident, if disability is attributable to an accident, or within six months after the date the disability begins if the disability is caused by an occupational disease. If the disability is attributable to an accident, the employee shall file a notice of the accident with the administrator within 30 days following the date it occurred. This 30-day filing period is suspended for the time the employee's condition prevents filing.

(g) A disabled employee receiving an occupational disability benefit shall provide the administrator, one year after appointment to disability benefits and once each year thereafter until disability benefits cease, proof of continuing eligibility to receive disability payments under the Social Security Act. If a disabled employee is otherwise ineligible for a social security payment, the employee shall provide the administrator with sufficient medical evidence once each year to demonstrate that disability payments under the Social Security Act would be payable had the employee been otherwise eligible. If the disabled employee fails to provide the administrator with evidence of continuing eligibility for disability payments under the Social Security Act or other medical evidence required by the administrator within 30 days following each anniversary date, the disability benefit from the system shall cease. If that information is subsequently provided to the administrator, benefit payments will resume beginning for the month following that in which the information is provided. When disability payments under the Social Security Act cease, it is the responsibility of the disabled employee to notify the administrator immediately.

(h) A disabled employee's occupational disability pension shall terminate when the disabled employee first attains eligibility for normal retirement. At that time, the employee's retirement benefit will be calculated under the provisions of AS 39.35.370(c). (§ 22 ch 143 SLA 1960; am § 11 ch 109 SLA 1970; am §§ 18 — 21 ch 1 SLA 1974; am §§ 9 — 13 ch 123 SLA 1976; am §§ 38, 39 ch 128 SLA 1977; am § 38 ch 13 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "disabled employee's" for "retired employee's" at the beginning of subsection (h), and inserted "disabled" preceding "employee" near the middle of the first sentence of subsection (h).

Editor's notes. — Chapter 205, SLA

1975, which amended this section, was submitted to the voters by referendum and was rejected.

NOTES TO DECISIONS

Constitutionality of 1979 amendment to subsections (d) and (g). — The 1976 amendment to subsections (d) and (g) of this section is not violative of Alaska Const., art. XII, § 7 insofar as applied to public safety employees hired before July 1, 1976, who elect to be covered by Public Employees' Retirement System as amended in 1976 and public safety employees hired on or after July 1, 1976. Hammond v. Hoffbeck, Sup. Ct. Op. No. 2345 (File No. 4742), 627 P.2d 1052 (1981).

The 1976 amendment to subsections (d) and (g) of this section has the effect of diminishing the vested rights of public safety employees hired before July 1, 1976, who choose to receive benefits under the system in effect at the time they were hired and insofar as applied to those employees, the amended subsections are violative of Alaska Const., art. XII, § 7. Hammond v. Hoffbeck, Sup. Ct. Op. No. 2345 (File No. 4742), 627 P.2d 1052 (1981).

Collateral references. — 67 C.J.S. Officers, § 248.

Determination whether firefighter's disability is service-connected for disability pension purposes, 7 ALR4th 799.

Determination whether peace officer's disability is service-connected for disability pension purposes, 12 ALR4th 1158.

Sec. 39.35.420. Nonoccupational death benefits. (a) If the death of an employee occurs from nonoccupational causes after completing less than one year of credited service, the employee's designated beneficiary shall be paid the balance of the employee contribution account. If the death of an employee occurs from nonoccupational causes after completing at least one year but less than five years of credited service, a death benefit shall be paid to the employee's designated beneficiary. The amount of the death benefit shall be the amount set out in (c) of this section.

(b) If the death of a vested member or deferred vested member occurs from nonoccupational causes and the member designated no person other than the surviving spouse as beneficiary to receive nonoccupational death benefits, the surviving spouse may elect to receive either the amounts set out in (c) of this section or a 50 percent joint and survivor option based on credited service to the date of the employee's death or termination. Benefits accrue from the first day of the month following the employee's death and are payable the last day of the month.

(c) If a vested or deferred vested member designates as beneficiary someone other than the surviving spouse to receive nonoccupational death benefits, the designated beneficiary shall be paid: (1) the balance of the deceased member's employee contribution account; and (2) a lump-sum death benefit. The amount of the lump-sum death benefit is $100 times the years of credited service of the deceased member plus $1,000. (§ 23 ch 143 SLA 1960; am § 12 ch 109 SLA 1970; am § 11 ch

159 SLA 1972; am § 22 ch 1 SLA 1974; am §§ 14, 15 ch 123 SLA 1976; am § 40 ch 128 SLA 1977; am § 52 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment, in subsection (a), inserted "designated" and substituted "the employee contribution account" for "(1) the employee's contribution account; and (2) the employee's savings account" in the first sentence, deleted "lump sum" preceding "death benefit" and substituted "employee's designated beneficiary" for "beneficiary of the employee" in the second sentence, deleted "lump sum" preceding "death benefit" and substituted "the amount set out in (c) of this section" for "$100 times years of credited service plus $1,000" in the present last sentence, and deleted the former last sentence, which read "The lump sum death benefit is in addition to the balance of the employee's contribution account and savings account." In subsection (b), the amendment inserted "and the member designated no person other than the surviving spouse as beneficiary to receive nonoccupational death benefits" and substituted "elect to receive either the amounts set out in (c)" for "at his or her discretion receive either the benefits described in (a)" in the first sentence. The amendment also added subsection (c).

Collateral references. — 67 C.J.S. Officers, § 248.

Sec. 39.35.430. Occupational death benefit. (a) *[Repealed, § 16 ch 123 SLA 1976.]*

(b) If (1) the death of an employee occurs before the employee's retirement and before the employee's normal retirement date, and (2) the proximate cause of death is a bodily injury sustained or a hazard undergone while in the performance and within the scope of the employee's duties, and (3) the injury or hazard is not the proximate result of wilful negligence of the employee, a monthly survivor's pension equal to 40 percent of the employee's monthly compensation in the month in which the employee dies shall be paid to the surviving spouse. If there is no surviving spouse or if the spouse later dies, the monthly survivor's pension shall be paid in equal parts to the dependent children of the employee. On the date the normal retirement of the employee would have occurred if the employee had lived, monthly payments shall equal the monthly amount of the normal retirement benefit to which the employee, had the employee lived and continued employment until the employee's normal retirement date, would have been entitled with an average monthly compensation as existed at death and the credited service to which the employee would have been entitled.

(c) The first payment of the surviving spouse's pension or of a dependent child's pension shall be made for the month following the month in which the employee dies and payment shall cease to be made beginning with the month in which there is no surviving spouse or no dependent child.

(d) *[Repealed, § 19 ch 123 SLA 1976.]*

(e) *[Repealed, § 19 ch 123 SLA 1976.]*

(f) If the death of an employee occurs from occupational causes but no surviving spouse or dependent children exist at the time of the death or if the employee designates as beneficiary someone other than the

surviving spouse or dependent children, the employee's designated beneficiary is entitled to receive those benefits available to a beneficiary under AS 39.35.420(c) and no occupational death benefit will be paid to the surviving spouse or dependent children. If the designated beneficiary is the surviving spouse or dependent children, the beneficiary shall receive the benefit described in (b) of this section. (§ 24 ch 143 SLA 1960; am § 13 ch 109 SLA 1970; am § 23 ch 1 SLA 1974; §§ 16—19 ch 123 SLA 1976; am §§ 41, 42 ch 128 SLA 1977; am § 39 ch 13 SLA 1980; am §§ 53, 54 ch 137 SLA 1982)

Effect of amendments. — The 1980 amendment rewrote subsection (c).

The 1982 amendment inserted "or if the spouse later dies" in the second sentence of subsection (b) and added subsection (f).

NOTES TO DECISIONS

Constitutionality of 1976 subsection amendment to former subsection (a) and subsection (b). — The 1976 amendment to former subsection (a) and subsection (b) of this section is not violative of Alaska Const., art. XII, § 7 insofar as applied to public safety employees hired before July 1, 1976, who elect to be covered by Public Employees' Retirement System as amended and public safety employees hired on or after July 1, 1976. Hammond v. Hoffbeck, Sup. Ct. Op. No. 2345 (File No. 4742), 627 P.2d 1052 (1981).

The 1976 amendment to former subsection (a) and subsection (b) of this section has the effect of diminishing the vested rights of public safety employees hired before July 1, 1976, who choose to receive benefits under the system in effect at the time they were hired and insofar as applied to those employees, the amended subsections are violative of Alaska Const., art. XII, § 7. Hammond v. Hoffbeck, Sup. Ct. Op. No. 2345 (File No. 4742), 627 P.2d 1052 (1981).

Sec. 39.35.440. Death after occupational disability. (a) *[Repealed, § 19 ch 123 SLA 1976.]*

(b) Upon the death of a disabled employee who is receiving or is entitled to receive an occupational disability benefit, a surviving spouse's pension equal to 40 percent of the employee's monthly compensation at the termination of employment because of occupational disability shall be paid to the surviving spouse. If there is no surviving spouse, the survivor's pension shall be paid in equal parts to the dependent children of the employee. On the date the normal retirement of the employee would have occurred if the employee had lived, monthly payments shall equal the monthly amount of the normal retirement benefit to which the employee, had the employee lived and continued employment until the employee's normal retirement date, would have been entitled with an average monthly compensation as existed at death and the credited service to which the employee would have been entitled. If the death of an employee occurs from occupational causes but no surviving spouse or dependent children exist at the time of the death, or if the employee designates as beneficiary someone other than the surviving spouse or dependent children, the employee's designated beneficiary shall be paid those benefits available to a beneficiary under

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AS 39.35.420(c) and no occupational death benefit will be paid to the surviving spouse or dependent children.

(c) The first payment of the surviving spouse's pension or of a dependent child's pension shall accrue from the first day of the month following the employee's death and is payable the last day of the month. The last payment shall be made for the last month in which there is an eligible surviving spouse or child.

(d) *[Repealed, § 55 ch 128 SLA 1977.]* (§ 25 ch 143 SLA 1960; am §§ 14, 15 ch 109 SLA 1970; am §§ 19 — 21 ch 123 SLA 1976; am §§ 43, 44, 55 ch 128 SLA 1977; am § 55 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment, in subsection (b), substituted "the employee's monthly compensation at the termination of employment because of occupational disability" for "his average monthly compensation" and "the" for "his" preceding "surviving spouse" in the first sentence, substituted "the employee" for "he" in three places and "the employee's" for "his" in one place in the third sentence, deleted "his" preceding "employment until" and preceding "death" in the third sentence, and added the fourth sentence.

Sec. 39.35.450. Joint and survivor option. (a) Benefits payable under this section are in place of benefits payable under AS 39.35.370. Upon filing an application with the administrator, an employee may designate a spouse or a dependent approved by the administrator as the contingent beneficiary. The benefit shall be determined in accordance with one of the following options elected:

(1) the employee is entitled to receive a reduced benefit payable for life, and payments in the amount of 75 percent of the reduced benefit shall, after the employee's death, be continued to the contingent beneficiary for life;

(2) the employee is entitled to receive a reduced benefit payable for life, and payments in the amount of 50 percent of the reduced benefit shall, after the employee's death, be continued to the contingent beneficiary for life;

(3) the employee is entitled to receive a reduced benefit payable during the joint lifetime of the employee and the contingent beneficiary, and payments in the amount of $66^2/_3$ percent of the reduced benefit, after the death of either the employee or the contingent beneficiary shall be continued to the survivor for life.

(b) The aggregate of the pension payments expected to be paid to an employee and the contingent beneficiary under the options set out in (a) of this section shall be the actuarial equivalent of the pension that the employee is otherwise entitled to receive upon retirement.

(c) An employee may elect, change, or revoke an option without the approval of the administrator if the election, change, or revocation is filed in writing with the administrator before the effective date of the employee's retirement.

(d) A member, including a deferred vested member, may, regardless of age, elect a joint and survivor option any time before appointment to receive a retirement benefit.

(e) If either the employee or contingent beneficiary dies before the employee is appointed to retirement, the election becomes inoperative. Once the employee is appointed to retirement, the election is irrevocable. If a retired employee is reemployed and is subsequently reappointed to retirement, those benefits earned during the period of reemployment are subject to the initial election made under this section, unless the contingent beneficiary is deceased. If the contingent beneficiary is deceased, the benefits earned during the period of reemployment are subject to AS 39.35.370 or this section if another contingent beneficiary was elected during the period of reemployment. All other benefits earned during prior periods of employment are subject to the election at the time the employee was appointed to retirement. If death occurs from nonoccupational causes during the period of reemployment, those benefits earned while reemployed are subject to AS 39.35.420(b). All other benefits earned during prior periods of employment are subject to the election at the time the employee was appointed to retirement. If death occurs from occupational causes during the period of reemployment, all benefits earned during all periods of employment are subject to AS 39.35.430(b) and (c). (§ 26 ch 143 SLA 1960; am § 8 ch 235 SLA 1968; am § 12 ch 159 SLA 1972; am §§ 24 — 26 ch 1 SLA 1974; am § 6 ch 81 SLA 1976; am § 45 ch 128 SLA 1977)

Sec. 39.35.451. Spouse survivor benefits under Public Employees Retirement Act of 1949. A person whose spouse is receiving retirement benefits under the Public Employees Retirement Act of 1949 on July 1, 1972 is entitled to survivor benefits for life in the amount of the retirement benefits received by the retired employee. (§ 13 ch 159 SLA 1972)

Sec. 39.35.460. Level income option. If the payment of a retirement pension begins before age 65, the amount of pension payable before and after that age may be adjusted so that an increased amount will be paid before the time that full social security benefits become available and a reduced amount after that time, so that the employee may receive a more level income for life. The aggregate value of all adjusted payments may not exceed the actuarial equivalent of the value of the pension otherwise payable to the employee. (§ 27 ch 143 SLA 1960; am § 56 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "a retirement pension begins before age 65" for "an early retirement pension begins before the earliest age as of which the employee becomes eligible for a primary social security benefit" and "may receive a more level income for life" for "will receive a level retirement income" in the first sentence, inserted "full" preceding "social security benefits" in the first sentence, substituted "may not exceed" for "however, shall not exceed" in the second sentence.

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Sec. 39.35.470. Other forms of payment. [Repealed, § 85 ch 59 SLA 1982; § 75 ch 137 SLA 1982.]

Sec. 39.35.475. Post-retirement pension adjustment. (a) When the administrator determines that the cost of living has increased and the financial condition of the retirement fund permits, the administrator shall increase benefit payments to persons receiving benefits under this system.

(b) The amount of the increase in benefit payments may not exceed the lesser of

(1) the increase in the cost of living since the date of retirement; or

(2) four percent of the retirement benefit compounded for each year of retirement.

(c) If at the time of first receiving a retirement benefit a member was receiving a disability benefit under this system, the administrator shall include the time during which the member received the disability benefit in determining the number of years of retirement under this section.

(d) An increase in benefit payments under this section is effective July 1 of the year for which the increase is granted.

(e) The administrator shall implement this section by regulation. (§ 9 ch 235 SLA 1968; am § 14 ch 159 SLA 1972; am § 34 ch 146 SLA 1980; am § 57 ch 137 SLA 1982)

Effect of amendments. — The 1980 amendment rewrote the section.

The 1982 amendment substituted "lesser" for "greater" in the introductory language of subsection (b).

Editor's notes. — Section 49, ch 146, SLA 1980 provides: "The retirement benefit payable to a member of the public employees' retirement system who is receiving a normal retirement benefit under AS 39.35.370, July 1, 1980, and who at the time of his retirement was receiving a disability pension under the public employees' retirement system, shall be increased by a percentage equal to the percentage of all post-retirement pension adjustments payable under AS 39.35.475 during the period that the member was receiving a disability benefit."

Collateral references. — Validity of legislation providing for additional retirement allowances for public employee previously retired, 27 ALR2d 1442.

Sec. 39.35.480. Cost-of-living allowance. (a) While residing in the state, a person receiving a benefit under this chapter is entitled to receive a monthly cost-of-living allowance in addition to the basic benefit. The amount of this allowance shall be $50 or 10 per cent of the basic benefit, whichever is greater.

(b) A person receiving a cost-of-living allowance under this section shall notify the administrator when the person expects to be absent from the state for a continuous period that exceeds 90 days. After that notification, the person is no longer entitled to receive the monthly cost-of-living allowance, except that a person may be absent from the state for not more than six months without loss of the cost-of-living allowance if the absence is the result of illness and required by order

of a licensed physician. Upon returning to the state, and upon notification to the administrator, the person is again entitled to receive the monthly cost-of-living allowance, commencing with the first monthly benefit payment made after notification of the person's return.

(c) While residing in the state, a public employee of the Territory of Alaska who participated in the Public Employees' Retirement Act established by ch. 41 SLA 1949, and who retired before the effective date of ch. 102 SLA 1951, is entitled to the cost-of-living allowance equal to 25 per cent of the amount received under ch. 41 SLA 1949.

(d) For purposes of this section, "residing in the state" means domiciled and physically present in the State of Alaska. Being absent from the state for a continuous period of 90 days or less or six months or less when ordered by a physician does not change a person's status as "residing in the state." (§ 29 ch 143 SLA 1960; am § 1 ch 109 SLA 1967; am § 27 ch 1 SLA 1974; am § 108 ch 127 SLA 1974; am § 46 ch 128 SLA 1977; am §§ 12, 13 ch 82 SLA 1979)

Sec. 39.35.485. Minimum benefit. (a) An employee who is eligible for a benefit calculated in accordance with AS 39.35.370(c) is entitled to a benefit of at least $25 a month for each year of credited service, not including adjustments made under AS 39.35.340 for military service, AS 39.35.350 for reinstatement of credited service, AS 39.35.360 for credit for earlier service, AS 39.35.370(c) for early retirement, AS 39.35.420 for nonoccupational death benefits, AS 39.35.450 for the survivor's option, AS 39.35.460 for the level income option, AS 39.35.475 for the post-retirement pension adjustment, and AS 39.35.480 for the cost of living.

(b) *[Repealed, § 55 ch 128 SLA 1977.]* (§ 15 ch 159 SLA 1972; am § 16 ch 47 SLA 1974; am § 24 ch 123 SLA 1976; am § 55 ch 128 SLA 1977; am § 35 ch 146 SLA 1980; am § 58 ch 137 SLA 1982)

Effect of amendments. — The 1980 amendment substituted "$25" for "$17.50" preceding "a month" near the middle of subsection (a).

The 1982 amendment substituted the language beginning "AS 39.35.340 for military service" for "AS 39.35.380, 39.35.410, 39.35.450, 39.35.475 and 39.35.480" in subsection (a).

Editor's notes. — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

Sec. 39.35.490. Designation of beneficiary. (a) Each employee shall designate the beneficiary or beneficiaries to whom benefits payable under this chapter as a consequence of the employee's death shall be distributed.

(b) The designation may be changed or revoked by the employee without notice to the beneficiary or beneficiaries at any time. If an employee designates more than one beneficiary, each shall share equally unless the employee specifies a different allocation or preference. The designation of a beneficiary and a change or revocation

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(c) If an employee fails to designate a beneficiary, or if no designated beneficiary survives the employee, the death benefit shall be paid (1) to the surviving spouse or, if there is none surviving, (2) to the surviving children in equal parts or, if there is none surviving, (3) to the surviving parents in equal parts or, if there is none surviving, (4) to the employee's estate. (§ 30 ch 143 SLA 1960; am § 47 ch 128 SLA 1977; am § 59 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment, in subsection (a), inserted "under this chapter" and deleted "under AS 39.35.200 — 39.35.240 and AS 39.35.420 — 39.35.440" following "of his death."

Collateral references. — Rights in survival benefits under public pension or retirement plan as between designated beneficiary and heirs, legatees, or personal representative of deceased employee, 5 ALR3d 644.

Sec. 39.35.495. Time limit for application. If no application for benefits or for refund has been filed with the administrator by July 1 following the date on which an inactive member (except an employee on leave-without-pay status or on layoff status) would attain age 75, or if no application for benefits or for refund has been filed with the administrator within the 50 years following the most recent date on which the employee was an active member, no benefits or refunds may be paid under this chapter and the member's records may be destroyed. (§ 40 ch 13 SLA 1980)

Sec. 39.35.500. Safeguard of employee funds held by the system. Employee contributions and other amounts held in the pension fund are exempt from Alaska state and local taxes. Amounts held on behalf of, or payable to, any employee or other person who is or may become eligible for benefits under the system are not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge of any kind, either voluntary or involuntary, before being received by the person entitled to the amount under the terms of the system. An attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of a right to amounts held under the system is void. (§ 39 ch 143 SLA 1960; am § 10 ch 235 SLA 1968; am § 48 ch 128 SLA 1977; am § 7 ch 62 SLA 1982)

Effect of amendments. — The 1982 amendment substituted "or charge" for "charge, garnishment, execution, or levy" in the second sentence.

Revisor's notes. — As amended by § 7, ch. 62, SLA 1982, this section contained a subsection (b) which has been redesignated as AS 39.35.505.

Sec. 39.35.505. Exemption of employee funds and benefits. Employee contributions and other amounts held in the pension fund and retirement benefits payable under this chapter are exempt from levy to enforce the collection of a debt as provided in AS 09.38 (exemptions). (§ 7 ch 62 SLA 1982)

Revisor's notes. — Enacted as AS 39.35.500(b). Renumbered in 1982.

Sec. 39.35.510. Voluntary waiver of benefits. A retired employee may, in writing, request the administrator to suspend, for any period of time, payment of all or part of the benefits to which the employee is entitled. The administrator shall grant the request and may not require the retired employee to disclose a reason for desiring the suspension. Amounts that are suspended pursuant to the request are forfeited. The retired employee may subsequently terminate the suspension by filing a written notice with the administrator that states a desire to revoke the suspension. Upon receipt of the notice, the administrator shall authorize resumption of the retired employee's regular pension payments. (§ 40 ch 143 SLA 1960; am § 49 ch 128 SLA 1977)

Sec. 39.35.520. Adjustments. (a) When a change or error is made in the records maintained by the system, or an error is made in computing a benefit, and as a result an employee or beneficiary receives from the system more or less than the employee would have been entitled to receive had the records been correct or had the error not been made, (1) the records or error shall be corrected and (2) as far as practicable, future payments shall be adjusted so that the actuarial equivalent of the pension or benefit to which the employee or beneficiary was correctly entitled shall be paid. If no future payment is due, a person who was paid any amount to which the person was not entitled is liable for repayment of that amount, and a person who was not paid the full amount to which the person was entitled shall be paid the balance of that amount.

(b) An adjustment that requires the recovery of benefits may not be made under this section if

(1) the incorrect benefit was first paid two years or more before the member or beneficiary was notified of the error;

(2) the error was not the result of erroneous information supplied by the member or beneficiary; and

(3) the member or beneficiary did not have reasonable grounds to believe that the amount of the benefit was in error.

(c) At each regularly scheduled meeting of the Public Employees' Retirement Board, the administrator shall report to the board on all situations since the administrator's last report in which an adjustment has been prohibited under (b) of this section. If the board finds that there is reason to believe that one or more of the conditions set out in (b) of this section have not been met, the administrator shall notify the member or beneficiary that an adjustment will be made to recover the overpayment. A member or beneficiary who receives notice of adjustment under this subsection may appeal to the board for a waiver of the adjustment under AS 39.35.522. An adjustment may not be required while the appeal is pending. (§ 42 ch 143 SLA 1960; am § 4 ch 81 SLA 1976; am § 2 ch 15 SLA 1984)

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Effect of amendments. — The 1984 amendment added subsections (b) and (c).

Sec. 39.35.522. Waiver of adjustments. (a) Upon appeal by an affected member or beneficiary under (b) of this section, the board may waive an adjustment or any portion of an adjustment made under AS 39.35.520 if, in the opinion of the board,

(1) the adjustment or portion of the adjustment will cause undue hardship to the member or beneficiary;

(2) *[Repealed, § 60 ch 137 SLA 1982.]*

(3) *[Repealed, § 60 ch 137 SLA 1982.]*

(4) the adjustment was not the result of erroneous information supplied by the member or beneficiary;

(5) before the adjustment was made, the member or beneficiary received confirmation from the administrator that the employee's or beneficiary's records were correct; and

(6) the member or beneficiary had no reasonable grounds to believe the employee's or beneficiary's records were incorrect before the adjustment was made.

(b) In order to obtain consideration of a waiver under this section, the affected member or beneficiary must appeal to the board in writing within 30 days after receipt of notice that the records have been adjusted. The board shall rule on the appeal in writing within 120 days after its receipt.

(c) The board may, at its discretion, conduct a hearing on an appeal under this section. In reaching a decision on an appeal, the board may issue subpoenas, administer oaths, compel the attendance and testimony of witnesses, compel the taking of depositions and the submission of affidavits, and compel the production of documents and records.

(d) The board may impose conditions on the granting of a waiver which it considers equitable. These conditions may include requiring the member or beneficiary to make additional contributions to the system.

(e) The board may reconsider a ruling under this section upon request of the member or beneficiary or the administrator if the request is received within 30 days after the initial ruling. Any modification of the initial ruling must be made within 30 days after receipt of a request for reconsideration.

(f) Rulings and modifications of rulings under this section shall be by a majority of a quorum of the board.

(g) Rulings on appeals and requests for reconsideration under this section may be appealed by an aggrieved member or beneficiary to the superior court for abuse of discretion. (§ 9 ch 174 SLA 1978; am § 41 ch 13 SLA 1980; am § 60 ch 137 SLA 1982)

Effect of amendments. — The 1980 amendment inserted "or beneficiary" following "member" wherever it appeared throughout the section; in subsection (a), inserted "or any portion of an adjustment" following "adjustment" in the introductory paragraph, inserted "or portion of the adjustment" following "the adjustment" at the beginning of paragraph (1), added "or the beneficiary was eligible to receive or was receiving benefits under this chapter before the adjustment" at the end of paragraph (2), substituted "benefits" for "retirement" following "eligibility for" near the beginning of paragraph (3), and substituted "being" for "already" following "reduction of benefits" near the end of paragraph (3).

The 1982 amendment, in subsection (a), added "in the opinion of the board" to the end of the introductory paragraph, deleted "in the opinion of the board" following "adjustment will" in paragraph (1), and repealed paragraphs (2) and (3), which read, respectively, "the member is retired or has submitted notification of impending retirement to his employer to be effective no later than 180 days after the adjustment was made, or the beneficiary was eligible to receive or was receiving benefits under this chapter before the adjustment" and "the adjustment will result in a loss of eligibility for benefits for the member or beneficiary or result in a reduction of benefits being received by the member or beneficiary of $50 per month or more."

Sec. 39.35.525. Limitation on use of credited service as peace officer or fireman. For the purpose of computing benefits for an employee enrolled as a peace officer or fireman, no more than 30 years of credited service may be considered, except for the purpose of computing average monthly compensation and then the three consecutive years during the entire period of credited service which produced the highest total compensation shall be used. (§ 16 ch 109 SLA 1970)

Sec. 39.35.527. Election to terminate coverage as a peace officer or fireman. (a) Any active member may elect to irrevocably relinquish peace officer or fireman status with the system and to retain all credited service as if it had been acquired as a member other than a peace officer or fireman.

(b) In order to relinquish peace officer or fireman status with the system, a person must be an active member and must file a written request with the administrator by July 1, 1984, or within six months after employment as a peace officer or fireman, whichever occurs later. No person has more than one opportunity to exercise this option.

(c) As soon as possible after the relinquishment, the administrator shall refund to a person who relinquishes peace officer or fireman status under this section a refund equal to the amount by which the balance of the person's accumulated mandatory contributions plus interest exceeds the balance which would exist if all service credit had been acquired as a member other than a peace officer or fireman.

(d) A written request to relinquish peace officer or fireman status is irrevocable upon filing with the administrator. (§ 1 ch 27 SLA 1983)

Sec. 39.35.530. Limit on pension. An employee may not simultaneously receive a pension under more than one section of this chapter. However, benefits under AS 39.35.420(b), 39.35.430, 39.35.440 or 39.35.450 shall be paid in addition to the benefits or service credit a person is entitled to receive because of the person's own membership in

the retirement system. An employee may not (1) receive duplicate credit under this system for the same period of service, (2) receive more than one year of service credit in the course of any calendar year, or (3) receive a benefit while accruing service credit under this system, except as provided in this section. (§ 42 ch 143 SLA 1960; am § 61 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment added the second and third sentences.

Sec. 39.35.535. Medical benefits. (a) The following persons are entitled to major medical insurance coverage:

(1) a person receiving a monthly benefit from the system;

(2) the spouse of a person receiving a monthly benefit from the system;

(3) a natural or adopted child of a person receiving a monthly benefit from the system, if the child is a dependent child under AS 39.35.680(11).

(b) Major medical insurance coverage takes effect on the same date as retirement benefits begin, and stops when the retired employee or survivor is no longer eligible to receive a monthly benefit. The coverage for persons age 65 or older is the same coverage available for a person under 65. The benefits payable to those persons age 65 or older supplement any benefits provided under the federal old age, survivors and disability insurance program. (§ 2 ch 200 SLA 1975; am § 62 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote this section.

Editor's notes. — Provisions relating to federal old-age, survivors, and disability insurance benefits may be found in 42 U.S.C. 301—1397f (Social Security Act).

Sec. 39.35.540. Minimum benefit. [Repealed, § 75 ch 137 SLA 1982.]

Sec. 39.35.541. Actuarial reduction of benefit. If, as a result of service credit claimed for which there is a corresponding indebtedness existing at retirement, the member's retirement benefit is actuarially reduced and the resultant benefit is less than it would have been if the service credit had not been claimed, the retirement benefit shall be equal to the amount it would have been had the service credit not been claimed. (§ 63 ch 137 SLA 1982)

Sec. 39.35.545. Duplicate benefits. [Repealed, § 6 ch 81 SLA 1976.]

Sec. 39.35.546. Tax exemption. Benefits of this chapter are exempt from Alaska state and municipal income taxes. (§ 17 ch 109 SLA 1970; am § 50 ch 128 SLA 1977)

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Sec. 39.35.545. Duplicate benefits. [Repealed, § 6 ch 81 SLA 1976.]

Sec. 39.35.546. Tax exemption. Benefits of this chapter are exempt from Alaska state and municipal income taxes. (§ 17 ch 109 SLA 1970; am § 50 ch 128 SLA 1977)

Sec. 39.35.547. Effect of amendments. (a) An amendment of this chapter is not retroactive unless its retroactivity is expressly stated in the amendment.

(b) The monthly amount of a benefit payable under this chapter shall be determined in accordance with the provisions of this chapter in effect on the date of termination of the member's last segment of employment. (§ 5 ch 81 SLA 1976; am § 42 ch 13 SLA 1980)

Effect of amendments. — The 1980 amendment rewrote the section.

NOTES TO DECISIONS

Constitutionality of 1976 amendment of AS 39.35.410 and 39.35.430. — Insofar as the vested rights of those public safety employees hired before July 1, 1976, who choose to receive benefits under the public employees retirement system in effect at the time they were hired were diminished by the 1976 amendment of AS 39.35.410(d) and (g) and former 39.35.430(a) and 39.35.430 (b), the amended subsections were violative of Alaska Const., art. XII, § 7 as applied to those employees. Hammond v. Hoffbeck, Sup. Ct. Op. No. 2345 (File No. 4742), 627 P.2d 1052 (1981).

Article 7. Participation by Political Subdivisions and Public Organizations.

Section

550. Request by political subdivision to participate and adoption of resolution
560. Request by public organization to participate and adoption of resolution
570. Survey to determine estimated cost
580. Effective date of participation
590. Designation of eligible employees and agreement to contribute
600. Eligible employees bound to system
610. Transmittal of contributions to administrator
615. Effect of termination by amendment of agreement
620. Termination of participation
630. Distribution
640. Conclusiveness of action taken upon termination
650. Refunds to employers

Sec. 39.35.550. Request by political subdivision to participate and adoption of resolution. A municipality or other political subdivision of the state may request to become an employer in this system. The request shall be made after adoption of a resolution by the legislative body of the political subdivision and after approval of the resolution by the person required by law to approve the resolution. A certified copy of the resolution shall be filed with the administrator. If the administrator approves the request for participation, the political subdivision is an employer of the system. (§ 44 a ch 143 SLA 1960; am § 1 ch 82 SLA 1976; am § 51 ch 128 SLA 1977)

Sec. 39.35.560. Request by public organization to participate and adoption of resolution. A public organization may request to become an employer in this system. The request shall be made after adoption of a resolution by the governing body of the public organization. A certified copy of the resolution shall be filed with the admin-

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Effect of amendments. — The 1980 amendment deleted "or quasi-public" following "A public" at the beginning of the section.

The 1982 amendment deleted "created wholly or partly by, or deriving its powers from, the legislature of the state" following "A public organization" in the first sentence.

Sec. 39.35.570. Survey to determine estimated cost. A political subdivision or public organization contemplating participation in this system may request a preliminary survey to determine the estimated cost of participation, the benefits derived, and other information that is appropriate. The political subdivision or public organization requesting the survey shall pay the cost of it. (§ 44 c ch 143 SLA 1960)

Sec. 39.35.580. Effective date of participation. The effective date of participation in the system by a political subdivision or public organization is the first day of any month acceptable to the governing body of the political subdivision or public organization and to the commissioner of administration. (§ 44 d ch 143 SLA 1960; am § 1 ch 63 SLA 1968; am § 12 ch 235 SLA 1968)

Sec. 39.35.590. Designation of eligible employees and agreement to contribute. The political subdivision or public organization shall designate the departments, groups, or other classifications of employees eligible to participate in the system, and shall agree to make contributions each year that are sufficient to meet the normal cost attributable to inclusion of its employees and to amortize the past service cost for its employees over a period not exceeding 40 years. (§ 44 d ch 143 SLA 1960)

Sec. 39.35.600. Eligible employees bound to system. The eligible employees of a participating political subdivision or public organization are bound by the provisions of this system and are entitled to the benefits provided under it. (§ 44 e ch 143 SLA 1960)

Sec. 39.35.610. Transmittal of contributions to administrator. The contributions of an employer and the contributions of its employees shall be transmitted to the administrator as soon as practicable after the close of the payroll period for which the contributions are made. If an employer is delinquent in transferring the contributions for more than 15 days, interest shall be assessed on the outstanding contributions at one and one-half times the most recent actuarially determined rate of earnings for the retirement system from the date that the contributions were originally due. (§ 44 f ch 143 SLA 1960; am § 28 ch 1 SLA 1974; am § 53 ch 128 SLA 1977)

Sec. 39.35.615. Effect of termination by amendment of agreement. (a) A political subdivision or public organization may request that its participation agreement be amended. The request may be made only after adoption of a resolution by the legislative body of the political subdivision and approval of the resolution by the person required by law to approve the resolution, or, in the case of a public organization, after adoption of a resolution by the governing body of that public organization. A certified copy of the resolution shall be filed with the administrator. If a political subdivision or public organization amends its participation agreement so as to terminate coverage of a department, group, or other classification of employees, each employee whose coverage is so terminated, regardless of the employee's employment status at the date of termination, shall be considered fully vested in actuarially adjusted accrued retirement benefits as of the date of termination, unless the employee's contributions have been refunded.

(b) Each employee whose coverage is terminated must, within 60 days after the date of termination, inform the administrator, in writing, whether the employee wishes to obtain a refund or a vested benefit.

(c) Each employee who elects to obtain a refund shall receive a refund of the balance of the employee contribution account. The vesting in accrued benefits for each employee who elects to obtain a refund is voided upon receipt of the refund, and the corresponding credited service may not be reinstated under this chapter. A partial refund may not be allowed under this section.

(d) For each employee who elects to obtain a vested benefit, the amount actuarially determined as necessary to fully fund the benefits to be received shall be transferred first from the employee contribution account and, after the employee contribution account has been exhausted, then from the employer contribution account into the retirement reserve account.

(e) After all of the employees whose coverage is terminated have either received refunds or have been vested in their accrued benefits, the remaining funds in the employer contribution account attributable to those employees shall be refunded to the employer.

(f) Termination of coverage of a department, group, or other classification of employees does not bar future coverage of that department, group, or classification. If coverage of a department, group, or classification is terminated under (a) of this section and the employer later amends its participation agreement to provide renewed coverage of that department, group, or classification, an affected employee may be credited only with future service. (§ 44 ch 13 SLA 1980; am §§ 65, 66 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment added the present first through third sentences of subsection (a); and in the first sentence of subsection (c), deleted the item (1) designation preceding "the employee contribution account" and

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deleted "and (2) his employee savings account" from the end of that sentence.

Sec. 39.35.620. Termination of participation. (a) If the contributions are not transmitted to the commissioner of administration within the prescribed time limit, the commissioner may grant an extension. If the political subdivision or public organization is in default at the end of the extension, participation in the system is terminated, and it shall be sent notice of termination.

(b) All employees of the terminating employer whose contributions have not been refunded, regardless of their employment status at the date of termination, shall be considered fully vested in their adjusted accrued retirement benefits as of the date of termination of the employer.

(c) If the terminating employer has not liquidated past service liability on the date of termination, the accrued vested benefits of all employees of the terminating employer to which the employees are entitled because of service before July 1, 1973, or the date of entry of the employer, whichever is later, shall be reduced by an amount derived by multiplying the accrued vested benefit by a fraction, the numerator of which is the remaining unfunded past service liability and the denominator of which is the actuarially calculated value of benefits earned before July 1, 1973, or the entry date of the employer, whichever is later.

(d) Each employee of a terminating employer must, within 60 days of the employer's termination of participation, inform the administrator, in writing, whether the employee wishes to obtain a refund or a vested benefit.

(e) Each employee who elects to obtain a refund shall receive a refund of the balance, determined as of the date of the employer's termination of participation, of the employee contribution account. The vesting in accrued benefits for each employee who elects to receive a refund is voided upon receipt of the refund and corresponding credited service may not be reinstated under this chapter. A partial refund may not be allowed under this section.

(f) For each employee who elects to obtain a vested benefit, the amount actuarially determined as necessary to fully fund the benefits to be received shall be transferred first from the employee contribution account and, after the employee contribution account has been exhausted, then from the employer contribution account into the retirement reserve account.

(g) After all of the employees of the terminating employer have either received refunds or have been vested in their accrued benefits, the remaining funds in the employer contribution account shall be refunded to the employer and the employer contribution account shall be closed.

(h) Termination of an employer's participation in the system shall not bar future participation in the system by that employer. If a previously terminated employer returns to the system employees may be credited only with service subsequent to the date of return. Adjustments made to the accrued benefits of the employees of the previously terminated employer at the time of the termination may not be altered by that employer's return to participation in the system. (§ 44 g ch 143 SLA 1960; am §§ 29 — 35 ch 1 SLA 1974; am § 109 ch 127 SLA 1974; am § 45 ch 13 SLA 1980; am § 67 ch 137 SLA 1982)

Revisor's notes. — The intent of the amendment made by § 109, ch. 127, SLA 1974, was to bring the former language of AS 39.35.620(b) into conformity with art. I, § 3 of the Constitution of the State of Alaska. As the reenactment of that subsection by § 29, ch. 1, SLA 1974 removed the necessity for the change in ch. 127, the reenacted version contained in ch. 1, SLA 1974 prevails.

Effect of amendments. — The 1980 amendment added "and corresponding credited service may not be reinstated under this chapter" at the end of the second sentence in subsection (e).

The 1982 amendment, in the first sentence, deleted the item (1) designation preceding "employee contribution account" and deleted "and (2) his employee savings account" from the end of that sentence.

Sec. 39.35.630. Distribution. A distribution made as a result of termination of participation by an employer may, to the extent that no discrimination in value results, be paid in cash or in annuity contracts, in the discretion of the board. (§ 44 h ch 143 SLA 1960)

Sec. 39.35.640. Conclusiveness of action taken upon termination. In making a distribution, the determinations, divisions, appraisals, apportionments, and allotments made are final and conclusive and not subject to question. (§ 44 i ch 143 SLA 1960)

Sec. 39.35.650. Refunds to employers. In no event may an employer receive an amount from the pension fund, except as provided under AS 39.35.615(e) and 39.35.620(g). (§ 44 i ch 143 SLA 1960; am § 46 ch 13 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "as provided under AS 39.35.615(e) and 39.35.620(g)" for "that, upon termination of participation, the employer shall receive the amount which remains after the satisfaction of all liabilities of the system to the employees of the employer and arising out of variations between actual requirements and expected actuarial requirements" at the end of the section.

Article 8. General Provisions.

Section	Section
660. Nonguarantee of employment	680. Definitions
670. Fraud	690. Short title

Sec. 39.35.660. Nonguarantee of employment. This chapter is not a contract of employment between an employer and an employee,

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nor does it confer a right of an employee to be continued in the employment of an employer, nor is it a limitation of the right of an employer to discharge an employee with or without cause. (§ 38 ch 143 SLA 1960)

Sec. 39.35.670. Fraud. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of this system, in an attempt to defraud the system, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $500, or by imprisonment for not more than twelve months, or by both. (§ 41 ch 143 SLA 1960)

Sec. 39.35.680. Definitions. In this chapter, unless the context otherwise requires,

(1) "active member" means an employee who is employed by an employer, is receiving compensation for seasonal, permanent full-time, or permanent part-time services, and is making contributions to the system;

(2) "actuarial adjustment" means equality in value of the aggregate expected payments under two different forms of pension payments, considering expected mortality and interest earnings on the basis of tables adopted from time to time by the board;

(3) "administrator" means the person appointed by the commissioner of administration under AS 39.35.050;

(4) "average monthly compensation" means the result obtained by dividing the compensation earned by an employee during a considered period by the number of months, including fractional months, for which compensation was earned; the considered period consists of the three consecutive calendar years during the period of credited service that yields the highest average, or if the employee does not have three consecutive calendar years, the period of credited service; an employee must have at least 115 days of credited service in the last calendar year in order to be used as part of the three consecutive calendar years;

(5) "beneficiary" means a person designated by an employee to receive benefits that may be due from the system upon the employee's death;

(6) "board" means the Public Employees Retirement Board;

(7) "calendar year" means the period beginning on January 1 and ending on December 31;

(8) "compensation" means the total remuneration earned by an employee for personal services rendered, including cost-of-living differentials, payments for leave that is actually used by the employee, the amount by which the employee's wages are reduced under AS 39.30.150(c), and any amount deferred under an employer-sponsored deferred compensation plan, but does not include retirement benefits, welfare benefits, per diem, expense allowances, workers' compensation payments or payments for leave not used by the employee whether those leave payments are scheduled payments, lump-sum payments, donations, or cash-ins;

(9) "credited service" means the number of years, including fractional years, recognized for computing benefits that may be due from the system;

(10) "deferred vested member" means an inactive member who meets the five-year credited service requirement to qualify for a retirement benefit;

(11) "dependent child" means an unmarried child of an employee, including one adopted, who is dependent upon the employee for support and who is either (A) under 19 years old or (B) under 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education; age restrictions set out in this paragraph do not apply to a child who is totally and permanently disabled;

(12) "disabled member" means an employee who is terminated, who has not received a refund from the system and is receiving a disability benefit from the system;

(13) "early retirement" means retirement for a member who is not eligible for normal retirement and who is at least 50 years old and is eligible to receive benefits under AS 39.35.370(b) or under AS 39.35.385(b) or (f);

(14) "elected official" means a person whose compensation results from personal services rendered to an employer as an elected representative;

(15) "employee contribution account" means the total maintained by the system of the employee's mandatory contributions, voluntary contributions, indebtedness principal, and interest contributions, interest credited to each of those accounts, and adjustments to the accounts in accordance with AS 39.35.100;

(16) "employee savings account" means the account maintained by the system to record the voluntary contributions of each employee, including interest and adjustments to the account in accordance with AS 39.35.100;

(17) "employer" means the State of Alaska or a political subdivision or public organization of the state that participates in the system;

(18) "fiscal year" means the period beginning on July 1 and ending on June 30 of the following calendar year;

(19) "former member" means an employee who is terminated and who has received a total refund of the balance of the employee contribution account, or who has requested in writing a refund of the balance in the employee contribution account, or who is eligible for a refund under AS 39.35.200(b);

(20) "inactive member" means an employee who is terminated and who has not received a refund from the system or an employee on leave-without-pay status or layoff status;

(21) "member" or "employee"

(A) means a person eligible to participate in the system and who is covered by the system;

(B) includes

(i) active member;

(ii) inactive member;

(iii) vested member;

(iv) deferred vested member;

(v) non-vested member;

(vi) disabled member;

(vii) retired member;

(C) does not include

(i) former members;

(ii) persons compensated on a contractual or fee basis;

(iii) casual or emergency workers or nonpermanent employees as defined in AS 39.25.200;

(iv) persons covered by the Alaska Teachers' Retirement System;

(v) employees of the division of marine transportation engaged in operating the state ferry system who are covered by a union or group retirement system to which the state makes contributions;

(vi) justices of the supreme court or judges of the court of appeals or of the superior or district courts of Alaska;

(vii) the administrative director of courts appointed under art. IV, sec. 16 of the state constitution unless the director becomes a member under AS 39.35.158; and

(viii) members of the elected public officers' retirement system (former AS 39.37);

(D) may include employees of the division of marine transportation excluded under (C)(v) of this paragraph provided that

(i) the State of Alaska formally agrees to their inclusion through the process of collective bargaining; and

(ii) no collective bargaining agreement has the effect of obligating contributions made by the state under AS 39.30.150 in the event the state resumes participation in the federal social security system;

(22) "military service" means active duty service in the armed forces of the United States;

(23) "nonoccupational disability" means a physical or mental condition that, in the judgment of the administrator, presumably permanently prevents an employee from satisfactorily performing the employee's usual duties for an employer or the duties of another position or job that the employer makes available and for which the employee is qualified by training or education, not including a condition resulting from a cause that the board, in its regulations has excluded;

(24) "non-vested member" means an active or inactive member who does not meet the five-year credited service requirement to qualify for a retirement benefit;

(25) "normal retirement" means retirement for a member who is eligible to receive benefits under AS 39.35.370(a) or under 39.35.385(a) or (f);

(26) "occupational disability" means a physical or mental condition that, in the judgment of the administrator, presumably permanently prevents an employee from satisfactorily performing the employee's usual duties for an employer; however, the proximate cause of the condition must be a bodily injury sustained, or a hazard undergone, while in the performance and within the scope of the employee's duties and not the proximate result of the wilful negligence of the employee;

(27) "peace officer" or "fireman" means an employee occupying a position as a peace officer, chief of police, correctional officer, correctional superintendent, fireman, or fire chief;

(28) "pension fund" means all assets held in the name of the system;

(29) "permanent full-time" means an employee who is occupying a permanent position which regularly requires working 30 or more hours a week;

(30) "permanent part-time" means an employee who is occupying a permanent position that regularly requires working at least 15 hours but less than 30 hours a week;

(31) "prescribed rate of interest" means the rate of interest used for computing employer contributions, for preparing actuarial tables used by the system and for crediting interest to employee contributions and savings accounts, and for charging interest on employee indebtedness accounts;

(32) "public organization" means an organization or entity

(A) created by the constitution or laws of the state for the purpose of administering state programs;

(B) whose officers and employees are paid by a method other than by the state payroll prepared by the Department of Administration; and

(C) whose employees are not required by law to participate in the system;

(33) *[Repealed, § 3 ch 27 SLA 1983.]*

(34) "retired member" means an employee who is terminated, who has not received a refund from the system and is receiving a benefit other than disability, from the system;

(35) "retirement" means that period of time from the first day of the month following (A) the date of termination and (B) application for retirement, in which a person is appointed to receive a retirement benefit, other than occupational or nonoccupational disability benefit;

(36) "seasonal" refers to an employee who is occupying a position for less than 12 months each year where it is anticipated that the same employee will return to the position when needed and includes a temporary employee of the legislature if part of the service for the legislature during each calendar year is performed during a legislative session;

(37) "surviving spouse" means the spouse of an employee who has been married to the employee for at least one year at the time of the employee's death; the one-year marriage requirement does not apply when the employee's death was an occupational or accidental death;

(38) "system" means the Public Employees' Retirement System of Alaska;

(39) "vested member" is an active member who meets the five-year credited service requirement to qualify for a retirement benefit. (§ 3 ch 143 SLA 1960; am § 2 ch 93 SLA 1962; am § 3 ch 102 SLA 1963; am § 10 ch 155 SLA 1966; am § 14 ch 83 SLA 1967; am §§ 18 — 21 ch 109 SLA 1970; am § 16 ch 159 SLA 1972; am § 36 ch 1 SLA 1974; am § 110 ch 127 SLA 1974; am § 3 ch 200 SLA 1975; am §§ 5, 6 ch 27 SLA 1976; am §§ 22, 23 ch 123 SLA 1976; am § 1 ch 141 SLA 1976; am § 7 ch 218 SLA 1976; am §§ 6, 7 ch 245 SLA 1976; am §§ 12, 13 ch 263 SLA 1976; am § 54 ch 128 SLA 1977; am § 3 ch 58 SLA 1979; am § 3 ch 67 SLA 1979; am § 14 ch 82 SLA 1979; am § 27 ch 12 SLA 1980; am §§ 47, 48 ch 13 SLA 1980; am §§ 36, 37 ch 146 SLA 1980; am §§ 68 — 73 ch 137 SLA 1982; am §§ 2, 3 ch 27 SLA 1983)

Revisor's notes. — In 1983, this section was reorganized to place the terms defined in alphabetical order.

Cross references. — For transition provisions relating to the 1983 amendment deleting "qualified employee of the Department of Fish and Game" from the definition of "peace officer", see §§ 4 and 5, ch. 27, SLA 1983, in the Temporary and Special Acts.

Effect of amendments. — The first 1980 amendment inserted "court of appeals or of the" preceding "superior or district courts of Alaska" in subparagraph (C)(vi) of paragraph (21).

The second 1980 amendment substituted "115" for "120" preceding "days of credited service" near the end of paragraph (4) and deleted "or quasi-public" preceding "organization" in paragraph (17).

The third 1980 amendment substituted "person" for "member" following "means a" near the beginning of paragraph (14), inserted "to an employer" following "services rendered" near the middle of paragraph (14), deleted "and who elects coverage under AS 39.35.125" at the end of paragraph (14) and added subparagraph (vii) in subparagraph (21)(C).

The 1982 amendment inserted the language beginning "payments for leave" and ending "employer-sponsored deferred compensation plan," substituted "payments for leave" for "medical leave or annual leave," and added the language beginning "whether those leave payments are scheduled payments" to the end, all in paragraph (8); inserted "who is not eligible for normal retirement and" and substituted the language beginning "is eligible to receive benefits" for "has a minimum of five years credited service" in paragraph (13); substituted the present provisions of paragraphs (15) and (25) for the provisions as set out in the main pamphlet; added subparagraph (21)(C)(viii); and added the provisions of present paragraph (32).

The 1983 amendment deleted "qualified employee of the department of fish and game" following "correctional superintendent" in the definition of "peace officer" or "fireman," and repealed the definition of "qualified employee of the Department of Fish and Game."

Editor's notes. — Section 15, ch. 82, SLA 1979 provides that AS 39.35.680(35) as amended by § 14, ch. 82, SLA 1979, applies to a temporary employee of the Eleventh Legislature, First Session, even though he may not be an employee under the public employee's retirement system on July 1, 1979.

Section 4, ch. 58, SLA 1979, purported to add a paragraph (25). Section 9 of ch. 58 provided that the amendment take effect on January 1, 1980, if approved by a majority of the votes cast in a special election conducted before January 1, 1980, by the Department of Administration among the active members of the public employees' retirement system. The amendment was rejected.

NOTES TO DECISIONS

The thrust of the exemptions in this chapter, the State Personnel Act, AS 39.25.110, and the statutory leave provisions for state employees, AS 39.20.310, is to provide for those public employees who are not susceptible to ordinary recruiting and examining procedures. Hafling v. Inlandboatmen's Union, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Sec. 39.35.690. Short title. This chapter may be cited as the Public Employees' Retirement System of Alaska. (§ 1 ch 143 SLA 1960)

Chapter 36. Public Employees' and Teachers' Disability Review.

Section		Section	
10.	Public Employees' and Teachers' Disability Review Board	20.	Duties of the board
		500.	Definitions

Sec. 39.36.010. Public Employees' and Teachers' Disability Review Board. (a) In recognition of the need for expert review of applications for disability benefits under AS 14.25 and AS 39.35 the Public Employees' and Teachers' Disability Review Board is established in the Department of Administration as a permanent advisory board to the Public Employees' Retirement Board, the Teachers' Retirement Board, and the administrator.

(b) The board consists of five members. One member is the chairman of the Public Employees' Retirement Board or the chairman's designee, one member is the chairman of the Teachers' Retirement Board or the chairman's designee, one member is the director of the division of vocational rehabilitation or the director's designee, and two members are physicians authorized to practice medicine in the state.

(c) The chairman of the Public Employees' and Teachers' Retirement Boards and the director of the division of vocational rehabilitation serve on the board ex officio. The physician members of the board shall be appointed by the governor from a list of four names, two of which are submitted by the Public Employees' Retirement Board and two submitted by the Teachers' Retirement Board. The physician members serve at the pleasure of the governor, but the service of a physician member may not exceed four consecutive years unless the physician member's name is resubmitted for reappointment.

(d) The chairman of the Public Employees' Retirement Board or the chairman's designee is chairman of the board except that when the board is considering matters relating to the teachers' retirement system the chairman of the Teachers' Retirement Board or the chairman's designee shall act as chairman.

(e) The ex officio members of the board do not receive compensation for their services on the board. The director of the division of vocational rehabilitation shall be excused from regular duties while attending

Revisor's notes. — Formerly AS 09.55.232. Renumbered in 1983.

Sec. 25.24.220. Hearing. (a) After a petition for dissolution is filed under the provisions of AS 25.24.210, a hearing shall be scheduled in accordance with the Alaska Rules of Civil Procedure.

(b) If the petition is brought by both spouses under AS 25.24.200(a), both the husband and wife are required to attend the hearing personally and not through counsel unless the court, for good cause, provides otherwise, or unless a spouse has complied with AS 25.24.200(c), in which case only the spouse filing the petition is required to attend. Either spouse may have counsel at the hearing.

(c) If the petition is brought by one spouse under AS 25.24.200(b), that spouse shall submit proof of diligent inquiry as to the whereabouts of the absent spouse and provide notice by publication, posting, or other means as ordered by the court in accordance with the Alaska Rules of Civil Procedure.

(d) If the petition is brought by both spouses under AS 25.24.200(a), the court shall examine the petitioners or petitioner present and consider whether

(1) the spouses fully understand the nature and consequences of their action;

(2) the agreements between the spouses concerning child custody, child support, and visitation are fair, just, and equitable as between the spouses and in the best interests of the children of the marriage;

(3) the agreements between the spouses relating to the division of property, spousal support, and the allocation of obligations are fair, just, and equitable; and

(4) the conditions in AS 25.24.200(a) have been met.

(e) If the petition is brought by one spouse under AS 25.24.200(b), the court shall examine the petitioner and consider whether the petitioner fully understands the nature and consequences of the action and whether the conditions in AS 25.24.200(b) have been met.

(f) The court may appoint a guardian ad litem to represent the best interests of the child. Appointment of a guardian ad litem or attorney for the child shall be made under the terms of AS 25.24.310.

(g) The court may amend the agreements between the spouses relating to child custody, child support, visitation, spousal support, division of the property, and allocation of obligations, but only if both petitioners concur in the amendment. (§ 1 ch 260 SLA 1976)

Revisor's notes. — Formerly AS 09.55.233. Renumbered in 1983.

Sec. 25.24.230. Judgment. (a) If the petition is brought by one or both spouses under AS 25.24.200(a), the court may grant the spouses a final decree of dissolution and shall provide the other relief as pro-

vided in this section if the court, upon consideration of the information contained in the petition and the testimony of the spouse or spouses at the hearing, finds that

(1) the spouses understand fully the nature and consequences of their action;

(2) the agreements between the spouses concerning child custody, child support, visitation, spousal support and tax consequences, if any, division of property, and allocation of obligations are not grossly unfair, unjust, or inequitable and are in the best interests of the children of the marriage, if any; and

(3) the conditions in AS 25.24.200(a) have been met.

(b) If the petition is brought by one spouse under AS 25.24.200(b), the court may grant the spouses a final decree of dissolution and restore the petitioner's prior name, when so requested, if the court, upon consideration of affidavits supplied by the spouse and the testimony of the spouse at the hearing, finds that

(1) the spouse present at the hearing understands fully the nature and consequences of the action; and

(2) the conditions in AS 25.24.200(b) have been met.

(c) The court shall dismiss or continue an action brought under AS 25.24.200 — 25.24.260 before findings are made if

(1) a representative of the minor children objects to a term of any of the agreements between the spouses;

(2) either of the spouses withdraws from any of the agreements required under AS 25.24.200(a); or

(3) the petition alleges that the conditions in AS 25.24.200(b) exist, but the whereabouts of the absent spouse becomes known to the other spouse or the court before findings are made.

(d) The court shall deny the relief sought in an action brought under AS 25.24.200 — 25.24.260 if the court does not make the findings requisite under (a) and (b) of this section.

(e) If the petition is brought by both spouses under AS 25.24.200(a), the court shall restore either spouse's prior name, if so requested, and shall fully and specifically set out in the decree the agreements of the spouses relating to child custody, child support, visitation, spousal support, division of property, and the allocation of the obligations of the spouses; and the court shall order the performance of those agreements. The court shall also state, in the decree, whether child support payments are to be made through the child support enforcement agency. If the petition is brought by one spouse under AS 25.24.200(b), the decree shall state that it does not bar future action on the issues not resolved in the decree.

(f) Notwithstanding any other provisions of AS 25.24.200 — 25.24.260, the court may not award as between the spouses any real or personal property acquired by the spouses before the date of the marriage, unless the spouses expressly agree otherwise or the court deter-

mines that such property should be made available, by sale or other conveyance, to ensure that the children's best interests are provided for. If the court determines that the children's best interests require an award of premarital property but the spouses do not agree, the action shall be dismissed or continued. (§ 1 ch 260 SLA 1976)

Revisor's notes. — Formerly AS 09.55.234. Renumbered in 1983.

Cross references. — For jurisdiction of court to make child custody determination, see AS 25.30.020(a).

NOTES TO DECISIONS

Jurisdiction to make child custody determination. — The superior court has no jurisdiction to make the "child custody determination" that is a prerequisite to the entry of a decree of dissolution under subsection (a) unless one of the conditions listed in AS 25.30.020(a) exists. Layne v. Niles, Sup. Ct. Op. No. 2396 (File No. 5887), 632 P.2d 234 (1981).

Sec. 25.24.240. Effect and modification of decree. (a) A decree of dissolution issued under AS 25.24.200 — 25.24.260 shall have the same force and effect as a decree granted under AS 25.24.010 — 25.24.180.

(b) A decree of dissolution granted under AS 25.24.200 — 25.24.260 may be modified or enlarged as prescribed by AS 25.24.150 — 25.24.170. (§ 1 ch 260 SLA 1976)

Revisor's notes. — Formerly AS 09.55.235. Renumbered in 1983.

Sec. 25.24.250. Forms. (a) The Department of Law, in cooperation with the administrator of the Alaska Court System, shall prepare forms and instructions for use by persons wishing to obtain a dissolution of their marriage under AS 25.24.200 — 25.24.260 and wishing to utilize the services of the child support enforcement agency. These forms shall conform to the requirements of the Alaska Rules of Civil Procedure except that information appearing on the forms in legible handwriting shall be acceptable.

(b) Forms prepared under (a) of this section shall be made available to the public at each office of the division of social services of the Department of Health and Social Services, and every superior court, and wherever else considered necessary by the Department of Law. (§ 1 ch 260 SLA 1976)

Revisor's notes. — Formerly AS 09.55.236. Renumbered in 1983.

Sec. 25.24.260. Miscellaneous. No spouse may be precluded from filing an action for divorce under AS 25.24.010 — 25.24.180 upon dismissal or denial of a petition filed under AS 25.24.200 — 25.24.260. (§ 1 ch 260 SLA 1976)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Legislative history reports. — For report on ch. 83, SLA 1967 (HB 141), see 1967 House Journal, pp. 339-340.

Sec. 22.25.025. Administration. The commissioner of administration is responsible for the administration of the judicial retirement system. (§ 8 ch 146 SLA 1980)

Sec. 22.25.027. Regulations. The commissioner of administration may adopt regulations to implement this chapter. Regulations adopted by the commissioner under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 8 ch 146 SLA 1980)

Sec. 22.25.030. Survivors' benefits. (a) Upon the death of a justice or judge who has served for at least two years, the surviving spouse is entitled to receive monthly compensation equal to one-half of the monthly retirement pay the justice or judge would thereafter have been entitled to receive if retired at the time of death. If at death the justice or judge was not yet entitled to retirement pay, or was or would have been entitled to less than 60 percent of the monthly salary authorized for the office, the surviving spouse is entitled to monthly compensation equal to 30 percent of the salary authorized for justices or judges, respectively, at the time each monthly payment is made.

(b) To be eligible for the survivors' benefits, the surviving spouse must have been married to the justice or judge for at least two years immediately preceding the death of the justice or judge. The benefits continue until the remarriage or death of the surviving spouse.

(c) If there is no surviving spouse, or if the surviving spouse does not meet the requirements of (b) of this section, or upon the remarriage or death of the surviving spouse, the surviving dependent child or children of the justice or judge are entitled to receive in equal shares 50 percent of the amount of the survivors' benefits specified under (a) of this section.

(d) The surviving child or children are entitled to the survivors' benefits under (c) of this section during the period of their dependency. Dependency exists with respect to any child of a justice or judge who is either (1) a minor under the laws of Alaska, (2) under the age of 23 and is a student attending on a full-time basis an accredited educational or technical institution recognized by the state Department of Education, or (3) so mentally or physically incapacitated as to be unable to provide for self care.

(e) If there are both an eligible surviving spouse and surviving dependent children, but who reside in separate households, the surviving spouse and dependent children will share equally in the benefits payable under (a) of this section. (§ 1 ch 102 SLA 1963; am § 12 ch 83 SLA 1967; am § 2 ch 160 SLA 1972)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Legislative history reports. — For report on ch. 83, SLA 1967 (HB 141), see 1967 House Journal, pp. 339-340.

Sec. 22.25.040. Refund of contributions.
Repealed by § 16 ch 83 SLA 1967.

Editor's note. — The repealed section derived from § 1, ch. 102, SLA 1963.

Legislative history reports. — For report on ch. 83, SLA 1967 (HB 141), see 1967 House Journal, pp. 339-340.

Sec. 22.25.041. Refund of contributions. A justice or judge who vacates office for any reason and who has not then accrued five years of creditable service under this chapter is entitled to receive a refund of the total amount of contributions, together with interest credited on the amount. If a justice or judge who has received a refund of contributions returns to active service, the justice or judge shall repay within one year the refunded contributions with interest at the prevailing rate to receive credit for the earlier period of service under AS 22.25.010(f). (§ 7 ch 80 SLA 1978)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 22.25.045. Appropriations.
Repealed by § 42 ch 146 SLA 1980.

Editor's notes. — The repealed section derived from § 13, ch. 83, SLA 1967.

Sec. 22.25.046. Employer contributions. (a) The state court system shall contribute to the judicial retirement system at the rate established by the commissioner of administration. The contribution rate shall be based on the results of an actuarial valuation of the judicial retirement system. The results of the actuarial valuation shall be based on actuarial methods and assumptions adopted by the commissioner of administration.

(b) The contribution rate shall be a percentage which, when applied to the covered compensation of all active members of the judicial retirement system, will generate sufficient money to support, along with contributions from members, the benefits of the judicial retirement system. (§ 8 ch 146 SLA 1980)

Sec. 22.25.048. Accounting and investment. (a) The commissioner of administration shall establish, as a special account in the general fund, a fund for the judicial retirement system and shall maintain accounts and records for the judicial retirement system.

Article 1. Divorce and Annulment.

Section
160. Judgment

Sec. 25.24.140. Orders during action.

NOTES TO DECISIONS

Quoted in Dowling v. Dowling, Sup. Ct. Op. No. 2809 (File No. 6454), 679 P.2d 480 (1984).

Cited in Kimmons v. Heldt, Sup. Ct. Op. No. 2685 (File No. 6254), 667 P.2d 1245 (1983); Gerlach v. State, Ct. App. Op. No. 468 (File No. A-501), P.2d (1985).

Sec. 25.24.150. Judgments for custody.

NOTES TO DECISIONS

I. GENERAL CONSIDERATION.

Quoted in Dowling v. Dowling, Sup. Ct. Op. No. 2809 (File No. 6454), 679 P.2d 480 (1984); S.N.E. v. R.L.B., Sup. Ct. Op. No. 2940 (File No. S-426), P.2d (1985).

Cited in Gerlach v. State, Ct. App. Op. No. 468 (File No. A-501), P.2d (1985).

II. DETERMINATION OF CUSTODY.

B. Review.

Custody ruling upheld. — The superior court did not err in failing to award joint legal custody of child. Smith v. Smith, Sup. Ct. Op. No. 2764 (File No. 7092), 673 P.2d 282 (1983).

Sec. 25.24.160. Judgment. In a judgment in an action for divorce or action declaring a marriage void or at any time after judgment, the court may provide

(1) for the payment by either or both parties of an amount of money or goods, in gross or installments that may include cost-of-living adjustments, as may be just and proper for the parties to contribute toward the nurture and education of their children, and the court may order the parties to arrange with their employers for an automatic payroll deduction each month or each pay period, if the period is other than monthly, of the amount of the installment; if the employer agrees, the installment shall be forwarded by the employer to the clerk of the superior court which entered the judgment or to the court trustee, and the amount of the installment is exempt from execution;

(2) for the recovery by one party from the other of an amount of money for maintenance, in gross or in installments, as may be just and necessary without regard to which of the parties is in fault;

(3) for the delivery to either party of that party's personal property in the possession or control of the other party at the time of giving the judgment;

(4) for the division between the parties of their property, whether joint or separate, acquired only during coverture, in the manner as may be just, and without regard to which of the parties is in fault; however, the court, in making the division, may invade the property of either spouse acquired before marriage when the balancing of the equities between the parties requires it; and to accomplish this end the judgment may require that one or both of the parties assign, deliver, or convey any of their real or personal property to the other party;

(5) to change the name of one of the parties. (§ 12.14 ch 101 SLA 1962; am § 1 ch 84 SLA 1966; am §§ 2 — 6 ch 160 SLA 1968; am §§ 72, 73 ch 127 SLA 1974; am § 5 ch 251 SLA 1976; am § 3 ch 40 SLA 1985)

Effect of amendments. — The 1985 amendment, effective October 1, 1985, designated former paragraphs (2) through (4) as present paragraphs (1) through (3) and former paragraphs (6) and (7) as present paragraphs (4) and (5), and in paragraph (1) inserted "that may include cost-of-living adjustments."

NOTES TO DECISIONS

I. GENERAL CONSIDERATION.

Quoted in Brooks v. Brooks, Sup. Ct. Op. No. 2775 (File No. 6714), 677 P.2d 1230 (1984); Burrell v. Burrell, Sup. Ct. Op. No. 2795 (File Nos. 6343, 6737, 6937), P.2d (1984).

II. CHILD SUPPORT.

Hinchey overruled. — The court was not convinced that the legislature intended to provide for post-majority educational support in either an original decree, or in a modification of the original decree, and to the extent Hinchey is inconsistent with this conclusion it was overruled. Dowling v. Dowling, Sup. Ct. Op. No. 2809 (File No. 6454), 679 P.2d 480 (1984).

Child support award held inadequate and issue remanded to trial court. — See Hunt v. Hunt, Sup. Ct. Op. No. 2927 (File No. S-399), P.2d (1985).

Remand required. — Where throughout the trial, wife argued that $350 per month child support was adequate, while husband maintained that it was excessive, award to wife for more than she asked required remand for a hearing in the absence of anything in the record explaining the award. Smith v. Smith, Sup. Ct. Op. No. 2764 (File No. 7092), 673 P.2d 283 (1983).

IV. DIVISION OF PROPERTY.

A. In General.

Property acquired after permanent separation but prior to final divorce should be included in the property settlement if it was acquired with property which would otherwise have been subject to division: if the later-acquired property was purchased with property which would not have been divided, then the new property should remain with the purchasing spouse. Hunt v. Hunt, Sup. Ct. Op. No. 2927 (File No. S-399), P.2d (1985).

Property division not clearly unjust. In accord with 1st paragraph in original. See Smith v. Smith, Sup. Ct. Op. No. 2764 (File No. 7092), 673 P.2d 283 (1983).

Remand for property disposition modification because of extraordinary circumstances. — See Foster v. Foster, Sup. Ct. Op. No. 2850 (File No. 7209), 684 P.2d 869 (1984).

B. What Constitutes Property.

Unused personal leave, which may be used or converted to cash by the person accruing it, is a marital asset for purposes of the court's division of the parties' property in an action for divorce. Schober v. Schober, Sup. Ct. Op. No. 2888 (File No. S-265), 692 P.2d 267 (1984).

Sec. 25.24.170. Modification of judgment.

NOTES TO DECISIONS

I. GENERAL CONSIDERATION.

Challenge of an order of support as unconstitutional is not request for modification under this section, but is a request for relief from a prior order of judgment under Alaska Civ. R. 60. Burrell v. Burrell, Sup. Ct. Op. No. 2795 (File Nos. 6343, 6737, 6937), P.2d (1984).

Post-majority child educational support. — The court was not convinced that the legislature intended to provide for post-majority educational support in either an original decree, or in a modification of the original decree, and to the extent Hinchey is inconsistent with this conclusion it was overruled. Dowling v. Dowling, Sup. Ct. Op. No. 2809 (File No. 6454), 679 P.2d 480 (1984).

II. GROUNDS FOR MODIFICATION.

General rule. — A modification of an alimony order can be obtained only where there has been a material and substantial change in circumstances occurring subsequent to the original order and the change ordinarily must be more or less permanent rather than temporary. Burrell v. Burrell, Sup. Ct. Op. No. 2795 (File Nos. 6343, 6737, 6937), P.2d (1984).

Determination of change in circumstances. — The appropriate benchmark from which to consider whether there has been a change of circumstances is the last time the issue of alimony and factors relevant to modification were actually considered. Burrell v. Burrell, Sup. Ct. Op. No. 2795 (File Nos. 6343, 6737, 6937), P.2d (1984).

Article 2. Dissolution of Marriage.

Sec. 25.24.200. Dissolution of marriage.

NOTES TO DECISIONS

Support of illegitimate children. — Although a husband's support obligation is regarded as extending only to children "of the marriage," a mistake in the determination of paternity is not regarded as jurisdictional error and the superior court can enforce an agreement to support a child even though both parties to the dissolution action later admit that the child was born out of wedlock. J.C. v. M.L.C., Sup. Ct. Op. No. 2724 (File No. 7166), 668 P.2d 1351 (1983).

Sec. 25.24.230. Judgment.

NOTES TO DECISIONS

Support of illegitimate children. — Although a husband's support obligation is regarded as extending only to children "of the marriage," a mistake in the determination of paternity is not regarded as jurisdictional error and the superior court can enforce an agreement to support a child even though both parties to the dissolution action later admit that the child was born out of wedlock. J.C. v. M.L.C., Sup. Ct. Op. No. 2724 (File No. 7166), 668 P.2d 1351 (1983).

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Editor's notes. — This section is set out above to correct a minor error in the main pamphlet.

Sec. 26.05.222. Creation and administration of Alaska National Guard and Alaska Naval Militia retirement system. (a) There is established an Alaska National Guard and Alaska Naval Militia retirement system. The commissioner of administration shall administer the Alaska National Guard and Alaska Naval Militia retirement system.

(b) The commissioner of administration may adopt regulations to implement the Alaska National Guard and Alaska Naval Militia retirement system. Regulations adopted by the commissioner under this subsection relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 17 ch 159 SLA 1972; am § 9 ch 146 SLA 1980; am § 33 ch 137 SLA 1982)

Effect of amendments. — The 1980 amendment rewrote the section.

The 1982 amendment inserted "and Alaska Naval Militia" in the first and second sentences of subsection (a) and in the first sentence of subsection (b).

Sec. 26.05.223. Commencement of participation in system. A member of the Alaska National Guard or Alaska Naval Militia shall be included in this system upon commencement of membership in the Alaska National Guard, or on January 1, 1973, whichever is later, or upon commencement of membership in the Alaska Naval Militia or on July 1, 1980, whichever is later. (§ 17 ch 159 SLA 1972; am § 10 ch 146 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "system" for "plan" at the end of the catchline and preceding "upon commencement" near the middle of the section, substituted "A" for "An active" at the beginning of the section, inserted "or Alaska Naval Militia" following "Alaska National Guard" near the beginning of the section, deleted "his active" preceding "membership" near the middle of the section, and substituted "or upon commencement of membership in the Alaska Naval Militia or on July 1, 1980, whichever is later" for "Inclusion in the plan is a condition of active membership in the Alaska National Guard" at the end of the section.

Sec. 26.05.224. Retirement benefits. (a) An active member of the Alaska National Guard, or a former member who was an active member on or after January 1, 1969, or a member of the Alaska Naval Militia on or after July 1, 1980, is eligible for a retirement pension

(1) upon voluntary retirement from the Alaska National Guard or Alaska Naval Militia after a total of 20 years or more of satisfactory service in the Alaska National Guard, Alaska Naval Militia, or the armed forces of the United States, and the reserves of them, or any

combination of service in these components if at least five years of the service is in the Alaska National Guard or Alaska Naval Militia; or

(2) upon involuntary separation because of federal standards imposed on the Alaska National Guard or Alaska Naval Militia, regardless of length of service, unless the separation occurs as a result of the member's own misconduct, misrepresentation, or unwillingness to satisfy established standards for continued participation.

(b) The retirement pension is $100 a month, payable for the same number of months that the member participated satisfactorily in the Alaska National Guard or Alaska Naval Militia.

(c) An eligible member or former member may elect to receive the retirement pension beginning on the first day of the month in which the member or former member becomes eligible for retirement, or the member or former member may elect to defer payment to a later date. Payment of a deferred retirement benefit may not begin until application for the benefit is filed with and approved by the Department of Military and Veterans' Affairs. Deferred retirement payments must be made monthly at the rate of $100.

(d) Upon the death of an active member who has at least five years service in the Alaska National Guard or Alaska Naval Militia or a combination of these components, the member's designated beneficiary is entitled to a lump sum benefit calculated in accordance with (b) of this section. Upon the death of a former member who has at least 20 years service, the former member's designated beneficiary is entitled to a lump sum benefit calculated in accordance with (b) of this section less any retirement benefits previously paid. A member may change or revoke the designation of a beneficiary without notice to the beneficiary at any time. If a member designates more than one beneficiary, each shall share equally unless the member specifies a different allocation. The designation of a beneficiary and a change or revocation of a beneficiary shall be made on a form provided by the Department of Military and Veterans' Affairs and is not effective until filed with the Department of Military and Veterans' Affairs. If a member fails to designate a beneficiary or if no designated beneficiary survives the member, the death benefit under this subsection shall be paid to the member's estate. (§ 17 ch 159 SLA 1972; am §§ 11, 12 ch 146 SLA 1980; am § 1 ch 140 SLA 1984; am E.O. No. 58, §§ 4, 5 (1984))

Revisor's notes. — Subsections (c) and (d) were redrafted in 1984 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982.

Effect of amendments. — The 1980 amendment rewrote subsections (a) through (c), and added subsection (d).

The first 1984 amendment, in paragraph (a)(2), substituted "involuntary separation" for "involuntary retirement" and

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added the language beginning "unless the separation occurs," and in subsection (d), substituted the present first and second sentences for the former first sentence, which read "A retirement benefit payable to a member at the time of the death of the member shall be paid in a lump sum to the designated beneficiary of the member," substituted "A member" for "The member" at the beginning of the present third sentence, and substituted "the member's estate" for "his estate" at the end of the subsection.

The second 1984 amendment inserted "and Veterans'" in the second sentence in subsection (c) and in two places in the next-to-last sentence in subsection (d).

Sec. 26.05.225. Earlier service. A person who was a member of the Alaska National Guard on or after January 1, 1969, is entitled to credit for his service to the state and former territory of Alaska as a member of the National Guard and Territorial Guard before and after January 1, 1969, in determining eligibility for retirement benefits under AS 26.05.224. (§ 17 ch 159 SLA 1972; am § 13 ch 146 SLA 1980)

Effect of amendments. — The 1980 amendment rewrote the section.

Sec. 26.05.226. Contributions. (a) The Department of Military and Veterans' Affairs shall contribute to the Alaska National Guard and Alaska Naval Militia retirement system the amounts determined by the commissioner of administration as necessary to

(1) fund the system based on the actuarial requirements of the system as established by the commissioner of administration; and

(2) administer the system.

(b) The amount required for contributions from the Department of Military and Veterans' Affairs under (a) of this section shall be included in the annual appropriations made to the Department of Military and Veterans' Affairs. (§ 17 ch 159 SLA 1972; am § 14 ch 146 SLA 1980; am § 34 ch 137 SLA 1982; am E.O. No. 58, § 6 (1984))

Effect of amendments. — The 1980 amendment rewrote the section.

The 1982 amendment inserted "and Alaska Naval Militia" in the introductory paragraph of subsection (a).

The 1984 amendment inserted "and Veterans'" in the introductory language of subsection (a) and twice in subsection (b).

Sec. 26.05.227. Definitions. As used in AS 26.05.222 — 26.05.228,

(1) "beneficiary" means a person designated by the member in a writing filed with the system by the member while alive to receive benefits that may be due from the system upon the death of a member;

(2) "member" means a commissioned or warrant officer or an enlisted person in the Alaska National Guard or Alaska Naval Militia;

(3) "system" means the Alaska National Guard and Alaska Naval Militia retirement system. (§ 17 ch 159 SLA 1972; am § 15 ch 146 SLA 1980; am § 35 ch 137 SLA 1982)

Effect of amendments. — The 1980 amendment rewrote the section.

The 1982 amendment extended the scope of the reference in the introductory language from AS 26.05.226 to AS 26.05.228, substituted " .e member in a writing filed with the system by the member while alive" for "a member" in paragraph (1), and inserted "and Alaska Naval Militia" in paragraph (3).

Sec. 26.05.228. Accounting and investment. (a) The commissioner of administration shall establish, as a special account in the general fund, a fund for the system and maintain accounts and records for the system.

(b) All income of the fund and all disbursements made by the fund must be credited or charged, whichever is appropriate, to the following accounts:

(1) an individual account for each retired member of the system that records the benefits paid under this system to the member or surviving beneficiary;

(2) a separate account for the Department of Military and Veterans' Affairs' contribution to fund the system based on the actuarial requirements of the system as established by the commissioner of administration under this chapter;

(3) an expense account for the system; this account is charged with all disbursements representing administrative expenses incurred by the system; expenditures from this account are included in the governor's budget for each fiscal year.

(c) Investment of surplus amounts in the fund may be made as provided in AS 39.35.110. (§ 36 ch 137 SLA 1982; E.O. No. 58, § 7 (1984))

Effect of amendments. — The 1984 amendment inserted "and Veterans'" in paragraph (2) of subsection (b).

Sec. 26.05.260. Pay and allowances. (a) The adjutant general is charged with all disbursements of pay and allowances for service of the troops.

(b) Members of the Alaska National Guard and Alaska Naval Militia are entitled to receive, for each day of active service under AS 26.05.070, pay and allowances equal to those provided by federal laws and regulations for members of equivalent grades of the United States armed forces. However, a member will not receive less than $65 per day for active service performed during the fiscal year ending June 30, 1982. For fiscal years beginning after June 30, 1982, the minimum

ASAEYC

ALASKA STATE ASSOCIATION
FOR THE EDUCATION
OF YOUNG CHILDREN

March 5, 1986

The Honorable Mitch Abood
Chairman
Senate State Affairs Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Abood:

The Alaska State Association for the Education of Young Children urges you and the other members of the Senate State Affairs Committee to support passage of House Bill 238.

Alaska has the second highest birth rate of the fifty states, the youngest population of the fifty states and over half of the Alaskan population is in the childbearing ages of 18 to 44 years.

We must do all we can to see that children born in Alaska receive the care necessary to reach their full emotional, physical and psychological potential during the first critical months of development.

Dr. T. Berry Brazelton was the keynote speaker at the Anchorage Association's conference last spring. His years of research support his claim to the importance of the first sixteen weeks of life. When an expectant mother can count on having those early weeks to bond with her infant, she can allow herself the attachment to her baby that is so important. This bonding is the basis for success in parenting in the years ahead.

This legislation will strengthen families and provide a benefit to Alaska's children without costing the state additional dollars. We support the change from maternity leave to parental leave allowing either parent the ability to be involved in the child's early stages of development and care.

Thank you for your consideration of this legislation and the opportunity to express our support.

Sincerely,

Lynn McKinnon

Lynn McKinnon
Vice-President for Advocacy
502 West 10th
Juneau, Alaska 99801

ALASKA WOMEN'S LOBBY

POST OFFICE BOX 10-1571, ANCHORAGE, ALASKA 99510

March 5, 1986

Honorable Mitch Abood, Chairman
Senate State Affairs Committee

Mr. Chairman and members of the committee:

The Alaska Women's Lobby would like to express it's support for HB 237. Pension systems affect women not only as workers but also as wives, divorced spouses and widows.

Only 20% of the married participants of the Public Employees Retirement System have chosen survivor benefits for their spouses. We do not know how many of these married participants have informed their spouses about this decision which affects their financial futures.

Many older persons face economic uncertainty and older women have the highest incidence of poverty in Alaska and in the nation. Older women in Alaska have only half the median income of older men.

We firmly believe that the spouse should be included in the decision to waive survivor benefits. Requiring written consent of both the participant and the spouse to waive these benefits allows both parties to be aware of the options available to them.

We are very supportive also of the protection afforded the rights of former spouses to retirement benefits in this proposed legislation. Pension benefits are sometimes the most valuable asset accrued during a marriage and should be considered as joint property to which both parties have an interest.

By waiving the prohibition of assignment for purposes of satisfying marital property rights, spousal and child support we are recognizing that the support of dependents is a somewhat different category from claims by ordinary creditors.

The amendments to ERISA (Employment Retirement Income Security Act) are an acknowledgement by Congress of the need to provide greater equity under pension plans for workers, their spouses and dependents. These amendments affect all private sector pension plans.

HB 237 would ensure that state and many municipal employees and their spouses are afforded similar benefits and protections and we urge your support of it's passage.

Thank you for your consideration.

Sincerely,

Sherrie Goll

Sherrie Goll, lobbyist
Alaska Women's Lobby

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OLDER ALASKANS COMMISSION

BILL SHEFFIELD, GOVERNOR

POUCH C, M.S. 0209
JUNEAU, ALASKA 99811
PHONE: (907) 465-3250

March 4, 1986

Senator Mitch Abood
Pouch V
Juneau, Alaska 99811

The Older Alaskans Commission urges your support for HB 237 "an act relating to pension reform". The Older alaskans Commission has reviewed this bill and believes it will be of special benefit to older persons and especially to older women who represent slightly more than half of Alaska's older population.

It is a sad fact that being old and a woman is a sure ticket to poverty. According to a recent survey conducted by the Older Alaskans Commission, 70 percent of older Alaskans with an annual income of less than $5,000 are women. 9 percent of Alaska's older women are divorced and an additional 45 percent are widowed. Only 3 percent were never married. Consequently, we can conclude that older women who are now poor were once married. But they do not enjoy an adequate level of retirement pensions and incomes - and many of their male peers do. Policy makers should note that the impoverishment of older women leads to the expenditure of public funds in Medicaid, Older Age Assistance, Supplemental Security Income, and other poverty programs. If we have the opportunity to establish public policy which can lessen the impoverishment of its older citizens we must do so. We have just such an opportunity in HB 237.

This bill would make spouses of public employees the automatic beneficiaries of survivor benefits unless the spouse waives the right to these benefits in writing. The majority of older women are totally unprepared for the death of their spouse. HB 237 would ensure that more older women would have pension benefits in the event their spouse were to die.

In addition, the bill sets up a mechanism for the distribution of pensions to former spouses of employees if they are awarded a portion of the pension at the time of their divorce. This provision will provide an important protection against impoverishment in later life.

On behalf of the Older Alaskans Commission and Alaska's 26,000 older citizens, I urge you give this bill your firm "DO PASS".

If you or members of the Senate State Affairs Committee have any questions about our position or would like any additional information, please contact our office at 465-3250.

Sincerely,

Peggy Burgin

Peggy Burgin

02-B25LH

Alaska Women's Commission

ANALYSIS OF HB 237
"An act relating to pension reform."
March 1985

243 5821

I. Sections 1-16 relate to changes in the Teachers' Retirement System.

Sections 1-3 amend the eligibility requirements for normal and early retirement of the TRS system to stipulate that members must designate their spouse* (which could include former spouses) the contingent beneficiary and select a joint and survivor benefit plan. The member must chose among three options that currently exist in the retirement plan.

Exceptions to these requirements are:

1. if the spouse has signed a consent form waiving the right as the contingent beneficiary;

2. if the spouse was not married to the member during any period of the member's employment covered by the retirement system;

3. if there is no spouse or that the spouse cannot be located or other circumstances described by the administrator by regulation

*Under sections 1-3, "spouse" means the person to whom the member is married at the time of appointment to retirement except to the extent that a qualified domestic relations order, orders otherwise.

Section 5 amends vested members' right to refund upon termination by requiring vested members to obtain their spouse's* (which could include former spouses) consent to the refund, in writing.

Exceptions to this requirement are:

1. the member is not vested;

2. the spouse was not married to the member during any period of the member's employment;

3. there is no spouse;

4. consent cannot be obtained because the spouse cannot be located.

*Under this section "spouse" means the person to whom the member is married at the time of application for the refund, except to the extent that a qualified domestic relations order, orders otherwise.

Sections 6 and 7 amend the designation of beneficiary for non-occupational and occupational death benefits by clarifying the definition of spouse* to include former spouses to the extent that a qualified domestic relations order so orders.

*Under these sections "spouse" means the person to whom the member was married during the member's employment and is married to at the time of the member's death, except to the extent that a qualified domestic relations order, orders otherwise.

Sections 8-10 amend the designation of beneficiary for death benefits from the member's designated choice to the member's spouse if the member is married, becomes married or remarries. Revocation of the designation of the member's spouse can only be accomplished by the spouse signing a consent form waiving the right as beneficiary.

The definition of spouse is clarified to mean the person to whom the member was married during the member's employment and is married to at the time of the member's death, except to the extent that a qualified domestic relations order, orders otherwise. A qualified domestic relations order can establish a former spouse as the designated beneficiary.

Procedures for the claiming of spousal entitlement to death benefits is outlined. A ten day time period, following the member's death, is established for all entitlement claims to be filed with the administrator. If a claim is not received within the ten day period, the person claiming entitlement is not entitled to receive any benefit already paid by the administrator.

Sections 11-13 amend the joint and survivor option of retirement plans by changing the designation of contingent beneficiary to require that a member's spouse (which could include former spouses) must be the contingent beneficiary. The member, however, maintains the choice of which joint and survivor option plan to select. The member must choose among three options currently existing in the retirement plan.

Exceptions to this requirement are:

1. if the spouse signs a consent form waiving the right as contingent beneficiary;

2. if the spouse was not married to the member during any period of the members employment covered by this retirement plan;

3. if there is no spouse or that the spouse cannot be located or other circumstances described by the administrator.

In the case where there is 'no spouse', a member may designate a dependent as a contingent beneficiary or may take normal or early retirement.

Spouse is defined as the person to whom the member is married at the time of appointment to retirement, except to the extent that a qualified domestic relations order, orders otherwise. A qualified domestic relations order can establish a former spouse as the contingent beneficiary.

Procedures for claiming to be a contingent beneficiary is outlined. A 60 day time period, following a member's application for retirement, is established for filing of all claims as contingent beneficiary. No claim, following the 60 day period, may be paid if the payment would result in an increase in the actuarial cost to the retirement system.

Sections 14-15 amend the TRS exemption status from assignments to provide for assignments resulting from qualified domestic relations orders.

Section 16 defines a domestic relations order. Which means a divorce or dissolution judgement, including an order approving a property settlement, provision of child support and spousal support. It also defines surviving spouse as the spouse of a member at the time of a member's death except to the extent that a qualified domestic relations order, orders otherwise.

II. Sections 17 and 18 relate to changes in the Judicial Retirement System.

Section 17 amends survivor benefits by reducing the requirement from two years to one year that a spouse be married prior to the death of the justice or judge in order to be eligible for survivor benefits. This change conforms to PERS definition and ERISA's requirements for eligibility of survivor benefits.

It also allows former spouses who were married for at least one year and who have not remarried to share in survivors' benefits to the extent provided in a qualified domestic relations order.

Section 18 defines a qualified domestic relations order. The definition is the same as described in Section 16 under the TRS plan.

III. Sections 19 and 20 relate to changes in the Marital and Domestic Relations statute. The amendments require that if a divorce or dissolution judgement distributes benefits from PERS, TRS, NGRS to an alternate payee (former spouse), the judgement must be a qualified domestic relations order.

IV. Sections 21-23 relate to changes in the Alaska National Guard Retirement System.

Sections 21 and 22 amend retirement benefits for vested members by changing the designation of beneficiary for death benefits from the vested member's designated choice to the member's spouse if the member is married, becomes married or remarries while employed under this retirement plan. It also allows former spouses who were married to the member while employed under this retirement plan to share in survivors' benefits to the extent provided in a qualified domestic relations order.

Requirements and procedures for revocation of consent of the spouse, proof of a claim to entitlement and a 10 day notification of claim period are the same as for the death benefits under TRS (referred to in Sections 8-10).

Section 23 defines a qualified domestic relations order. It is identical to all other references in TRS, JRS (Sections 16 and 18).

V. Sections 24-39 relate to changes in the Public Employees' Retirement System.

Section 24 amends a vested member's right to refund upon termination by requiring vested members to obtain their spouse's consent to the refund in writing. Definition of spouse and exceptions to this requirement are the same as in TRS (Section 5).

Sections 26-29 amend the eligibility requirements for normal and early retirement under PERS to stipulate that members must designate their spouses as the contingent beneficiary and select a joint and survivor benefit plan. The member must choose among three options which currently exist in the retirement plan. The exceptions to this requirement and definition of spouse are the same as in TRS (Sections 1-3).

Sections 30-32 amend the designation of beneficiary for non-occupational and occupational death benefits by clarifying the definition of spouse which could include former spouses to the extent that a qualified domestic relations order so orders. The change in definition of spouse is the same as in TRS (Sections 6-7).

Sections 33-35 amend the joint and survivor option of retirement plan by changing the designation of contingent beneficiary to require that a member's spouse (which could include former spouses) must be the contingent beneficiary. The member, however, maintains the choice of which joint and survivor option plan to select. The member must choose among three options that currently exist in the retirement plan. Revocation of this requirement, spousal waiver, right to designate a dependent as beneficiary or take normal retirement, definition of spouse, procedures for spousal claim to right of contingent beneficiary and time period allotted for claim is the same as in TRS (Sections 11-13).

Section 36 amends the designation of beneficiary for death benefits from the member's designated choice to the member's spouse if the member is married, becomes married or remarries. Revocation of designation, spousal waiver of the right to beneficiary, the definition of spouse, procedures for spousal claim to right of beneficiary and time period allotted for claim is the same as in TRS (Sections 8-10).

Section 37 amends the PERS exemption status from assignments to provide for assignments resulting from qualified domestic relations orders. This is the same in TRS (Sections 14-15).

Section 38 amends the definition of surviving spouse in the PERS plan to include former spouses to the extent that a qualified domestic relations order, orders.

Section 39 defines a domestic relations order. This is the same definition used in TRS, JRS, NGRS (Sections 16, 18, 23).

Section 40 charges the Department of Administration with the duty to notify members of the state's retirement plans of the changes previously outlined within 90 days following enactment of the legislation. Notification will be provided through the division of retirement's newsletter and publication in newspapers in each judicial district of the state. They will also provide all necessary forms to implement the Act.

Sections 41-42 set out the effective dates of the Act. Notification of the changes to the state's retirement plans will take effect immediately. Sections 1-39 take effect January 1, 1986.

HB

2380

ASSOCIATION OF ALASKA SCHOOL BOARDS
326 Fourth St., Suite 510 • Juneau, Alaska 99801 • (907) 586-1083

TESTIMONY BEFORE SENATE STATE AFFAIRS COMMITTEE
CS for House Bill No. 238 (Judiciary) am
March 13, 1986

The Association of Alaska School Boards does not oppose the concept of crediting Leave Without Pay (LWOP) toward retirement eligibility. However we are opposed to removing decision-making and control regarding Parental Leaves Without Pay from the local school board and administration.

In our view HB 238 establishes, as a matter of state policy, approval of up to four months of Leave Without Pay for natural or adoptive parents who are certificated employees of school districts and credits that non-working time toward eligibility in the Teacher's Retirement System.

Currently, Leave Without Pay is collectively bargained between a school district and its certificated employees. However, the state's explicit approval of Leave Without Pay for parenting reasons undermines the district's bargaining position and weakens any attempt by school management to control leave useage.

Additionally, sixteen weeks doesn't appear to have any relation to the period of temporary disability connected with childbirth, for which employees are now entitled to use accrued sick leave. It simply represents an additional benefit of being able to count this non-working time for retirement. AASB is concerned that such a benefit may discriminate against non-parents since eligibility depends solely on whether the Leave Without Pay was for child rearing purposes.

We believe that the decline in state revenues will impact significantly on school district revenues. It is imperative that districts maximize their ability to manage and control costs at the local level. We believe this legislation would be detrimental to local control.

We thank the committee for the opportunity to submit this testimony.

Alaska State Legislature

Senator Mitch Abood
CHAIRMAN

IN BETHEL
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senate Committee on State Affairs

CSHB 238 (Judiciary) am

The following amendments were drafted in response to Sen. DeVries request to make the language clear that adoption, and not foster parenting be included among the reasons for credit of service of leave without pay.

AMENDMENT # 1

Page 2, line 1. After "member" insert "in connection with adoption"

Page 3, line 5. After " judge" insert "in connection with adoption."

Page 4, line 13. After "employee" insert "in connection with adoption."

Alaska State Legislature

INTERIM OFFICE
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ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

CSHB 238 (Judiciary) am

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OFFICE OF THE GOVERNOR
ALASKA WOMEN'S COMMISSION

KATHY MARSHALL
Executive Director

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ATE OF ALASKA
FFICE OF THE GOVERNOR
A WOMEN'S COMMISSION
1 C STREET - SUITE 742
CHORAGE, ALASKA 99503

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(907) 561-4227

MEMO

TO: Senator Mitch Abood

FROM: Kathy Marshall KM
Executive Director

SUBJECT: Proposed changes to CSHB 238

DATE: March 13, 1986

The Alaska Women's Commission would like to propose the following changes to CSHB 238 in response to objections discussed in Senate State Affairs, March 13, 1986:

1) "Amend the title to "An Act relating to personal leave for pregnancy, child birth and adoption".

2) Eliminate sections 1, 2, 3, 5, 6, 7, and 8.

These changes will remove all references to the ability of employees to purchase back retirement credit while on leave without pay for purposes due to pregnancy, birth or adoption. This eliminates any impact on the retirement systems for PERS, TERS and JERS and subsequently removes the basis of the fiscal note.

The remaining section 4, amends the personnel statute, AS 39.20.225(b)(4) to change maternity leave to parental leave and extend the leave without pay from 9 to 16 weeks. These provisions would affect only exempt employees and not bargaining units.

The Alaska Women's Commission believes this provision will set a state policy which recognizes the importance of parental involvement in the first four months of life without impacting the bargaining process.

Please feel free to contact me if you would like additional information about this proposal. Thank you for your consideration.

KM/dn

HB 238

NOTES TO DECISIONS

Cited in State v. Worden, 7 Alas. L.J. No. 9, p. 641 (Sept., 1969).

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 158, 403.

Sec. 39.20.210. Determining years of service. In determining years of service for the purpose of computing personal leave, all service with the Territory and State of Alaska is included. A change in the rate of accrual of personal leave by an officer or employee takes effect upon the beginning of the monthly pay period following the monthly pay period in which the officer or employee completes the prescribed period of service. (§ 11-5-6 b ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 2 ch 136 SLA 1978)

Sec. 39.20.220. Requirement that employment be continuous. Notwithstanding AS 39.20.200, an officer or employee is entitled to personal leave only after having been employed currently for a continuous period of 30 days under one or more appointments without break in service. When an officer or employee completes a period of continuous employment of 30 days, an amount of personal leave is credited to the officer or employee equal to the amount which, but for this section, would have accrued under AS 39.20.200 during the period. (§ 11-5-6 c ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 3 ch 136 SLA 1978)

Sec. 39.20.225. Use of personal leave. (a) An officer or employee may take personal leave at any time business permits upon permission by the head of the department or agency for which the officer or employee works.

(b) An officer or employee may take personal leave for medical reasons, regardless of whether business permits, upon permission by the head of the department or agency for which the officer or employee works. A department or agency head shall grant personal leave for medical reasons if the department or agency head is satisfied that the officer or employee is absent for medical reasons. The taking of personal leave for medical reasons shall be reduced by the amount of wage continuation payments made under the Alaska Workers' Compensation Act (AS 23.30). The following constitute "medical reasons" and are subject to the conditions noted:

(1) Medical disability of an officer or employee is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(2) Medical disability of a member of an officer's or employee's immediate family is a medical reason for taking personal leave if the disability is such that the attendance of the officer or employee is required. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(3) A medical condition of an officer or employee that makes presence at work a danger to the health of fellow employees is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the condition if the absence exceeds three consecutive working days.

(4) Pregnancy and childbirth is a medical reason for a female officer or employee to take personal leave. A female officer or employee, otherwise qualified for a leave of absence, is entitled to take a maximum of nine weeks leave immediately preceding and following childbirth. If the officer's or employee's accrued personal leave is insufficient for this purpose, the officer or employee is entitled to take leave without pay for the balance of the nine-week period.

(5) Death of a member of an officer's or employee's immediate family is a medical reason for taking personal leave. No more than five days of personal leave may be taken for this purpose.

(c) Each officer and employee shall, during each 12-month period, take at least five days of personal leave. If the officer or employee does not take at least five days of personal leave during a 12-month period, the difference between five days and the amount of personal leave taken shall be canceled without pay unless the department or agency head certifies in writing that the officer or employee was denied the opportunity to take five days of personal leave during the 12-month period. (§ 4 ch 136 SLA 1978)

Sec. 39.20.230. When annual leave may be taken. [Repealed, § 15 ch 136 SLA 1978. For current law see AS 39.20.225.]

Sec. 39.20.240. Accumulation of personal leave. Except as provided in AS 39.20.225(c) personal leave that is not taken by an officer or employee during a 12-month period accumulates for use in succeeding 12-month periods. (§ 11-5-6 e ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 1 ch 37 SLA 1967; am § 1 ch 31 SLA 1971; am § 1 ch 151 SLA 1972; am § 5 ch 136 SLA 1978)

Sec. 39.20.245. Donation of personal leave. (a) An officer or employee may donate one or more days of personal leave a year to the memorial scholarship revolving loan fund, or to a scholarship account in the fund, under AS 14.43.250 — 14.43.325. The commissioner of administration shall pay to the account of the memorial scholarship revolving loan fund, or to a scholarship account in the fund, an amount equal to the value of the day or days of personal leave contributed by the officer or employee.

§ 14.20.320

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FOR HB 288

accomplishments" in the first sentence, substituted "returning" for "his return" in the second sentence, and substituted "the teacher" for "him" in the second sentence.

Sec. 14.20.330. Position, tenure, and retirement. (a) Unless it is otherwise agreed, a teacher returning from sabbatical leave shall return to the position occupied by that teacher when the sabbatical leave began.

(b) A sabbatical leave is not an interruption of the continuous service necessary to attain or retain tenure under AS 14.20.150, 14.20.155, or 14.20.160. However, the time spent on sabbatical leave may not be counted in determining when a teacher has sufficient service to enable the teacher to acquire tenure rights.

(c) A sabbatical leave is not a break in service for retirement purposes. Payment into the retirement fund shall be made on the basis of full salary. (§ 6 ch 134 SLA 1962; am § 32 ch 98 SLA 1966)

Editor's notes. — Subsection (a) was rewritten by the revisor of statutes under the authority of AS 01.05.031 and in accordance with the directive in § 4, ch. 58, SLA 1982. The revisor also, in subsection (b), substituted "the teacher" for "him" under the authority of AS 01.05.031 and ch. 58.

Sec. 14.20.340. Military service and previous leaves of absence. To determine eligibility for sabbatical leave, tours of military service and leaves of absence granted before July 1, 1963, are not considered years of active service. (§ 7 ch 134 SLA 1962; am § 2 ch 62 SLA 1964)

Sec. 14.20.345. Leave of absence without pay. (a) A teacher may be granted a leave of absence without pay for the purposes which may be approved by the governing body of the district if

(1) the teacher's application is approved by the governing body of the district; and

(2) the teacher agrees to return to employment in a public school not later than the beginning of the school year following termination of the period for which the leave of absence was granted.

(b) A leave of absence is not an interruption of the continuous service necessary to attain or retain retirement or tenure rights according to AS 14.20.150, 14.20.155, or 14.20.160. However, the time spent on leave of absence may not be counted in determining when a teacher has sufficient service to enable the teacher to acquire retirement or tenure rights.

(c) The leave of absence is not a break in service for retirement purposes.

(d) The governing body of the district may agree to continue the teacher's retirement contributions if the teacher agrees to pay the required seven per cent of the salary the teacher would have received during the leave of absence and reimburse the district for the district's required retirement contribution. Each year of leave of absence then would count as a year of retirement service.

(e) The governing body of the district may advance the teacher on the district salary schedule when the teacher returns to employment if the governing body determines that the teacher's leave of absence was educationally or professionally beneficial to the teacher or the district.

(f) A teacher may make contributions to the retirement fund for each year or portion of a year of leave of absence taken. The contribution shall include the required per cent of the salary the teacher would have received had the leave of absence not been taken, plus the required employer and state contributions that would have been made. Compound interest at the rate prescribed by regulation shall be added as computed from the beginning date of the leave of absence to the date the teacher pays the contribution. (§ 5 ch 104 SLA 1965; am §§ 33, 34 ch 98 SLA 1966; am § 1 ch 44 SLA 1971; am § 1 ch 184 SLA 1972; am § 2 ch 99 SLA 1974)

Editor's notes. — The revisor of statutes, pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982, substituted "the teacher's" for "his" in subsection (a)(1); substituted "the teacher" for "he" in subsections (a)(2), (d), (e), and (f); substituted "the teacher" for "him" in subsection (b); substituted "the" for "his" in subsection (d); and, in subsection (f), substituted "the leave of absence not been taken" for "he not taken the leave of absence."

Sec. 14.20.350. Definition. In AS 14.20.280 — 14.20-350 "teacher" means a certificated member of the teaching, supervisory, or administrative corps in the public schools of the state. (§ 8 ch 134 SLA 1962)

Revisor's notes. — This section was rewritten to eliminate former paragraph (2) which defined "department" by the revisor of statutes under AS 01.05.031 because of the redundancy in light of AS 14.60.010(4).

Article 5. Professional Teaching Practices Act.

Section

370. Teaching profession
380. Creation of a commission
390. Appointment and qualifications
400. Composition of the commission
410. Selection of members
420. Term of office
430. Dismissal
440. Reimbursement
450. Responsibilities of commission
460. Duties of commission
470. Powers of commission
475. Applicability of the Administrative Procedure Act
480. Effect of standards
500. Support
510. Short title

Sec. 14.20.370. Teaching profession. Teachers required by Alaska law to be certificated, instructors in institutions of higher learning, school administrators, school program administrators, and school counselors are within the teaching profession. (§ 35 ch 98 SLA 1966)

(b) When a school operated by a federal agency is transferred to or absorbed into a new or existing school district the teachers shall also be transferred if mutually agreed by the teacher or teachers and the school board of the new or existing district. A teacher transferred from a federal agency school, which does not have an official salary schedule or teacher tenure in the same manner as a public school district in the state, shall be placed on a position on the salary schedule of the absorbing district; the salary may not be less than the teacher would have received in the federal agency school. If the teacher taught two or more years in the federal agency school and, at the time of transfer, had a valid Alaska teaching certificate, that teacher shall be placed on tenure in the absorbing district.

(c) On the first day of service in the absorbing school district, a teacher transferred from a federal agency school shall be allowed the actual number of days of accumulated sick leave that the teacher has earned while teaching in Alaska. Consistent with the established district policy the absorbing district may allow credit for any other type of leave. Credit for retirement shall be allowed in accordance with AS 14.25.060. (§ 1 ch 53 SLA 1972; am § 1 ch 150 SLA 1975)

Legislative history reports. — For report on ch. 150, SLA 1975 (CSSB 128 am), see 1975 Senate Journal, p. 712.

NOTES TO DECISIONS

Back pay is not a benefit for the purpose of subsection (a) of this section. Aleutian Region R.E.A.A. v. Wolansky, Sup. Ct. Op. No. 2380 (File No. 5098), 630 P.2d 529 (1981).

Quoted in Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Sec. 14.20.148. Intradistrict teacher reassignments. When a teacher is involuntarily transferred or reassigned to a position for which the teacher is qualified, within the district, the teacher's moving expenses shall be paid unless the one-way driving distance is 20 miles or less from the teacher's present place of residence, or unless otherwise mutually agreed by the teacher and chief school administrator of the district. (§ 1 ch 136 SLA 1972)

Editor's notes. — The revisor of statutes, pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982, substituted "the teacher" for "he" and "the teacher's" for "his."

Collateral references. — Power of school authorities to transfer teacher from one school or district to another, 103 ALR 1382.

Sec. 14.20.150. Acquisition of tenure rights. (a) A teacher acquires tenure rights in a district when the teacher

(1) possesses a standard teaching certificate;

(2) has been employed as a teacher in the same district continuously for two full school years and is reemployed for the school year immediately following the two full school years.

(b) The tenure rights acquired under (a) of this section become effective on the first day the teacher performs teaching services in the district during the school year immediately following the two full school years. (§ 1 ch 92 SLA 1960; am § 17 ch 98 SLA 1966)

Editor's notes. — The revisor of statutes, pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982, substituted "the teacher" for "his" in the introductory language of subsection (a).

NOTES TO DECISIONS

Purpose of tenure laws. — Tenure laws are intended to give job security to experienced teachers and to ensure that they will not be discharged for inadequate reasons. State v. Redman, Sup. Ct. Op. No. 755 (File No. 1431), 491 P.2d 157 (1971).

A system of tenure has as its objective the retention of able personnel after they have undergone an adequate period of probation with the concomitant result that more talented personnel will be attracted to enter the teaching profession. State v. Redman, Sup. Ct. Op. No. 755 (File No. 1431), 491 P.2d 157 (1971).

The law does not require that teachers shall teach every day, or every hour of every day. State v. Redman, Sup. Ct. Op. No. 755 (File No. 1431), 491 P.2d 157 (1971).

The supreme court fails to find any provision of Alaska statutes concerning education which requires, or to perceive of any persuasive policy reasons why, a teacher must work full days throughout the school year in order to attain tenure rights. No legislative intent to exclude a teacher who works less than full days is manifest from a study of the applicable statutes. State v. Redman, Sup. Ct. Op. No. 755 (File No. 1431), 491 P.2d 157 (1971).

Duties regular and substantial enough to afford intelligent evaluation are sufficient. — When a teacher's duties are regular and substantial enough to afford intelligent evaluation, there is little in the way of persuasive policy considerations for excluding such service from the ambit of Alaska tenure laws. State v. Redman, Sup. Ct. Op. No. 755 (File No. 1431), 491 P.2d 157 (1971).

Cited in Skagway City School Bd. v. Davis, Sup. Ct. Op. No. 1216 (File No. 2265), 543 P.2d 218 (1975); Crisp v. Kenai Peninsula Borough School Dist., Sup. Ct. Op. No. 1771 (File No. 3318), 587 P.2d 1168 (1978).

Collateral references. — What amounts to waiver of status or rights under teachers' tenure statute. 145 ALR 1078.

Construction and effect of tenure provisions of contract or statute governing employment of faculty member by college or university. 66 ALR3d 1018.

Who is "teacher" for purposes of tenure statute. 94 ALR3d 141.

Sec. 14.20.155. Effect of tenure rights. (a) A teacher who has acquired tenure rights has the right to employment within the district during continuous service.

(b) A teacher who has acquired tenure rights may agree to a new contract at any time. However, if the teacher fails to agree to a new contract, the provisions of the previous contract are continued subject to AS 14.20.158. (§ 18 ch 98 SLA 1966)

Sec. 39.35.280. Determination and payment of state contributions. The total amount of contributions required under AS 39.35.250 — 39.35.290 to be made by the state into the system shall be ascertained by the department of administration as soon as practicable after the end of each calendar month and shall be paid from the general fund of the state, except as provided in this section. If an employee is paid wages by the state during the month from a special or administrative fund provided by law, the payment to the system shall be made from that special or administrative fund. If the wages of an employee include both wages for state employment paid from the general fund of the state and wages for state employment paid from special or administrative funds, the amount to be paid into the system shall be prorated among the state funds in proportion to the wages paid to the individuals from each fund. However, payment may not be made from the special or administrative fund if the statute covering the special or administrative funds prohibits it. (§ 10 d ch 143 SLA 1960)

Sec. 39.35.290. Regulations governing transmittal of employer contributions. The board shall adopt regulations to ensure the orderly and efficient transmittal of employer contributions. (§ 10 e ch 143 SLA 1960)

Article 5. Service.

Section	Section
300. Employment with the state	345. Temporary service credit
310. Employment with other employers	350. Reinstatement of credited service
330. Leave of absence	360. Earlier service
340. Military service	

Sec. 39.35.300. Employment with the state. (a) An active employee is entitled to credited service for periods of employment with the state after January 1, 1961, regardless of the office, department, division, or agency of the state in which the person was employed. For purposes of this chapter, the University of Alaska is not an office, department, division, or agency of the state. Service credit may not be granted under this chapter for service that is creditable under the teachers' retirement system, AS 14.25.

(b) A permanent part-time employee of the state receives credited service on a pro rata basis to that which would have been earned as a permanent full-time employee. (§ 11 ch 143 SLA 1960; am § 4 ch 155 SLA 1966; am § 4 ch 27 SLA 1976; am § 26 ch 128 SLA 1977; am § 29 ch 13 SLA 1980)

Effect of amendments. — The 1980 amendment added the present second and third sentences in subsection (a).

MF

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/Resolution No.: CSHB 238 (JUD)
Title: "An Act relating to credited service. . ."

Sponsor: Rules
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: All State
BRU: Retirement & Benefits

Components: PERS, TRS, JRS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
RTMNT & BNFTS		85.4	92.2	99.6	107.6	116.2
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
TRS MATCH		45.7	49.4	53.3	57.6	62.2
TOTAL OPERATING	-0-	131.1	141.6	152.9	165.2	178.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		123.6	133.5	144.2	155.7	168.2
FEDERAL FUNDS		3.6	3.9	4.2	4.6	4.9
OTHER		3.9	4.2	4.5	4.9	5.3
TOTAL	-0-	131.1	141.6	152.9	165.2	178.4
POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: J.K. Humphreys, Director
Phone: 465-4470
Division: Retirement & Benefits
Date: 1/24/86

Approved by Commissioner: Eleanor Andrews
Date: 1/24/86
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies) Retirement & Benefits

CSHB 238 (JUDICIARY)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

January 24, 1986

IV Analysis:

Passage of this bill will allow members of the Public Employees (PERS), Judicial (JRS) and Teachers' (TRS) Retirement Systems to claim and purchase service for periods of authorized Leave Without Pay which resulted from pregnancy, birth of a member's child, adoption or care of the child immediately following birth. The bill also establishes a sixteen week limit on the amount of Leave Without Pay which may be claimed.

To fund this bill, the state PERS contribution rate would be increased by .0133% in FY 87. The state PERS payroll is estimated to be $590,176,728 in FY 87 and to increase by 8% each year thereafter.

The state TRS contribution rate must be increased by .01% for FY 87. The state TRS payroll is estimated to be $68,569,578 in FY 87 and to increase by 8% each year thereafter. The TRS State Match contribution would increase by .01% in FY 87. The TRS State Match salary is estimated to be $456,833,417 for FY 87 and to increase by 8% each year thereafter.

The State FY 87 cost of $131.1 is calculated as follows:

The increase in State PERS contribution rate (.0133%) times the estimated FY 87 State PERS salary ($590,176,728) equals;	$78,500.00
The increase in State TRS contribution rate (.01%) times the estimated FY 87 State TRS salary ($68,569,578) equals;	$ 6,900.00
The increase in TRS State Match contribution rate (.01%) times the estimated FY 87 TRS State Match salary ($456,833,417) equals;	$45,700.00
Total cost	$131,100.00

We have also estimated that Political Subdivision and School Districts costs (TRS and PERS) would increase as follows:

FY 87	FY 88	FY 89	FY 90	FY 91
$102.7	$110.9	$119.8	$129.4	$139.7

2/3/1

Alaska State Legislature

House of Representatives
House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-

HOUSE JUDICIARY COMMITTEE
INTENT FOR CSHB 238(Jud) am

It is the intent of the Committee that, when a position providing vital government services to the public is temporarily vacated because of parental leave authorized under CSHB 238 (Judiciary)am the supervisor should immediately fill the position with a temporary employee so that those services to the public are not interrupted.

M. Mike Miller, Chairman

John Sund, Vice-Chairman

Don Clocksin

Max Gruenberg

Randy Phillips

Fritz Pettyjohn

Robin Taylor

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the state's retirement systems. This bill amends statutes pertaining to the teachers', judicial, and public employees' retirement systems to allow credit for service for certain approved leave without pay.

The bill allows for credited service to be obtained for up to nine weeks of approved leave of absence without pay taken in connection with pregnancy, birth, or adoption of a child, and care of a child immediately after the birth or adoption of the child. Once an employee returns to work after such a leave of absence, the employee may obtain credited service by paying the full actuarial cost of providing benefits for the service claimed. Any unpaid indebtedness for the service claimed at the time of retirement will result in an actuarial reduction in benefits.

The bill requires the commissioner of administration to inform retirement system participants of the changes accomplished by this bill.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: HB 238
Title: "An Act Relating to Credited Service..."
Sponsor:
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: All State Agencies
Program Category Affected: Elementary & Secondary Education, Labor Services
BRU, Program or Subprogram(s) Affected: PERS, JRS & TRS

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs						
100 Rtmnt & Bnfts		44.8	48.4	52.3	56.3	60.9
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		23.3	25.2	27.2	29.4	31.7
TOTAL OPERATING	-0-	68.1	73.5	79.4	85.8	92.6
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		64.2	69.3	74.9	80.9	87.3
FEDERAL FUNDS		1.9	2.1	2.2	2.4	2.6
OTHER		2.0	2.2	2.3	2.5	2.7
TOTAL	-0-	68.1	73.5	79.4	85.8	92.6

Prepared By: J.K. Humphreys, Director (J.K. Humphreys) Phone: 465-4470
Division: Retirement & Benefits Date: 2/21/85

Approved by Commissioner: Lisa Rudd (H Stillman for) Date: 2-22-85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Elem. & Secondary Educ.

Rev. 7/1/84

HB 238 : Maternity Credit Bill
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

February 21, 1985

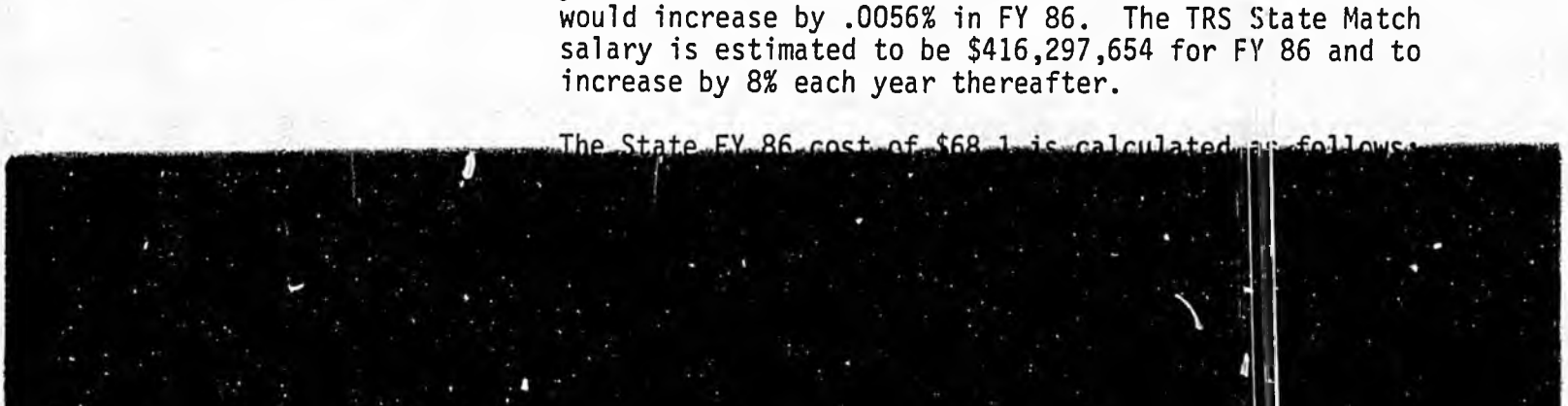
IV Analysis:

Passage of this bill will allow members of the Public Employees (PERS), Judicial (JRS) and Teachers' (TRS) Retirement Systems to claim and purchase service for periods of authorized Leave Without Pay which resulted from pregnancy, birth of a member's child, adoption or care of the child immediately following birth. The bill also establishes a nine week limit on the amount of Leave Without Pay which may be claimed.

To fund this bill, the state PERS contribution rate would be increased by .0075% in FY 86. The state PERS payroll is estimated to be $544,046,592 in FY 86 and to increase by 8% each year thereafter.

The state TRS contribution rate must be increased by .0056% for FY 86. The state TRS payroll is estimated to be $71,490,744 in FY 86 and to increase by 8% each year thereafter. The TRS State Match contribution would increase by .0056% in FY 86. The TRS State Match salary is estimated to be $416,297,654 for FY 86 and to increase by 8% each year thereafter.

The State FY 86 cost of $68,1 is calculated as follows:



contribution rate (.0056%) times the estimated FY 86 TRS State Match salary ($416,297,654) equals;	$23,300.00
Total cost	$68,100.00

We have also estimated that Political Subdivision and School Districts costs would increase as follows:

FY 86	FY 87	FY 88	FY 89	FY 90
$51.4	$55.5	$60.0	$64.7	$69.9

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: CSHB 238 (Jud)
Title: "An Act relating to credited service..."
Sponsor: Rules
Requestor: Miller
Date of Request: 4/29/85

FISCAL DETAIL
Agency Affected: All State
Program Category Affected: Labor Services
BRU, Program or Subprogram(s) Affected: PERS, TRS

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs						
100 Rtmnt & Bnfts		79.5	85.9	92.7	100.1	108.2
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		41.6	44.9	48.5	52.4	56.6
TOTAL OPERATING	-0-	121.1	130.8	141.2	152.5	164.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		114.2	123.3	133.2	143.9	155.4
FEDERAL FUNDS		3.3	3.6	4.8	4.2	4.5
OTHER		3.6	3.9	4.2	4.4	4.9
TOTAL	-0-	121.1	130.8	141.2	152.5	164.8

Prepared By: J.K. Humphreys, Director — Phone: 465-4470
Division: Retirement & Benefits — Date: 4/29/85

Approved by Commissioner: Lisa Rudd — Date: 5/7/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Labor Services

CSHB 238 (JUDICIARY)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

April 29, 1985

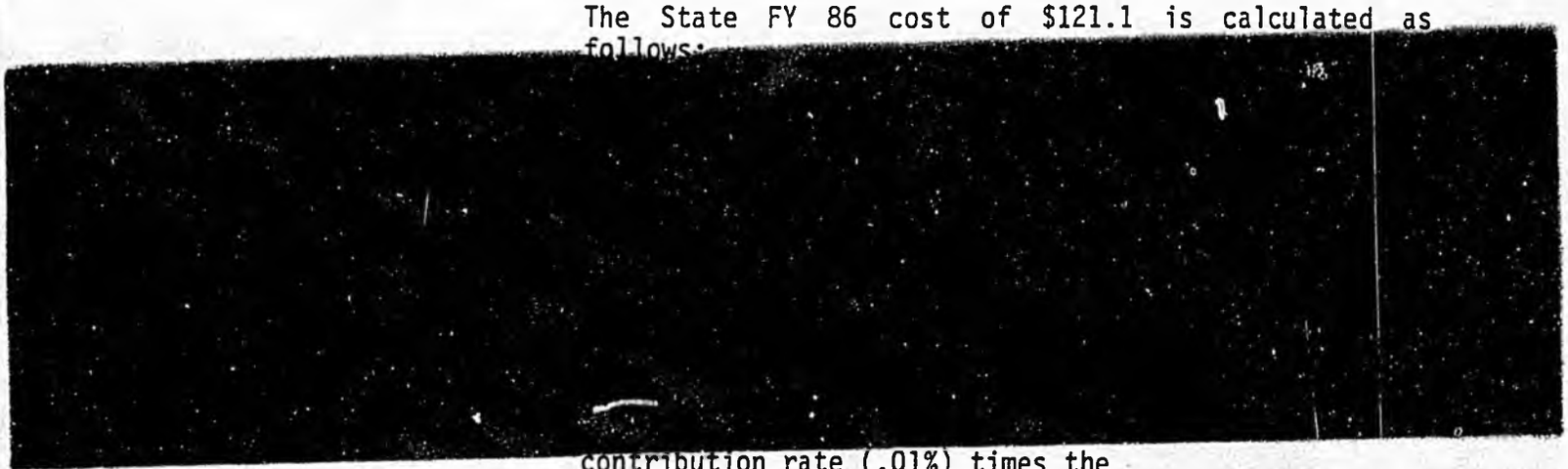
IV Analysis:

Passage of this bill will allow members of the Public Employees (PERS), Judicial (JRS) and Teachers' (TRS) Retirement Systems to claim and purchase service for periods of authorized Leave Without Pay which resulted from pregnancy, birth of a member's child, adoption or care of the child immediately following birth. The bill also establishes a sixteen week limit on the amount of Leave Without Pay which may be claimed.

To fund this bill, the state PERS contribution rate would be increased by .0133% in FY 86. The state PERS payroll is estimated to be $544,046,592 in FY 86 and to increase by 8% each year thereafter.

The state TRS contribution rate must be increased by .01% for FY 86. The state TRS payroll is estimated to be $71,490,744 in FY 86 and to increase by 8% each year thereafter. The TRS State Match contribution would increase by .01% in FY 86. The TRS State Match salary is estimated to be $416,297,654 for FY 86 and to increase by 8% each year thereafter.

The State FY 86 cost of $121.1 is calculated as follows:



contribution rate (.01%) times the estimated FY 86 TRS State Match salary ($416,297,654) equals; $41,600.00

Total cost $121,100.00

We have also estimated that Political Subdivision and School Districts costs would increase as follows:

FY 86	FY 87	FY 88	FY 89	FY 90
$91.4	$98.7	$106.6	$115.1	$124.3

BILL SHEFFIELD
GOVERNOR

PHONE
(907) 561-4227

STATE OF ALASKA
OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

February 20, 1986

Senator Mitch Abood
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Abood:

Suzanne Lombardi, a member of the Alaska Women's Commission, met with you on February 19th to discuss HB 237, Pension Reform, and HB 238, Parental Leave. These two bills were introduced by the Governor at the Alaska Women's Commission's request. Commissioner Lombardi asked me to respond to several concerns you raised about the bills in your meeting with her.

HB 237, The Pension Reform bill is based on the federal legislation, the Retirement Equity Act of 1984. HB 237 reforms the public sector retirement plans to conform to the private sector plans nodified by the Retirement Equity Act. The bill covers three major areas:

1) Spouses become the automatic beneficiaries on retirement plans for death benefits. Under the current system an employee may elect a larger monthly retirement and no survivor benefits. In fact, only 20% of employees elected survivor benefits last year.

2) Consent of the employees spouse is required in writing if an employee chooses to waive survivor benefits. This provision would permit families to waive survivor benefits but would also insure the spouse could prepare before the time of death for no survivor benefits.

3) Retirement benefits become assignable to former spouses if stipulated in the divorce decree. Currently, retirement benefits are frequently considered a marital asset and a portion of the value of the benefits awarded to the spouse. With the passage of this bill, retirement benefits could be assigned at the time of retirement rather than a lump sum value being awarded at the time of the divorce. The former spouses would only be eligible for the portion of the benefits

awarded at the time of divorce. If, for example, a state employee was married for ten years and got a divorce and later remarried to a second spouse for five years prior to dying, the first spouse would be entitled to ten years worth of benefits and the second spouse would only be entitled to five years worth of benefits.

This bill at both the federal and state level has received wide support. It has been recognized that many people, especially women, fall into poverty upon the death of their spouse. This bill ensures a measure of protection to women during the retirement years.

The second bill, HB 238, changes maternity leave to parental leave, increases the amount of leave without pay from 9 to 16 weeks and allows employees on leave without pay to purchase back their retirement credit. Under current law only women can take maternity leave. However, there are often circumstances under which the husband may need to take the leave to care for a newborn. Currently this is not possible.

HB 238 increases the amount of leave without pay available to employees from 9 to 16 weeks. A leading pediatrician, T. Berry Brazelton, has argued that children suffer irreparable harm if they are not cared for by either a parent or grandparent during the first four months of life. He states that "only a parent or grandparent can provide the irrational love needed by an infant to reach their full emotional intellectual and physical capacity during the first four months". This bill would at least provide parents the opportunity to be at home, at no expense to the state, during this critical period.

One concern which has been articulated by several legislators in the House was that if this extra time were given to employees, the state would be left with on one to continue the jobs for 16 weeks. However, since this is leave without pay, the state would have the financial capability of hiring temporary employees to replace the employee on parental leave. Another important factor is that less than ½% of the time spent on leave without pay last year was taken for maternity purposes. Not many individuals can afford to be out of work without pay for lengthy periods of time.

In general the bill has reveived good support since it promotes the welfare of Alaska's children and is perceived as pro family.

The Alaska Women's Commission hopes you will support these bills. If we can provide you with any additional information, please don't hesitate to contact us.

Sincerely,

Kathy Marshall

Kathy Marshall
Executive Director

KM/dn

OFFICE OF THE GOVERNOR
ALASKA WOMEN'S COMMISSION

KATHY MARSHALL
Executive Director

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Anchorage, Alaska 99503

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ATE OF ALASKA
FFICE OF THE GOVERNOR
A WOMEN'S COMMISSION
1 C STREET - SUITE 742
CHORAGE, ALASKA 99503

PHONE
(907) 561-4227

MEMO

TO: Senator Mitch Abood

FROM: Kathy Marshall KM
Executive Director

SUBJECT: Proposed changes to CSHB 238

DATE: March 13, 1986

The Alaska Women's Commission would like to propose the following changes to CSHB 238 in response to objections discussed in Senate State Affairs, March 13, 1986:

1) "Amend the title to "An Act relating to personal leave for pregnancy, child birth and adoption".

2) Eliminate sections 1, 2, 3, 5, 6, 7, and 8.

These changes will remove all references to the ability of employees to purchase back retirement credit while on leave without pay for purposes due to pregnancy, birth or adoption. This eliminates any impact on the retirement systems for PERS, TERS and JERS and subsequently removes the basis of the fiscal note.

The remaining section 4, amends the personnel statute, AS 39.20.225(b)(4) to change maternity leave to parental leave and extend the leave without pay from 9 to 16 weeks. These provisions would affect only exempt employees and not bargaining units.

The Alaska Women's Commission believes this provision will set a state policy which recognizes the importance of parental involvement in the first four months of life without impacting the bargaining process.

Please feel free to contact me if you would like additional information about this proposal. Thank you for your consideration.

KM/dn

HB

242

Article 3. Automatic Data Processing.

Section
150. Declaration of purpose
160. Powers and duties of Department of Administration
170. Definitions

Sec. 44.21.150. Declaration of purpose. It is the purpose of AS 44.21.150 — 44.21.170 to designate the Department of Administration as the department responsible for the operation and management of automatic data processing resources and activities of the executive, legislative and judicial branches of state government, and to provide for periodic review of state automatic data processing procedures and mechanisms. It is further the purpose of these sections to encourage cooperation between the state government and local governments in the use of automatic data processing systems. (§ 2 ch 170 SLA 1972)

Sec. 44.21.160. Powers and duties of Department of Administration. (a) The department shall provide automatic data processing services responsive to the needs of state government and procure, operate and staff all automatic data processing equipment facilities used by state government.

(b) To carry out (a) of this section the department may

(1) maintain a central staff of systems analysts, computer programmers and other staff members sufficient to provide systems analysis and computer programming support required by the executive, legislative and judicial branches of state government;

(2) develop and maintain both short-range and long-range data processing plans for state government and provide managerial leadership in the use of automatic data processing;

(3) review all budget requests for automatic data processing services and recommend to the governor approval, modification, or disapproval;

(4) recommend implementation priorities of requested data processing systems;

(5) determine and satisfy the data processing equipment and supply requirements of all branches, departments and agencies of state government;

(6) provide all facilities, equipment and staff required to convert data to a form suitable for processing on automatic data processing equipment;

(7) develop and publish systems analysis, computer programming and computer operations standards;

(8) review all state automatic data processing systems to encourage effectiveness, measure performance, and assure adherence to the standards developed under AS 44.21.150 — 44.21.170;

(9) develop and conduct an automatic data processing training program designed to serve the technical and managerial needs of state government.

Relating Statutes

TO HB 242

(c) The department may cooperate with political subdivisions of the state in the development and operation of data processing systems and may allow for the use of state facilities by political subdivisions.

(d) The department may develop and implement a plan for the integration of automatic data processing facilities of the University of Alaska with the state facilities. However, the integration plan authorized by this subsection may not be put into operation until approved by the President of the University of Alaska and the department.

(e) Nothing in this section precludes the department from authorizing recruitment and employment of data processing personnel by other departments of the executive branch when the commissioner determines that the needs of the other departments will be best served by the authorization. Nothing in this section precludes the department from obtaining necessary contractual assistance for automatic data processing activities. Nothing in this section precludes the legislature or judicial system from recruiting and employing data processing personnel or from obtaining necessary contractual assistance for automatic data processing activities.

(f) The division of data processing shall coordinate with the division of telecommunications in providing for the effective transfer of information by telecommunications through the establishment of compatible systems and common standards. (§ 2 ch 170 SLA 1972; am E.O. No. 50, § 8 (1981))

Effect of amendments. — The 1981 amendment added subsection (f).

Editor's notes. — Section 3, ch. 170, SLA 1972, provides: "This Act applies to all automatic data processing facilities acquired either partially or wholly with state money before or after July 7, 1972. This Act also applies to automatic data processing facilities used by the state but financed with federal money, to the extent permissible under applicable federal policies."

Sec. 44.21.170. Definitions. In AS 44.21.150 — 44.21.170

(1) "automatic data processing" means

(A) those methods of processing data by using electrical accounting machinery (EAM) or electronic data processing equipment (EDP), including the activities and devices required to prepare data for automatic data processing;

(B) data communications devices and those systems used with automatic data processing equipment in the transmission and reception of data; and

(C) activities related to the design and development of automatic data processing systems;

(2) "commissioner" means the commissioner of administration;

(3) "department" means the Department of Administration. (§ 2 ch 170 SLA 1972)

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

March 5, 1985

Representative Red Boucher
Chairman, Telecommunications Subcommittee
Capitol Building, Room 421

Dear Representative Boucher:

This letter contains information relative to House Bill 242.

In April, 1983 the 12th Legislature, in conjunction with the Executive Branch, terminated the major part of what had been functioning as a computing resource chargeback system for the following reasons:

-- The amounts using agencies were budgeting to pay their resource charges were much higher than the amount computing resource providers needed to operate.

-- Chargeback rates established by the Data Centers were artificially high to cover losses from agencies that consumed resources but did not pay their chargeback billings.

Once chargeback was eliminated, it was necessary to establish an operating budget for the Data Centers paid directly out of General Funds instead of Inter-Agency receipts. This was accomplished by taking the total Data Center budget and subtracting the amount of non-General Funded based income that would continue to be received through Inter-Agency transfers. (An additional amount of $3100.0 was added to cover those operating expenses that had been paid from capital funds for a number of years.) As a result, the major portion of the FY84 Information Resources Management(IRM) budget was established and the Data Centers as well as the using agencies lost visibility and, therefore, the means of managing resource consumption.

It can be argued as to whether this loss of manageability or the surge in system's development was the primary

contributor, but 1983 and 1984 were the most dramatic years of expanded Data Center load in the history of Alaska. From December, 1982 to January, 1985 (two years) the Data Centers have had to upgrade their computers three times for an increase in capacity of nearly 300%.

This growth does not imply there has been a total abandonment of rational use. A number of excellent systems have been implemented in this period. However, it is felt that some portion of the current consumption level could be reduced through effective management.

For this reason, the idea of resource chargeback as a management tool is still supported by both the Legislature and the Administration in spite of problems with the old system. However, a new system must have new characteristics. Some of which are:

-- Chargeback rates must be auditable directly back to the provider's budget.

-- The system must be able to absorb unpredicted variations in agency usage estimates.

-- The system must allow cause/effect changes in Data Center configurations at times which may be incompatible with budgetary approval schedules.

In July 1983 (FY84), a cost analysis of the Data Centers was commenced and a study of various packaged billing systems was undertaken to select one that would fit the State's needs. After approval of a $74,000 capital project for FY85, a technique for calculating rates was developed and approved by all departments and the Boeing Computing Chargeback System (FACTS) was purchased and installed in the Juneau and Anchorage Data Centers as well as the University of Alaska. Commencing with October,1984, simulated invoices were generated and provided to high-use departments for review.

At this time, the mechanics of a new chargeback system are in place and operating, but two major elements remain to make it fully operational - HB242 and Implementation.

House Bill 242 which will accomplish two things.

-- Establish a non-lapsing account in the General Fund to act as shock absorber between the often incompatible requirements of resource demands and budget schedules.

-- Provide the authority to collect funds from all governmental entities in or out of state

government that may be authorized to use state resources.

The non-lapsing account would commence with zero funding and be a repository for all resource-based income from any Data Center user. From this account, the Data Centers would be authorized to pay those expenses which result from providing the chargeback resources. Any excess income would not lapse at fiscal year closing, but would accumulate in the account to defray major up-front expenses that occur as a result of significant changes in system load or technology. The fund would be reimbursed by a fractional change in rates or the actual enlargement in a user's bill where additional resources are consumed. The fund would also serve as a buffer for sudden reductions in user consumption causing a reduction in income. Unfortunately, computing hardware cannot be disposed of as rapidly as a user can reduce his usage.

The other portion of HB242 allows the Data Centers to charge non-state governmental agencies for services and resources consumed. This would cover any user from city-borough through federal level.

HB242 very adequately covers the above subjects, but there are two administrative items relative to the non-lapsing account that should be considered. The first is the establishment of a limit of the account size. IRM recommends that limit be set at $5,000.0 with any excess automatically rolling back to the General Fund at the close of each fiscal year. The second is the management of the account. IRM recommends this be the responsibility of the Office of Management and Budget.

The other remaining major element to make chargeback fully operational is implementation. This involves moving the existing IRM General Fund amounts which are subject to chargeback out of IRM's budget and into the right user budgets so the system can commence operating.

To accomplish this, IRM recommends that the full system be implemented over a two year span. In the first year (FY86), budgets would remain as they have been presented, the new rates would be published and used for new systems justifications, invoices would be generated to the entire user community, but actual payment to the non-lapsing General Fund account would only occur for those agencies that have been making inter-agency payments through FY85 and any new accounts. This would give all other agencies an additional few months to prepare better budget estimates for their resource consumption and include their expected General Fund increases in the FY87 budget proposal. Commensurate with the

user's increases in General Fund requests, IRM's General Fund request will go down equally, assuming there are no drastic increases in load. If there are such increases, IRM will be providing a total by agency as to the recommended funding level based on historical consumption. Any deviations will be justified by the consuming agency.

I encourage the committee to look favorably on this bill and will be available for testimony or conversation at any time.

Sincerely,

James R. Shea
Deputy Commissioner
Information Resources and
Telecommunications

cc: Representative Virginia Collins
House of Representatives
Behrends Building, Room 220

Representative Mike Davis
House of Representatives
Capitol Building, Room 415

Representative Peter Goll
House of Representatives
Behrends Building, Room 212

Representative Marco Pignalberi
House of Representatives
Behrends Building, Room 203

Representative Dave Thompson
House of Representatives
Behrends Building, Room 214

Representative Kay Wallis
House of Representatives
Capitol Building, Room 130

Jay Hogan, Associate Director
Office of the Governor
Office of Management and Budget
Division of Budget Review

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF ADMINISTRATIVE SERVICES

BILL SHEFFIELD, GOVERNOR
Robert J. Sundberg
Commissioner
POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4336

January 29, 1986

JAN 30 1986

Representative H. A. "Red" Boucher, Chairman
House Special Committee on Telecommunications
Post Office Box V
State Capitol
Juneau, AK 99811

Dear Representative Boucher:

In response to your recent inquiry about the Department's fiscal note for CSHB 242(Tele)(efd am), this fiscal note was based upon the Department of Administration's: 1) cost projections in the Fall of 1985, and 2) their sample monthly billings. The information was not available during the last session when the bill was being initially considered.

The Department of Public Safety's position is that the Department of Administration probably has adequate funding to continue present service being provided to the Department of Public Safety. But, since the potential fiscal impact is so substantial, it should be pointed out to legislative decision-makers as a likely cost related to full implementation of data processing chargeback.

Unfortunately, there was also an apparent distribution problem with this fiscal note. Additional copies have been sent out to those who did not receive the initial copy sent to them. Please advise if you have further questions or concerns.

Sincerely,

Jos Mapranath
Director

cc: James D. Vaden, Deputy Commissioner

12-L15LH

DEPARTMENT: Public Safety

DATE: 1/9/86 LAW LOG # _____

Due:

Please indicate your recommendation regarding the final draft legislation affecting your department sent to you by the Department of Law. If you notice any changes you would like to make to the transmittal letter, major corrections, or issues to be addressed, list them below.

Attach a fiscal note, sign this cover sheet and return to Candise Griffin, Office of the Governor, as soon as possible. Thank you.

RECOMMENDATION: (Approve, hold, do not approve)

COMMENTS: When this bill becomes law, a DP chargeback system will be formally implemented using rate structure developed by Department of Administration.

There appears to be a substantial impact on the Department of Public Safety as can be seen from the attached Fiscal Note.

James D. Cade 1/9/86

Commissioner's Signature Date

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS HB 242 (Telecomm.)
Title : An Act relating to automatic data processing; and providing for an effective date.
Sponsor : Rules/Governor
Requestor : By House Special Committee on Telecommunications
Date of Request :

FISCAL DETAIL

Agency Affected : Dept. of Public Safety
BRU : DPS Administration

Components : Data and Word Processing

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		1433.5	1476.5	1520.8	1566.4	1613.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		1433.5	1476.5	1520.8	1566.4	1613.3
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		1433.5	1476.5	1520.8	1566.4	1613.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

A 3% increase has been figured into each consecutive year following FY87.

See the attached.

Prepared by : Jos Mapranath
Division : Administrative Services
Phone : 465-4336
Date : 1/9/86

Approved by Commissioner : James O'Dell
Agency : Department of Public Safety
Date : 1/9/86

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS HB 242

Fiscal note is using current Department of Administration rate structure and is based on a comparison of :

1. 11 months cost ending 8/31/85 = $3,653,000.0
   Projected 12 months $3,985.1

2. 10-1-85 to 10-31-85
   Sample Billing $ 322,676.06

   Straight Projection for 12 months $3,872.1

Take the lower of the figures (in FY86 dollars) $3,872.1 (A)

DP Chargeback

Budgeted in DPS in FY84; now in Department of Administration (in FY82 dollars) $2,438.6 (B)

Difference: A - B =

$3872.1
2438.6
$1433.5

Note

The actual amount needed may be lower due to:

1. Planned downward revision in the rate structure by Department of Administration.

2. Other funds available within Department of Administration.

3. Probable inflationary increase in funding budgeted by Department of Administration over the course of these years.

	**** TOTAL ****			10809.96
	JUNEAU CICS	JUNEAU CICS PRIME	366.26	186.80
	**** TOTAL ****			186.80
	ANCHORAGE CICS	ANCH CICS PRIME	557.69	284.41
		ANCH CICS NONPRIME	.00	.00
	**** TOTAL ****			284.41
	DEDICATED CICS	DEDICATED CICS PRIME	137714.58	70234.43
		DEDICATED CICS NON PRIME	35637.69	13898.70

SUB-ORGANIZATION	RESOURCE TYPE	RESOURCE	VOLUME	CHARGES ($)
PUBLIC SAFETY	(CONTINUED)			
	**** TOTAL ****			84133.13
	JUNEAU ADABAS	JUNEAU ADABAS PRIME	87.01	38.27
		JUNEAU ADABAS NONPRIME	3.37	1.04
	**** TOTAL ****			39.31
	ANCHORAGE ADABAS	ANCH ADABAS PRIME	153.38	67.52
		ANCH ADABAS NONPRIME	146.99	47.00
	**** TOTAL ****			114.52
	DEDICATED ADABAS	DEDICATED ADABAS PRIME	345203.05	151889.33
		DEDICATED ADABAS N-PRIME	32119.09	10278.11
	**** TOTAL ****			162167.44
**** TOTAL FOR PUBLIC SAFETY				322676.06

Straight Projected 12 mos (FY 86) = 3,872,112 - 3,872,112

TOTAL COST OF SUPPORT FOR 11 MONTHS ENDING AUGUST 31, 1985

Governor	$ 373,899	Environmental Conservation	$ 14,500
Administration	3,963,637	Corrections	49,249
Law	135,543	Community & Regional Affairs	1,344
Revenue	807,054	Dept. of Transportation	873,756
Education	376,185	Ombudsman	3,597
Health & Social Services	2,611,740	Legislative Affairs	351
Labor	24,485	Legislative Audit	29,990
Commerce	216,347	Legislative Finance	72,691
Military Affairs	808	Courts	38,324
Natural Resources	565,770	University	9,978
Fish & Game	475,429	Federal Government	11
Public Safety	3,653,000		
			$14,297,688

AGENCY: DEPARTMENT OF PUBLIC SAFETY
CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: ADMINISTRATION
SUB-PROGRAM: ADMINISTRATION & SUPPORT

'ISED PROGRAMS, GOVERNOR AMENDMENTS, SUPPLEMENTAL & SPECIAL APPROPRIATIONS AND FISCAL NOTES...

REVISED PROGRAMS: LB-3-3 $3.4

* * * * * * * * * * HOUSE ANALYSIS * * * * * * * * * *

OBJECT GROUP	VARIATION		DESCRIPTION: HOUSE ($3,273.1) VERSUS GOV.AMD. ($5,766.7)
PERS. SERV.	-13.6	-0.7%	DISALLOW NEW DATA CONTROL CLERK II POSITION.
TRAVEL	-0.1	-0.2%	ALLOW FY 83 AMOUNT LESS 10%.
CONTRACTUAL	-2474.5	-67.2%	DELETE INFLATION AMOUNT <35.9>, DELETE DATA PROCESSING CHARGEBACK AMOUNT <2438.6>.
COMMODITIES	-2.8	-5.7%	DELETE INFLATION AMOUNT.
EQUIPMENT	-2.6	-49.1%	ALLOW 50% OF REPLACEMENT EQUIPMENT.
TOTALS	-2493.6	-43.2%	

NO NEW POSITIONS AUTHORIZED.

* * * * * * * * * * SENATE ANALYSIS * * * * * * * * * *

OBJECT GROUP	VARIATION		DESCRIPTION: SENATE ($3,204.4) VERSUS GOV.AMD. ($5,766.7)
TRAVEL	-15.8	-24.5%	REDUCE TRAVEL.
CONTRACTUAL	-2538.6	-68.9%	REDUCE INFLATION <100.0>, DELETE DATA PROCESSING CHARGEBACK <2438.6>.
COMMODITIES	-5.3	-10.8%	REDUCE INFLATION.
EQUIPMENT	-2.6	-49.1%	REDUCE BY 50%.
TOTALS	-2562.3	-44.4%	

POSITIONS AUTHORIZED

	TITLE	LOCATION	TYPE	APP	S&B COSTS	FED.FUND	GEN.FUND	OTH.FUND
3	DATA CONTROL CLERK II	ANCHORAGE	PART	1	13.6		13.6	
**	TOTALS			1	13.6		13.6	

DATA PROCESSING CONTINUATION LEVEL SUMMARY

FORM 5A TRANSFER FROM:	TOTAL	310 LINE CHARGES	360 TERMINAL LEASE	382 DATA PROCESSING PROF. FEES	382 TERMINAL MAINT. (AJIS)	382 TERMINAL LEASE /CONVERSION	382A DP CHARGEBACK TERMINAL COSTS	382A DP CHARGEBACK SYSTEMS COSTS
Fire Safety	17.8		7.9		3.0		6.9	
Driver Services	60.0				15.0		45.0	
Vehicle Services	32.4				7.4		25.0	
Field Services	645.0	128.8			94.4		421.8	
DDV Administration	16.4				5.9		10.5	
Central Communications	510.2	20.0			88.5		401.7	
Academy	11.2	0.6			1.5		9.1	
Bureau of Vehicle Enf.	21.3			21.3				
Total 5A Transfers	$ 1,314.3	$ 149.4	$ 7.9	$ 21.3	$ 215.7	$ 0.0	$ 920.0	$ 0.0
Admin. & Support	1,986.4	3.2	19.9	114.7	38.4	291.7	56.8	1,461.8
TOTAL DP COSTS	$ 3,300.7	$ 152.6	$ 27.8	$ 136.0	$ 254.1	$ 291.7	$ 976.8	$ 1,461.8
TOTAL OF 15 DP FORMS						$ 2,984.4		

23 CONTINUED 15

AGENCY Department of Public Safety

PROGRAM Crime ID & Apprehension

BRU DPS Administration

COMPONENT Administration & Support

Page 10 of 10

Revised Date

FY 84

000940

01-1154 17/821-23

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that establishes authority for the financing of centralized data processing services by the Department of Administration. This bill comprises an integral part of the charge-back system that members of the Thirteenth Alaska State Legislature encouraged the Department of Administration to informally implement.

The bill allows the department to reallocate, into a central account in the general fund, and expend appropriations made to state agencies. The account may then be used to finance data processing services for all state agencies. The balance of the account would continue into subsequent fiscal years so that the problems of financing expensive acquisitions of data processing equipment with extended delivery dates can be solved.

Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.:
Title: "An Act Relating to Automatic Data Processing; and Providing For An Effective Date"
Sponsor:
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Dept. of Administration
Program Category Affected: General Goverment
BRU, Program or Subprogram(s) Affected: Information Resource Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This Legislation has no fiscal impact to the State

Prepared By: John Valensi John Valensi Phone: 465-2220
Division: Information Resources Planning & Review Date: 2-11-85
Approved by Commissioner: Lisa Rudd A. Stanley for Date: 2-20-85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.:
Title: "An Act Relating to Automatic Data Processing; and Providing For An Effective Date"
Sponsor:
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Dept. of Administration
Program Category Affected: General Goverment
BRU, Program or Subprogram(s) Affected: Information Resource Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This Legislation has no fiscal impact to the State

Prepared By: John Valensi John Valensi 2/11/85 Phone: 465-2220
Division: Information Resources Planning & Review Date: 2-11-85

Approved by Commissioner: Lisa Rudd A. Stanley for Date: 2-20-85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION 73 242

FISCAL NOTE

Revision Date: 155

REQUEST

Bill/Resolution No.:

Title: "An Act relating to the fiscal procedures ..."

Sponsor: Rules/Governor

Requestor:

Date of Request: 2/22/85

FISCAL DETAIL

Agency Affected: University of Alaska

Program Category Affected:

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL						
REVENUE		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME		N/A				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary See Attached

Prepared By: Sherman Carter, Executive Vice President Phone: 474-7593

Division: University of Alaska Date:

Approved by Commissioner: Sherman Carter Date: 2/21/85

Agency:

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

January 22, 1986

MEMO TO FILE FROM: Chris Herberger

Spoke to Mike Wheeler in Dept. of Administration concerning whether the University must procure data processing from the Dept. of Administration under HB 242. He said only with the consent of the President of the University. At the present time, the University has its own computers but there are plans for sharing network costs in the future.

January 18, 1986

Red,

HB 242, "An Act relating to automatic data processing," has a $0.00 fiscal note. The bill originally introduced would have done two things:

1) Require state agencies to procure data processing from the Dept. of Administration and allow the Dept. to charge the agencies for that service.

2) Set up a chargeback account so that the Dept. of Administration could cover immediate costs for purchasing new equipment or software, or to do maintenance work when there is no time for an appropriation. This purpose is according to Jim Shea.

The Telecommunications Committee substitute eliminated the second provision. There was concerned expressed by the members, particularly Rep. Goll, that a chargeback account, or slush fund, allowed the Dept. too much leeway in expenditures. You, and Representatives Goll and Thompson voted yes on the Committee substitute, and Rep. Wallis voted no. She wanted to know other agencies opinion of the bill.

The letter of transmittal from the Governor specifically talked about the usefulness of the slush fund. The Governor said that such an account would help finance data processing services.

The Finance Committee passed the Telecommunications Committee substitute by 9 to 1. Rep. Rieger voted no. He told me yesterday that he had nothing against data processing or against centralizing it, but that he was against the bill because it allows one bureaucracy to charge any amount for a service provided to another bureaucracy.

HB 242

File Contents

---

1) Bill History -- House Calendar 1-20-86

2) Letter of Transmittal from Governor Sheffield

3) Copy of HB 242 -- original

4) Copy of CS for HB 242 (Telecommunications)

5) Letter from Jim Shea, Dept. of Administration to Representative Adams

6) Finance Committee Report

7) Fiscal Note

8) Minutes from March 8, 1985 and March 12, 1985 Telecommunications Committee hearings

HOUSE CALENDAR: 1-20-86

BILL HB0242
PAGE 00457
DATE 02/27/85
CHAMBER HOUSE
TEXT HOUSE BILL NO. 242 by the Rules Committee by request of the Governor, entitled:

"An Act relating to automatic data processing; and providing for an effective date."

was read the first time and referred to the House Special Committee on Telecommunications, the State Affairs and Finance Committees.
A zero fiscal note was attached.

The Governor's transmittal letter dated February 27, 1985, appears below:
"Dear Representative Grussendorf:
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that establishes authority for the financing of centralized data processing services by the Department of Administration. This bill comprises an integral part of the charge-back system that members of the Thirteenth Alaska State Legislature encouraged the Department of Administration to informally implement.

The bill allows the department to reallocate, into a central account in the general fund, and expend appropriations made to state agencies. The account may then be used to finance data processing services for all state agencies. The balance of the account would continue into subsequent fiscal years so that the problems of financing expensive acquisitions of data processing equipment with extended delivery dates can be solved.
Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Sincerely,
/s/
Bill Sheffield
Governor"

BILL HB0242
PAGE 00588
DATE 03/13/85
CHAMBER HOUSE
TEXT The Speaker waived the State Affairs Committee referral on HOUSE BILL NO. 242 (automatic data processing; effective date) at the request of the Chairman.
HB 242 is currently in the House Special Committee on Telecommunications and has a further referral to the Finance Committee.

BILL HB0242
PAGE 00602
DATE 03/15/85
CHAMBER HOUSE
TEXT The House Special Committee on Telecommunications has considered HOUSE BILL NO. 242 (relating to automatic data processing; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 242 (Telecommunications) (same title) and reports it back as follows: Boucher (Chairman), Goll and Thompson recommend do pass; Wallis has no recommendation.
HB 242 was referred to the Finance Committee.

BILL HB0242
PAGE 01054
DATE 04/24/85
CHAMBER HOUSE
TEXT The Finance Committee has considered HOUSE BILL NO. 242 (automatic data processing; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 242 (Tele) (page 603) and reports it back as follows: Adams (Chairman), Ringstad, Szymanski, Larson, Pourchot, Uehling, Frank, Binkley and Cotten recommend do pass. Rieger has no recommendation.
HB 242 was referred to the Rules Committee for placement on the calendar.

Automatic Data Processing

HOUSE BILL NO. 242, by the Rules Committee by Request of the Governor. Relates to automatic data processing (see Governor's letter).

Introduced February 27 and referred to the House Special Committee on Telecommunications, State Affairs, Finance.

In his message transmitting the bill Governor Sheffield stated:

> Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that establishes authority for the financing of centralized data processing services by the Department of Administration. This bill comprises an integral part of the charge-back system that members of the Thirteenth Alaska State Legislature encouraged the Department of Administration to informally implement.
>
> The bill allows the department to reallocate, into a central account in the general fund, and expend appropriations made to state agencies. The account may then be used to finance data processing services for all state agencies. The balance of the account would continue into subsequent fiscal years so that the problems of financing expensive acquisitions of data processing equipment with extended delivery dates can be solved.
>
> Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Automatic Data Processing — HOUSE BILL NO. 212, (see page 366). Reported back to the House March 15 by House Telecommunications recommending adoption of a substitute and that it do pass. Concurring: Boucher (Chair), Goll and Thompson. Not concurring: Wallis has no recommendation.

The Telecommunications substitute would allow the Dept. of Administration to require each state agency to procure its automatic data processing services from the Department of Administration. Administration could also charge a state agency or other geovernmental agency for the cost of the automatic data processing services provided or procured by the Department for the agency. This version excludes section that would have set up a nonlapsing automatic data processing account.

Automatic Data Processing — HOUSE BILL NO. 242, (see page 366). On March 13 the Speaker waived the State Affairs referral. The bill is currently in the House Special Committee on Telecommunications and has a further referral to Finance.

Automatic Data Processing — HOUSE BILL NO. 242, (see pages 366;462;464). Reported back to the House April 24 by Finance recommending it do pass. Concurring: Adams (Chair), Ringstad, Szymanski, Larson, Pourchot, Uehling, Frank, Binkley and Cotten. Not concurring: Rieger has no recommendation. To Rules.

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that establishes authority for the financing of centralized data processing services by the Department of Administration. This bill comprises an integral part of the charge-back system that members of the Thirteenth Alaska State Legislature encouraged the Department of Administration to informally implement.

The bill allows the department to reallocate, into a central account in the general fund, and expend appropriations made to state agencies. The account may then be used to finance data processing services for all state agencies. The balance of the account would continue into subsequent fiscal years so that the problems of financing expensive acquisitions of data processing equipment with extended delivery dates can be solved.

Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

Introduced: 2/27/85
Referred: House Special Committee on
Telecommunications, State Affairs
and Finance

IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

HOUSE BILL NO. 242

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to automatic data processing; and providing for an effective date."

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

* Section 1. AS 44.21.160(b) is amended to read:

(b) To carry out (a) of this section the department may

(1) maintain a central staff of systems analysts, computer programmers and other staff members sufficient to provide systems analysis and computer programming support required by the executive, legislative and judicial branches of state government;

(2) develop and maintain both short-range and long-range data processing plans for state government and provide managerial leadership in the use of automatic data processing;

(3) review all budget requests for automatic data processing services and recommend to the governor approval, modification, or disapproval;

(4) recommend implementation priorities of requested data processing systems;

(5) determine and satisfy the data processing equipment and supply requirements of all branches, departments and agencies of state government;

(6) provide all facilities, equipment and staff required to convert data to a form suitable for processing on automatic data processing equipment;

(7) develop and publish systems analysis, computer

Offered: 3/15/85
Referred: Finance

Original sponsor: Rules/Governor

IN THE HOUSE

BY THE HOUSE SPECIAL COMMITTEE ON TELECOMMUNICATIONS

CS FOR HOUSE BILL NO. 242 (Telecommunications)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to automatic data processing; and providing for an effective date."

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

* Section 1. AS 44.21.160(b) is amended to read:

(b) To carry out (a) of this section the department may

(1) maintain a central staff of systems analysts, computer programmers and other staff members sufficient to provide systems analysis and computer programming support required by the executive, legislative and judicial branches of state government;

(2) develop and maintain both short-range and long-range data processing plans for state government and provide managerial leadership in the use of automatic data processing;

(3) review all budget requests for automatic data processing services and recommend to the governor approval, modification, or disapproval;

(4) recommend implementation priorities of requested data processing systems;

(5) determine and satisfy the data processing equipment and supply requirements of all branches, departments and agencies of state government;

(6) provide all facilities, equipment and staff required to convert data to a form suitable for processing on automatic data processing equipment;

(7) develop and publish systems analysis, computer

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

March 27, 1985

The Honorable Albert Adams
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Adams:

This letter contains information relative to House Bill 242.

In April, 1983 the 12th Legislature, in conjunction with the Executive Branch, terminated the major part of what had been functioning as a computing resource chargeback system for the following reasons:

-- The amounts using agencies were budgeting to pay their resource charges were much higher than the amount computing resource providers needed to operate.

-- Chargeback rates established by the Data Centers were artificially high to cover losses from agencies that consumed resources but did not pay their chargeback billings.

Once chargeback was eliminated, it was necessary to establish an operating budget for the Data Centers paid directly out of General Funds instead of Inter-Agency receipts. This was accomplished by taking the total Data Center budget and subtracting the amount of non-General Funded based income that would continue to be received through Inter-Agency transfers. (An additional amount of $3100.0 was added to cover those operating expenses that had been paid from capital funds for a number of years.) As a result, the major portion of the FY84 Information Resources Management(IRM) budget was established and the Data Centers as well as the using agencies lost visibility and, therefore, the means of managing resource consumption.

It can be argued as to whether this loss of manageability or the surge in system's development was the primary

contributor, but 1983 and 1984 were the most dramatic years of expanded Data Center load in the history of Alaska. From December, 1982 to January, 1985 (two years) the Data Centers have had to upgrade their computers three times for an increase in capacity of nearly 300%.

This growth does not imply there has been a total abandonment of rational use. A number of excellent systems have been implemented in this period. However, it is felt that some portion of the current consumption level could be reduced through effective management.

For this reason, the idea of resource chargeback as a management tool is still supported by both the Legislature and the Administration in spite of problems with the old system. However, a new system must have new characteristics. Some of which are:

- Chargeback rates must be auditable directly back to the provider's budget.
- The system must be able to absorb unpredicted variations in agency usage estimates.
- The system must allow cause/effect changes in Data Center configurations at times which may be incompatible with budgetary approval schedules.

In July 1983 (FY84), a cost analysis of the Data Centers was commenced and a study of various packaged billing systems was undertaken to select one that would fit the State's needs. After approval of a $74,000 capital project for FY85, a technique for calculating rates was developed and approved by all departments and the Boeing Computing Chargeback System (FACTS) was purchased and installed in the Juneau and Anchorage Data Centers as well as the University of Alaska. Commencing with October,1984, simulated invoices were generated and provided to high-use departments for review.

At this time, the mechanics of a new chargeback system are in place and operating, but two major elements remain to make it fully operational - HB242 and Implementation.

The Telecommunications Committee substitute for House Bill 242 will allow IRM to collect funds directly from other agencies of government that may use state computing resources. For example, there are a number of local police agencies that use various elements of the Public Safety systems and certain agencies of the Federal Government here in Alaska have expressed an interest in using certain services. This is an opportunity to gain additional income for the state through the sale of resources at times that

would not interfere with state priorities.

The other remaining major element to make chargeback fully operational is implementation. This involves moving the existing IRM General Fund amounts which are subject to chargeback out of IRM's budget and into the right user budgets so the system can commence operating.

To accomplish this, IRM recommends that the full system be implemented over a two year span. In the first year (FY86), budgets would remain as they have been presented, the new rates would be published and used for new systems justifications, invoices would be generated to the entire user community, but actual payment of funds to IRM account would only occur from those agencies that have been making inter-agency payments through FY85 and any new accounts. This would give all other agencies an additional few months to prepare better budget estimates for their resource consumption and include their expected General Fund increases in the FY87 budget proposal. Commensurate with the user's increases in General Fund requests, IRM's General Fund request will go down equally, assuming there are no drastic increases in load. If there are such increases, IRM will be providing a total by agency as to the recommended funding level based on historical consumption. Any deviations will be justified by the consuming agency.

I encourage the committee to look favorably on this bill and will be available for testimony or conversation at any time.

Sincerely,

James R. Shea
Deputy Commissioner
Information Resources and
Telecommunications

JRS/cls

cc: LuAnn Cutler, c/o Representative Adams, Pouch V
Elmer Lindstrom, c/o Representative Adams, Pouch V

COMMITTEE REPORT

HOUSE

(11) FURTHER:

3/15/85

Date: 4-23-85

The Committee on FINANCE has had HB 242

"An Act relating to automatic data processing; and providing for an effective date."

under consideration and recommends:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[X] replace with CS for HB 242 (Tole) [X] same title [ ] new title

and recommends do pass

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note [X] Zero Fiscal Note Attached

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING DO PASS:

MEMBERS HAVING OTHER RECOMMENDATIONS:

CHAIRMAN

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

391

March 5, 1985

Representative Red Boucher
Chairman, Telecommunications Subcommittee
Capitol Building, Room 421

Dear Representative Boucher:

This letter contains information relative to House Bill 242.

In April, 1983 the 12th Legislature, in conjunction with the Executive Branch, terminated the major part of what had been functioning as a computing resource chargeback system for the following reasons:

-- The amounts using agencies were budgeting to pay their resource charges were much higher than the amount computing resource providers needed to operate.

-- Chargeback rates established by the Data Centers were artificially high to cover losses from agencies that consumed resources but did not pay their chargeback billings.

Once chargeback was eliminated, it was necessary to establish an operating budget for the Data Centers paid directly out of General Funds instead of Inter-Agency receipts. This was accomplished by taking the total Data Center budget and subtracting the amount of non-General Funded based income that would continue to be received through Inter-Agency transfers. (An additional amount of $3100,0 was added to cover those operating expenses that had been paid from capital funds for a number of years.) As a result, the major portion of the FY84 Information Resources Management(IRM) budget was established and the Data Centers as well as the using agencies lost visibility and, therefore, the means of managing resource consumption.

It can be argued as to whether this loss of manageability or the surge in system's development was the primary

Administration Explaination

02-89LH

contributor, but 1983 and 1984 were the most dramatic years of expanded Data Center load in the history of Alaska. From December, 1982 to January, 1985 (two years) the Data Centers have had to upgrade their computers three times for an increase in capacity of nearly 300%.

This growth does not imply there has been a total abandonment of rational use. A number of excellent systems have been implemented in this period. However, it is felt that some portion of the current consumption level could be reduced through effective management.

For this reason, the idea of resource chargeback as a management tool is still supported by both the Legislature and the Administration in spite of problems with the old system. However, a new system must have new characteristics. Some of which are:

-- Chargeback rates must be auditable directly back to the provider's budget.

-- The system must be able to absorb unpredicted variations in agency usage estimates.

-- The system must allow cause/effect changes in Data Center configurations at times which may be incompatible with budgetary approval schedules.

In July 1983 (FY84), a cost analysis of the Data Centers was commenced and a study of various packaged billing systems was undertaken to select one that would fit the State's needs. After approval of a $74,000 capital project for FY85, a technique for calculating rates was developed and approved by all departments and the Boeing Computing Chargeback System (FACTS) was purchased and installed in the Juneau and Anchorage Data Centers as well as the University of Alaska. Commencing with October,1984, simulated invoices were generated and provided to high-use departments for review.

At this time, the mechanics of a new chargeback system are in place and operating, but two major elements remain to make it fully operational - HB242 and Implementation.

House Bill 242 which will accomplish two things.

-- Establish a non-lapsing account in the General Fund to act as shock absorber between the often incompatible requirements of resource demands and budget schedules.

-- Provide the authority to collect funds from all governmental entities in or out of state

government that may be authorized to use state resources.

The non-lapsing account would commence with zero funding and be a repository for all resource-based income from any Data Center user. From this account, the Data Centers would be authorized to pay those expenses which result from providing the chargeback resources. Any excess income would not lapse at fiscal year closing, but would accumulate in the account to defray major up-front expenses that occur as a result of significant changes in system load or technology. The fund would be reimbursed by a fractional change in rates or the actual enlargement in a user's bill where additional resources are consumed. The fund would also serve as a buffer for sudden reductions in user consumption causing a reduction in income. Unfortunately, computing hardware cannot be disposed of as rapidly as a user can reduce his usage.

The other portion of HB242 allows the Data Centers to charge non-state governmental agencies for services and resources consumed. This would cover any user from city-borough through federal level.

HB242 very adequately covers the above subjects, but there are two administrative items relative to the non-lapsing account that should be considered. The first is the establishment of a limit of the account size. IRM recommends that limit be set at $5,000.0 with any excess automatically rolling back to the General Fund at the close of each fiscal year. The second is the management of the account. IRM recommends this be the responsibility of the Office of Management and Budget.

The other remaining major element to make chargeback fully operational is implementation. This involves moving the existing IRM General Fund amounts which are subject to chargeback out of IRM's budget and into the right user budgets so the system can commence operating.

To accomplish this, IRM recommends that the full system be implemented over a two year span. In the first year (FY86), budgets would remain as they have been presented, the new rates would be published and used for new systems justifications, invoices would be generated to the entire user community, but actual payment to the non-lapsing General Fund account would only occur for those agencies that have been making inter-agency payments through FY85 and any new accounts. This would give all other agencies an additional few months to prepare better budget estimates for their resource consumption and include their expected General Fund increases in the FY87 budget proposal. Commensurate with the

user's increases in General Fund requests, IRM's General Fund request will go down equally, assuming there are no drastic increases in load. If there are such increases, IRM will be providing a total by agency as to the recommended funding level based on historical consumption. Any deviations will be justified by the consuming agency.

I encourage the committee to look favorably on this bill and will be available for testimony or conversation at any time.

Sincerely,

James R. Shea
Deputy Commissioner
Information Resources and
Telecommunications

cc: Representative Virginia Collins
House of Representatives
Behrends Building, Room 220

Representative Mike Davis
House of Representatives
Capitol Building, Room 415

Representative Peter Goll
House of Representatives
Behrends Building, Room 212

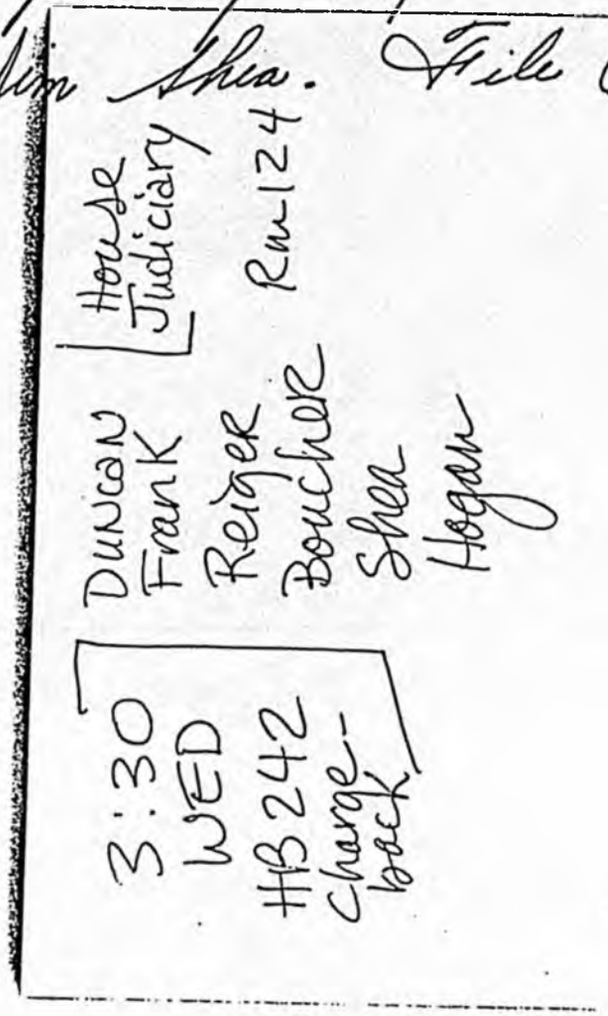
Representative Marco Pignalberi
House of Representatives
Behrends Building, Room 203

Representative Dave Thompson
House of Representatives
Behrends Building, Room 214

Representative Kay Wallis
House of Representatives
Capitol Building, Room 130

Jay Hogan, Associate Director
Office of the Governor
Office of Management and Budget
Division of Budget Review

Erik, I have memos have to do with data processing charge backs as requested by Jim Shea. File (after reviewing).



MEMORANDUM

TO: Steve DATE: March 28, 1985

FROM: Garrey SUBJECT: HB 242

In 1974, the Division of Legislative Audit completed a series of reviews of the Department of Administration, Division of Data Processing.

The Legislative Auditor recommended, at that time, that all state agencies be required to budget separately for data processing services provided by the Division of Data Processing.

The Legislative Budget and Audit Committee and the House and Senate Finance committees approved of the concept of "data processing chargebacks" as recommended by the Legislative Auditor.

A system for chargebacks was implemented in FY '76

In practice, the chargeback system became cumbersome for the state agencies to work with and many of the agencies decided that the charges billed by the Department of Administration were too high so they contracted, instead, with private industry for data processing services.

The House and Senate Finance committees became frustrated with the data processing chargeback system because of a scenario that went something like this:

--The budget subcommittees would question the various departments and agencies about their data processing chargeback budget and they would be told "We have no control over that. The Department of Administration tells us what to budget for our data processing work."

The subcommittee viewed the chargeback as just one relatively small part of the agency budget and it was left to the subcommittees who were reviewing the Department of Administration to get the details about data processing budgets from the Division of Data Processing.

--The Division of Data Processing would answer the subcommittees' inquiries by saying that they have no control over the level or need for the services being provided to the various agencies because it is, after all, the various agencies' budgeted funds and if the money was made available, the service requested would be provided.

The level of frustration in the Finance Committees finally reached the point that in 1983 the agencies were directed to discontinue budgeting for data processing chargebacks. Since then, the Division of Data Processing has budgeted for the data processing services to be provided to the state agencies.

Other problems arose while the data processing chargeback system was being used.

For example: It was difficult to force the agencies to pay for services provided when their budgets ran short or they disagreed with the size of the charge or value of the services.

It was difficult to prevent the agencies from contracting with private industry to provide data processing services when the funds were right there in their budget. (Note that a current committee substitute would prohibit state agencies from purchasing data processing services from private industry. I don't know what the ramifications of that are but I suspect that there will be instances when it will not be possible or practical to enforce that prohibition)

It was also a problem for an agency to request any kind of additional services (such as a specially sorted printout) if they didn't have the funds budgeted for the service.

There were numerous disagreements over the rates charged by the Division of Data Processing and the formulas used to determine those rates.

I support the concept of data processing chargebacks but before we implement the program by passing a law, I would like to know that the new system is going to satisfy the Legislature's information needs.

If the chargeback plan is implemented, the Division of Data Processing would again be operating on funds other than General Funds. That tends to remove their budget from the intense Legislative scrutiny that components with general funds get. It seems to me that we need to make sure, somehow, that this is implemented in such a way that the individual agencies will, in fact, be held accountable for their budgeted data processing funds.

MEMORANDUM

TO: Steve DATE: March 28, 1985

FROM: Garrey SUBJECT: HB 242

Eleven years ago, I recommended to the Legislative Budget and Audit Committee that they direct the Department of Administration, Division of Data Processing to implement a data processing charge back system.

At that time, the Department of Administration opposed the concept but it was implemented at the direction of the Legislature.

The charge back system was a colossal failure. The Finance Committees were frustrated by what was perceived as a total loss of budgetary control over data processing expenditures.

After several years of trying to work with the chargeback system, the Legislature directed that the Department of Administration scrap it and budget for anticipated data processing needs in the Division of Data Processing.

If we are to resurrect the data processing charge back system in the operating budget, I recommend that we throughly review it first.

We should determine that the new plan design addresses and resolves all the problems that the Legislature had with the last system.

Before we put it in to law, we should see how well the charge back system meshes with the new state accounting system that is scheduled to go on line on 7/1/85.

I recommend that the House Finance subcommittee on HB 242 take the following action:

1. Draft legislative intent for insertion in the FY '86 budget stating that memorandum billing for data processing charge back should be done during FY '86 with a report to be made to the Legislature on the results by next session.

2. Address the question of whether the Division of Data Processing should be selling services to the Federal Government or others outside State Government as the CSHB 242 would allow.

3. Request that the Legislative Budget and Audit Committee direct the Legislative Auditor to perform a special audit to review the data processing charge back proposal being suggested by the Department of Administration.

   The audit should include a review of memorandum billings prepared by the Division of Data Processing through November 30, 1985.

   The Auditor's report can be available early in the next Legislative Session. The auditor should also be requested to include a review of the ramifications of prohibiting all Executive Branch agencies from purchasing data processing services from anyone other than the Department of Administration.

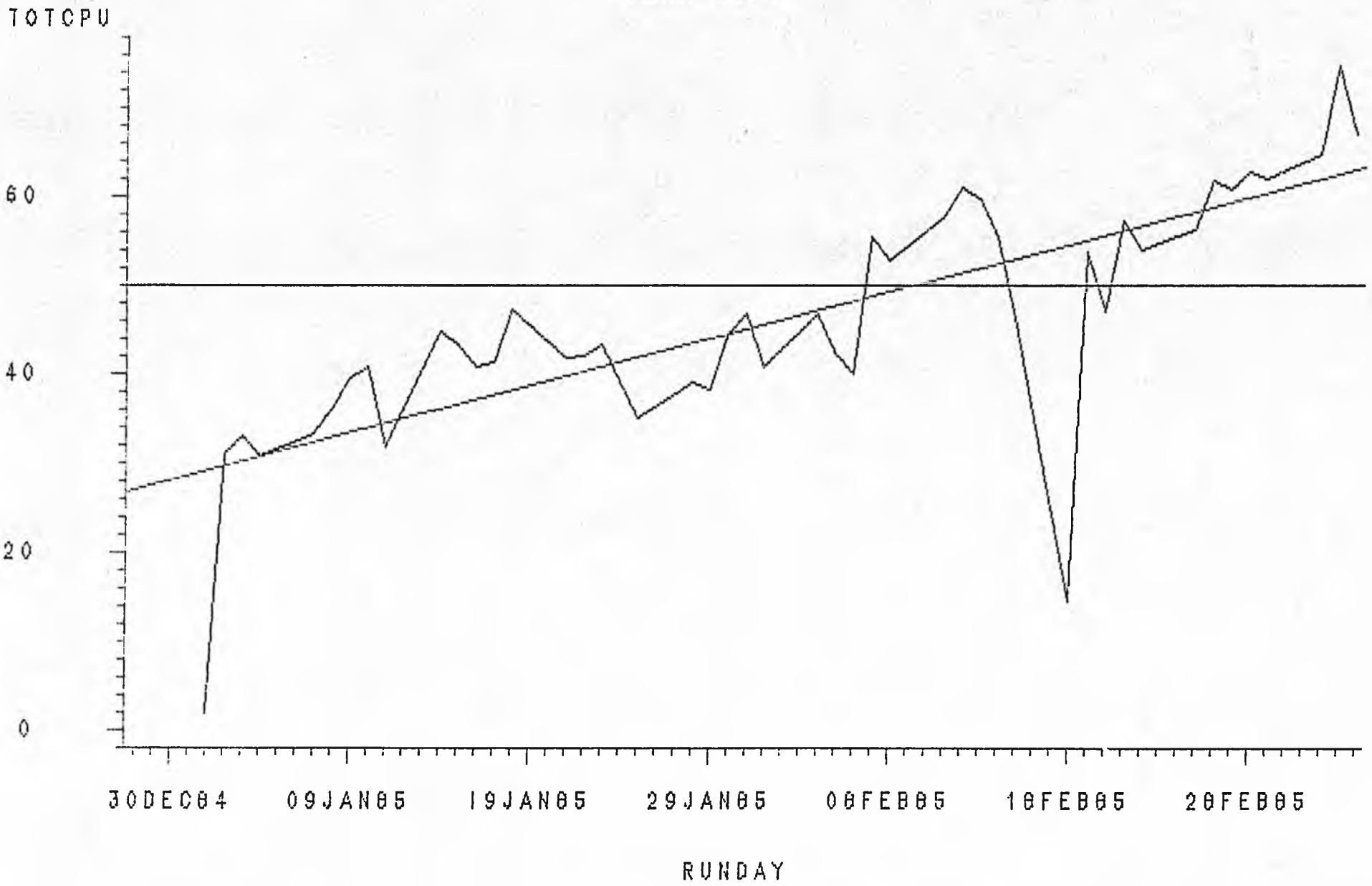
4 Request that the House Research Agency review and comment on the Department of Administration's charge back proposal by the beginning of the next session.

5. Request that the Director of Legislative Finance review and comment on the Department of Administration's charge back proposal by the beginning of the next session.

6. Request that Senators Sackett and Faiks support this approach and notify the Leadership that the bill must be deleted from the priority list this year.

Jay Hogan is very well versed on the pros and cons of the data processing chargeback concept and we should also ask for his comments on the final proposed charge back system before we completely revise the state budget by law.

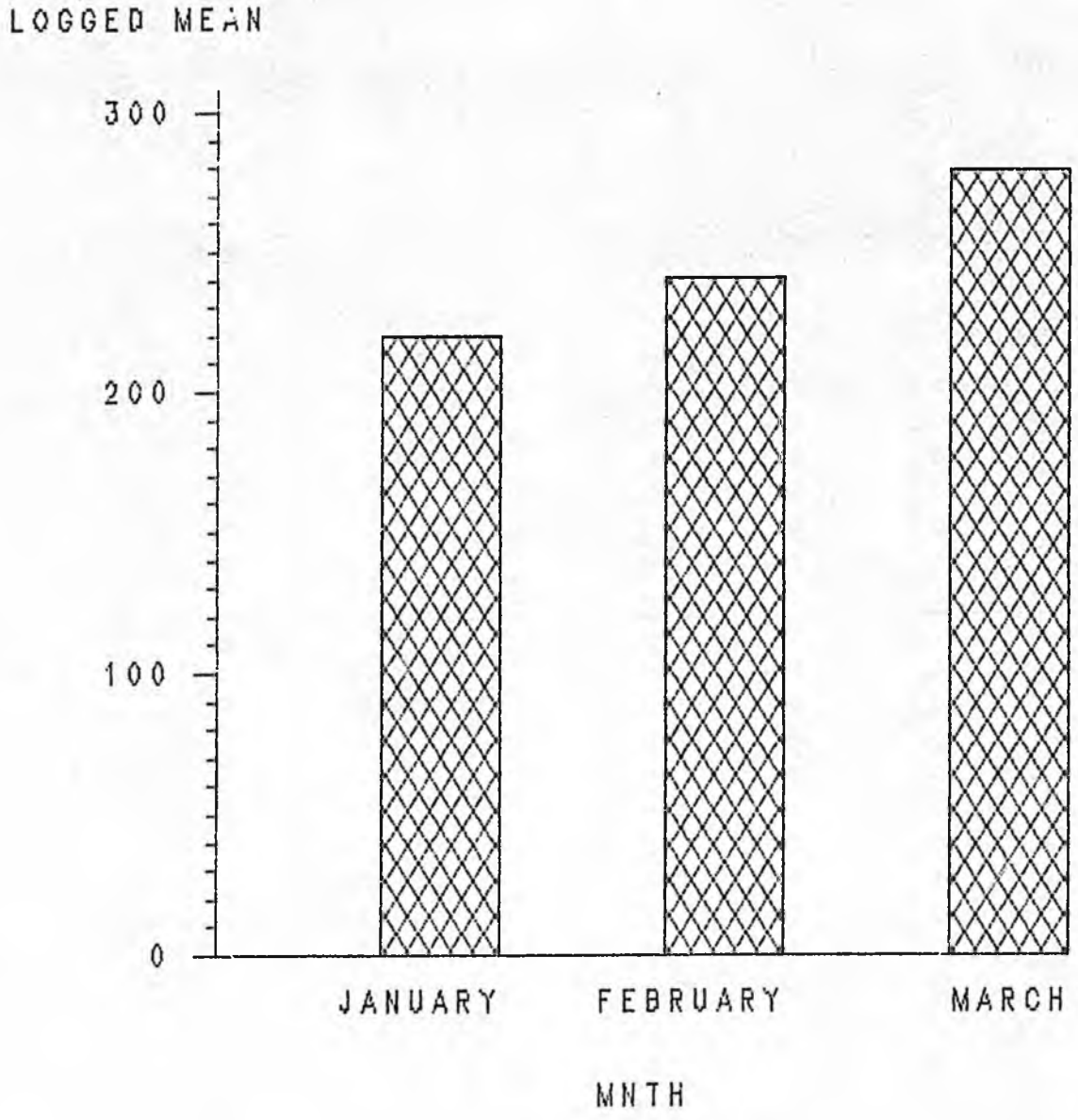
VM AVERAGE CPU UTILIZATION



TREND ACTUAL

TOTAL LOGGED ON TIMESHARING USERS

YEAR=1985



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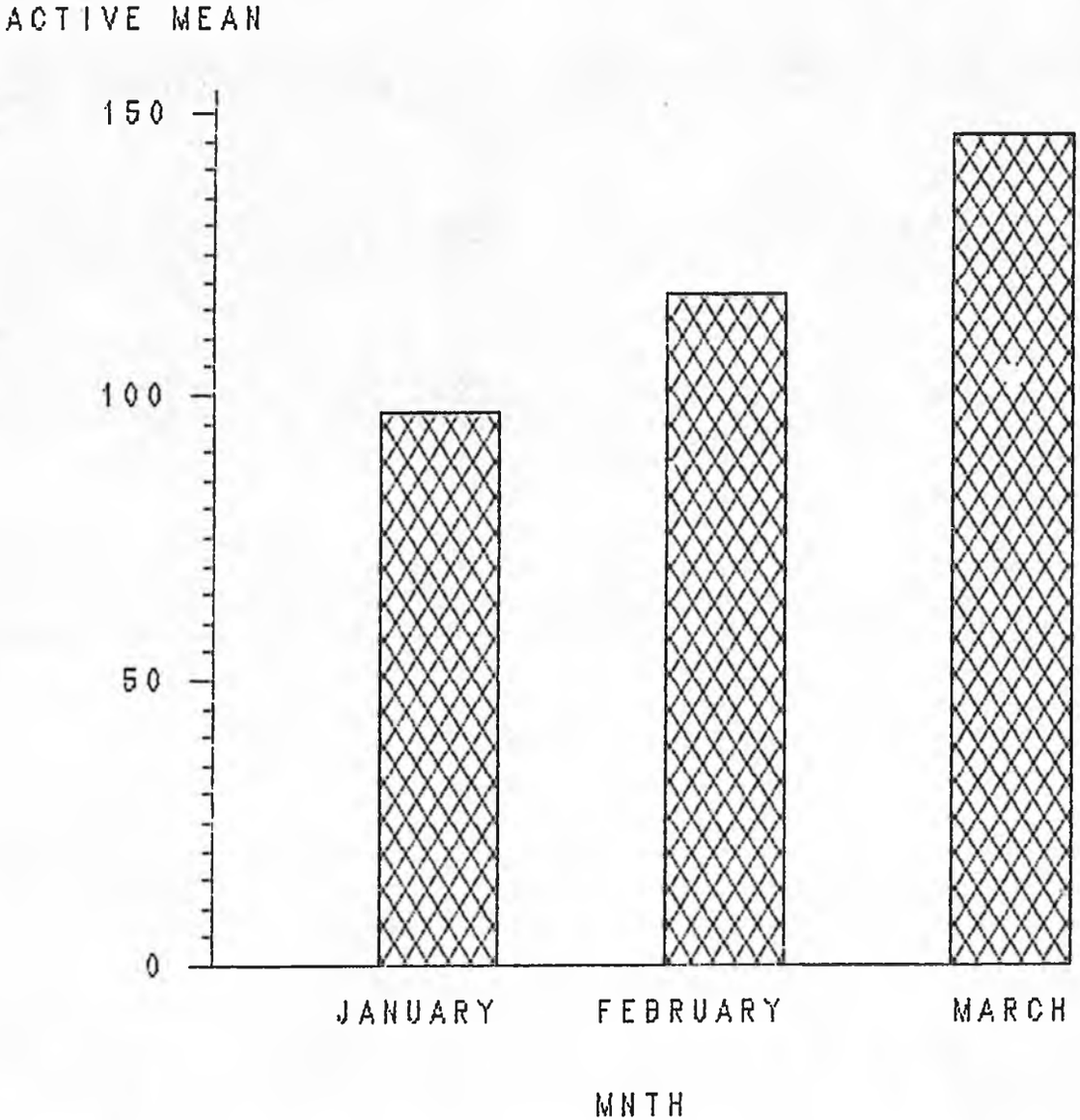

LOGGED/ACTIVE TIMESHARING USERS

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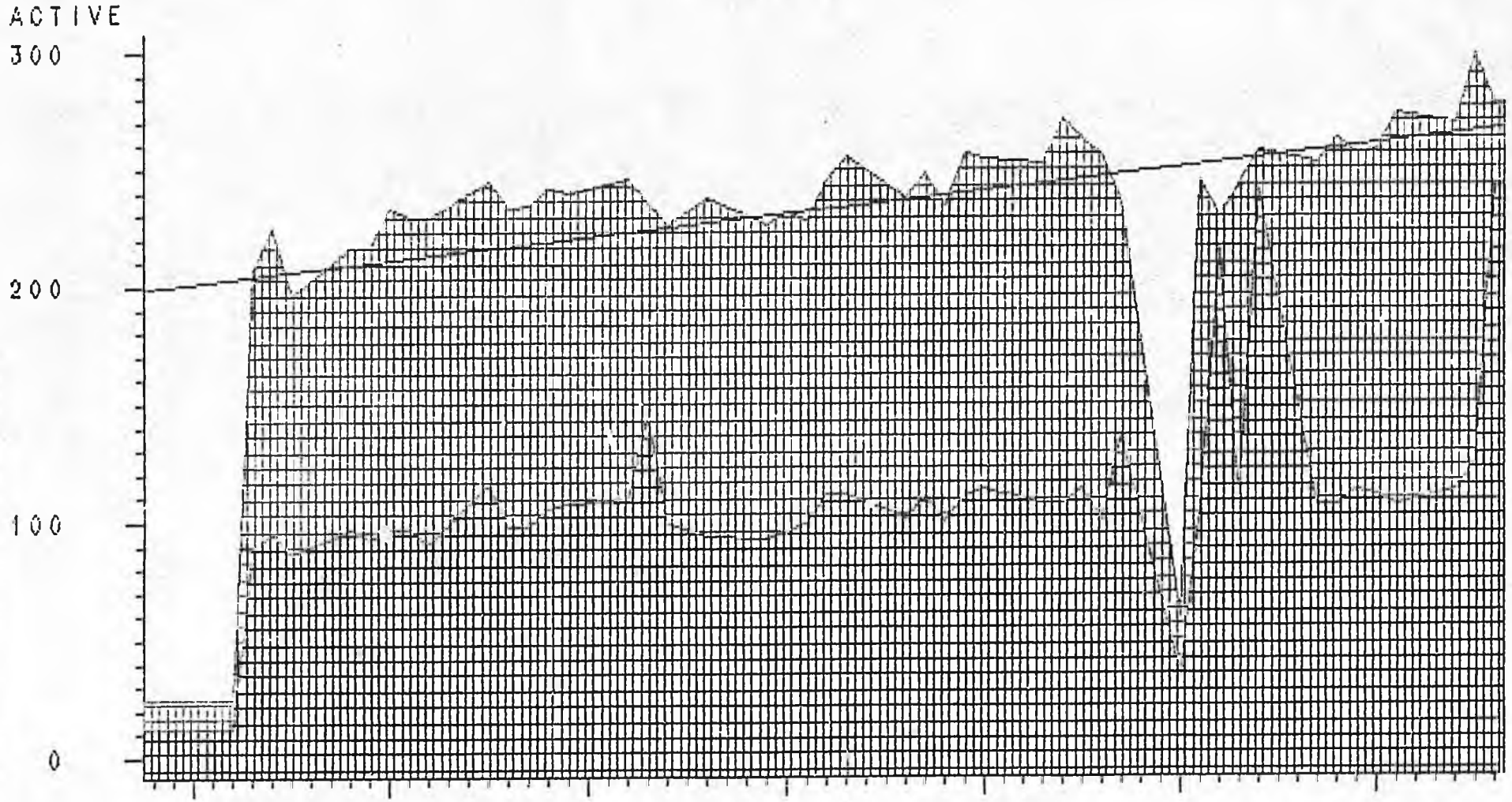
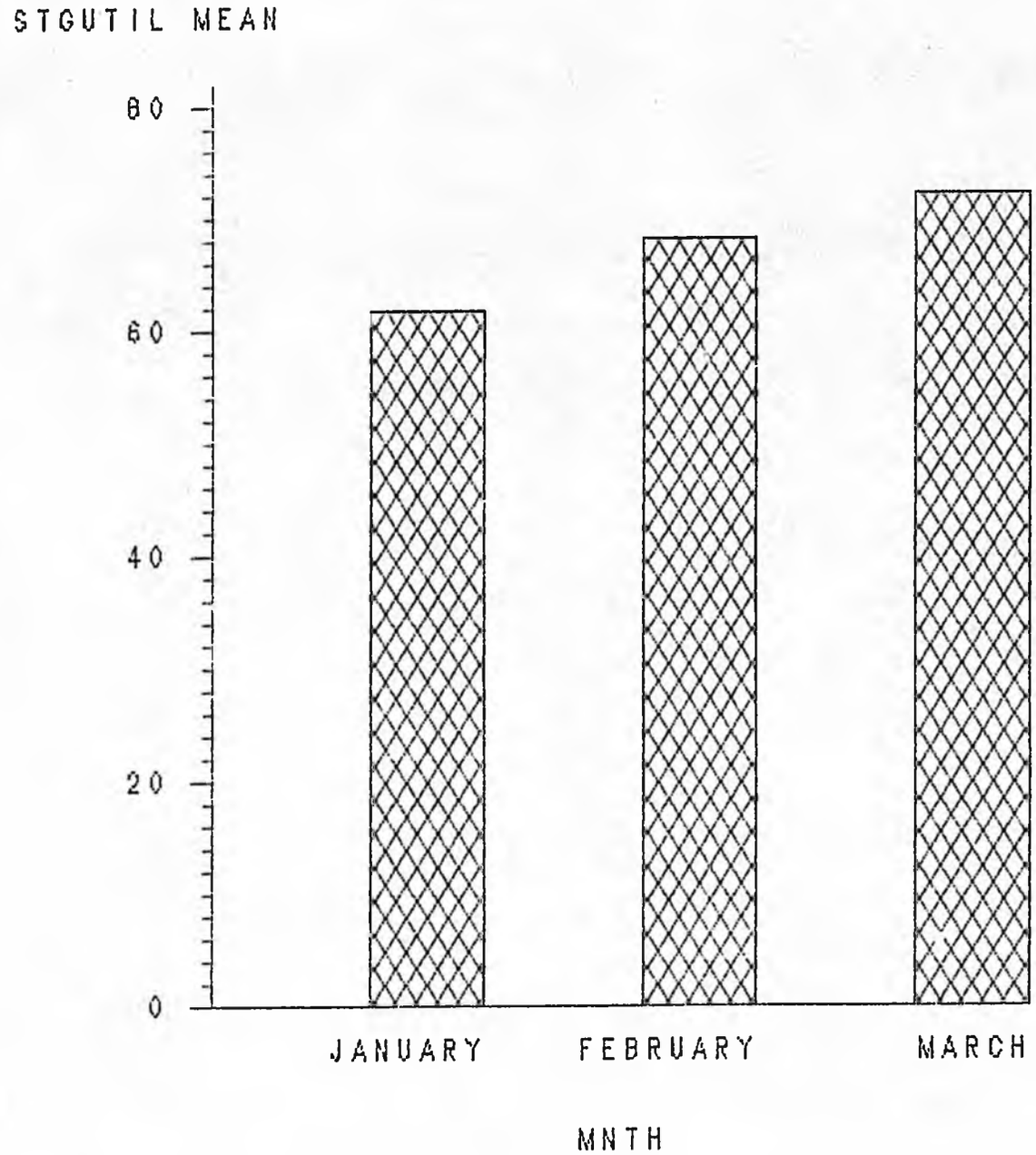


RUNDAY

RED=LOGGED ON USERS BLUE=ACTIVE USERS

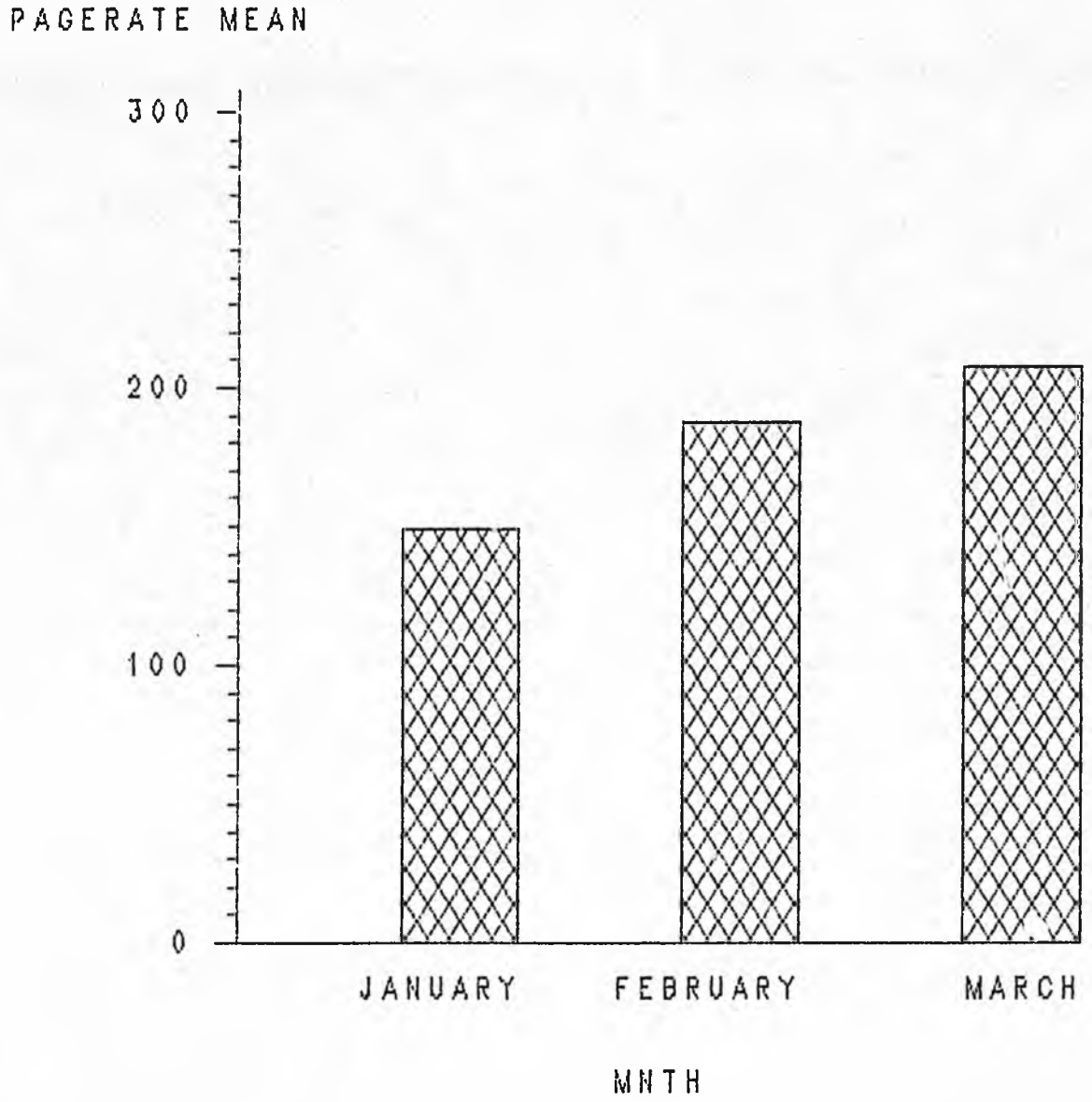
TIMESHARING STORAGE UTILIZATION

YEAR=1985



TIMESHARING PAGE RATE

YEAR=1985



Offered: 3/15/85
Referred: Finance

Original sponsor: Rules/Governor

IN THE HOUSE BY THE HOUSE SPECIAL COMMITTEE ON TELECOMMUNICATIONS

CS FOR HOUSE BILL NO. 242 (Telecommunications)(efd am)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to automatic data processing; and providing for an effective date."

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

* Section 1. AS 44.21.160(b) is amended to read:

(b) To carry out (a) of this section the department may

(1) maintain a central staff of systems analysts, computer programmers and other staff members sufficient to provide systems analysis and computer programming support required by the executive, legislative and judicial branches of state government;

(2) develop and maintain both short-range and long-range data processing plans for state government and provide managerial leadership in the use of automatic data processing;

(3) review all budget requests for automatic data processing services and recommend to the governor approval, modification, or disapproval;

(4) recommend implementation priorities of requested data processing systems;

(5) determine and satisfy the data processing equipment and supply requirements of all branches, departments and agencies of state government;

(6) provide all facilities, equipment and staff required to convert data to a form suitable for processing on automatic data processing equipment;

(7) develop and publish systems analysis, computer

programming and computer operations standards;

(8) review all state automatic data processing systems to encourage effectiveness, measure performance, and assure adherence to the standards developed under AS 44.21.150 - 44.21.170;

(9) develop and conduct an automatic data processing training program designed to serve the technical and managerial needs of state government;

(10) require each state agency to procure its automatic data processing services from the department;

(11) charge a state agency or other governmental agency for the cost of the automatic data processing services provided or procured by the department for the agency.

* Sec. 2. This Act takes effect July 1, 1986.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS HB 242 (Telecomm.)
Title : An Act relating to automatic data processing; and providing for an effective date.
Sponsor : Rules/Governor
Requestor : By House Special Committee on
Date of Request : Telecommunications

FISCAL DETAIL

Agency Affected : Dept. of Public Safety
BRU : DPS Administration
Components : Data and Word Processing

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		1433.5	1476.5	1520.8	1566.4	1613.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		1433.5	1476.5	1520.8	1566.4	1613.3
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		1433.5	1476.5	1520.8	1566.4	1613.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

A 3% increase has been figured into each consecutive year following FY87.

See the attached.

Prepared by : Jos Mapranath
Division : Administrative Services
Phone : 465-4336
Date : 1/9/86

Approved by Commissioner : Lamar D Cade
Date : 1/9/86
Agency : Department of Public Safety

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS HB 242

Fiscal note is using current Department of Administration rate structure and is based on a comparison of :

1.	11 months cost ending 8/31/85 =	$3,653,000.0	
	Projected 12 months		$3,985.1
2.	10-1-85 to 10-31-85 Sample Billing	$ 322,676.06	
	Straight Projection for 12 months		$3,872.1

Take the lower of the figures (in FY86 dollars) $3,872.1 (A)

DP Chargeback

Budgeted in DPS in FY84; now in Department of Administration (in FY82 dollars) $2,438.6 (B)

Difference: A - B =

$3872.1
2438.6
$1433.5

Note

The actual amount needed may be lower due to:

1. Planned downward revision in the rate structure by Department of Administration.
2. Other funds available within Department of Administration.
3. Probable inflationary increase in funding budgeted by Department of Administration over the course of these years.

	**** TOTAL ****			10809.96
	JUNEAU CICS	JUNEAU CICS PRIME	366.26	186.80
	**** TOTAL ****			186.80
	ANCHORAGE CICS	ANCH CICS PRIME	557.69	284.41
		ANCH CICS NONPRIME	.00	.00
	**** TOTAL ****			284.41
	DEDICATED CICS	DEDICATED CICS PRIME	137714.58	70234.43
		DEDICATED CICS NON PRIME	35637.69	13898.70

STATE OF ALASKA

BCS FINANCIAL ACCOUNTING SYSTEM (IBM) FACTS RELEASE 3.00 11/13/85
(LEVEL = 4) REPORT PAGE 23 PA

ORGANIZATION / RESOURCE DETAIL

ACCOUNTING PERIOD:
START: 10/01/85
END: 10/31/85

PREPARED FOR
STATE OF ALASKA

DATA REPORT
FIRST:
LAST:

PROJECT TYPE: BILLABLE

ORGANIZATION: STATE OF ALASKA
(CURRENT PERIOD)

CHARGES

SUB-ORGANIZATION	RESOURCE TYPE	RESOURCE	VOLUME	CHARGES ($)
PUBLIC SAFETY	(CONTINUED)			
	**** TOTAL ****			84133.13
	JUNEAU ADABAS	JUNEAU ADABAS PRIME	87.01	38.27
		JUNEAU ADABAS NONPRIME	3.37	1.04
	**** TOTAL ****			39.31
	ANCHORAGE ADABAS	ANCH ADABAS PRIME	153.38	67.52
		ANCH ADABAS NONPRIME	146.99	47.00
	**** TOTAL ****			114.52
	DEDICATED ADABAS	DEDICATED ADABAS PRIME	345203.05	151889.33
		DEDICATED ADABAS N-PRIME	32119.09	10278.11
	**** TOTAL ****			162167.44
**** TOTAL FOR PUBLIC SAFETY	Straight Projected 12 mos (FY 86) = 3872,112 - 3			322676.06

TOTAL COST OF SUPPORT FOR 11 MONTHS ENDING AUGUST 31, 1985

Governor	$ 373,899	Environmental Conservation	$ 14,500
Administration	3,963,637	Corrections	49,249
Law	135,543	Community & Regional Affairs	1,344
Revenue	807,054	Dept. of Transportation	873,756
Education	376,185	Ombudsman	3,597
Health & Social Services	2,611,740	Legislative Affairs	351
Labor	24,485	Legislative Audit	29,990
Commerce	216,347	Legislative Finance	72,691
Military Affairs	808	Courts	38,324
Natural Resources	565,770	University	9,978
Fish & Game	475,429	Federal Government	11
Public Safety	3,653,000		
			$14,297,688

AGENCY: DEPARTMENT OF PUBLIC SAFETY
CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: ADMINISTRATION
SUB PROGRAM: ADMINISTRATION & SUPPORT

'ISED PROGRAMS, GOVERNOR AMENDMENTS, SUPPLEMENTAL & SPECIAL APPROPRIATIONS AND FISCAL NOTES...

REVISED PROGRAMS: L8-3-3 $3.4

* * * * * * * * * * HOUSE ANALYSIS * * * * * * * * * *

OBJECT GROUP	VARIATION		DESCRIPTION: HOUSE ($3,273.1) VERSUS GOV.AMD. ($5,766.7)
PERS. SERV.	-13.6	-0.7%	DISALLOW NEW DATA CONTROL CLERK II POSITION.
TRAVEL	-0.1	-0.2%	ALLOW FY 83 AMOUNT LESS 10%.
CONTRACTUAL	-2474.5	-67.2%	DELETE INFLATION AMOUNT <35.9>, DELETE DATA PROCESSING CHARGEBACK AMOUNT <2438.6>.
COMMODITIES	-2.8	-5.7%	DELETE INFLATION AMOUNT.
EQUIPMENT	-2.6	-49.1%	ALLOW 50% OF REPLACEMENT EQUIPMENT.
TOTALS	-2493.6	-43.2%	

NO NEW POSITIONS AUTHORIZED.

* * * * * * * * * * SENATE ANALYSIS * * * * * * * * * *

OBJECT GROUP	VARIATION		DESCRIPTION: SENATE ($3,204.4) VERSUS GOV.AMD. ($5,766.7)
TRAVEL	-15.8	-24.5%	REDUCE TRAVEL.
CONTRACTUAL	-2538.6	-68.9%	REDUCE INFLATION <100.0>, DELETE DATA PROCESSING CHARGEBACK <2438.6>.
COMMODITIES	-5.3	-10.8%	REDUCE INFLATION.
EQUIPMENT	-2.6	-49.1%	REDUCE BY 50%.
TOTALS	-2562.3	-44.4%	

POSITIONS AUTHORIZED

	TITLE	LOCATION	TYPE	APP	S&B COSTS	FED.FUND	GEN.FUND	OTH.FUND
3	DATA CONTROL CLERK II	ANCHORAGE	PART	1	13.6		13.6	
**	TOTALS			1	13.6		13.6	

DATA PROCESSING CONTINUATION LEVEL SUMMARY

FORM 5A TRANSFER FROM:	TOTAL	310 LINE CHARGES	360 TERMINAL LEASE	382 DATA PROCESSING PROF. FEES	382 TERMINAL MAINT. (AJIS)	382 TERMINAL LEASE /CONVERSION	382A DP CHARGEBACK TERMINAL COSTS	382A DP CHARGEBACK SYSTEMS COSTS
Fire Safety	17.8		7.9		3.0		6.9	
Driver Services	60.0				15.0		45.0	
Vehicle Services	32.4				7.4		25.0	
Field Services	645.0	128.0			94.4		421.8	
DMV Administration	16.4				5.9		10.5	
Central Communications	510.2	20.0			88.5		401.7	
Academy	11.2	0.6			1.5		9.1	
Bureau of Vehicle Enf.	21.3			21.3				
Total 5A Transfers	$ 1,314.3	$ 149.4	$ 7.9	$ 21.3	$ 215.7	$ 0.0	$ 920.0	$ 0.0
Admin. & Support	1,986.4	3.2	19.9	114.7	38.4	291.7	56.8	1,461.8
TOTAL DP COSTS	$ 3,300.7	$ 152.6	$ 27.8	$ 136.0	$ 254.1	$ 291.7	$ 976.8	$ 1,461.8
TOTAL OF 15 DP FORMS						$ 2,984.4		

23 CONTINUED 15

AGENCY Department of Public Safety

PROGRAM Crime ID & Apprehension

BRU DPS Administration

COMPONENT Administration & Support

Page 10 of 10

Revised Date

FY 84

000940

01 1154(7/82)-23

DEPARTMENT: Public Safety

DATE: 1/9/86 LAW LOG #

Due:

Please indicate your recommendation regarding the final draft legislation affecting your department sent to you by the Department of Law. If you notice any changes you would like to make to the transmittal letter, major corrections, or issues to be addressed, list them below.

Attach a fiscal note, sign this cover sheet and return to Candise Griffin, Office of the Governor, as soon as possible. Thank you.

RECOMMENDATION: (Approve, hold, do not approve)

COMMENTS: When this bill becomes law, a DP chargeback system will be formally implemented using rate structure developed by Department of Administration.

There appears to be a substantial impact on the Department of Public Safety as can be seen from the attached Fiscal Note.

James D. Cash 1/9/86

Commissioner's Signature Date

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSHB 242 (Tele) efd am

APPROVE

March 3, 1985

HB 242 - "An Act relating to automatic data processing; and providing for an effective date."

The Department of Public Safety and the Department of Administration have discussed the fiscal impact of CSHB 242 (Tele) efd am on this Department.

We have received assurance from the Department of Administration that this agency should have no fiscal impact if our present consumption and hardware needs remain constant.

With this understanding, we are withdrawing our prior fiscal note and submitting a revised one.

James Wader for
Robert J. Sundberg

RECEIVED
MAR 5 1986

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 2?? (Tele) efd am
Title : "An Act relating to automatic data processing..."

Sponsor : Rules
Requestor : Senate State Affairs
Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
BRU : DPS Administration

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

RECEIVED
MAR 5 1986

Prepared by : Kathy Niles, Admin Assistant
Division : Commissioner's Office
Phone : 465-4336
Date : 2/28/86

Approved by Commissioner : Michael J Clemens
Date : 2-28-86
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 242 (Tele) efd am
Title : "An Act relating to automatic data processing..."

Sponsor : Rules
Requestor : Senate State Affairs
Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
BRU : DPS Administration

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Kathy Niles, Admin Assistant — Phone : 465-4336
Division : Commissioner's Office — Date : 2/28/86

Approved by Commissioner : Michael J Clemens — Date : 2-28-86
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSHB 242 (Tele) efd am

APPROVE

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With this understanding, we are withdrawing our prior fiscal note and submitting a revised one.

James Wader for
Robert J. Sundberg

HB

252

— FILE →

Soldotna Police Department

P. O. Box 2499
Soldotna - Alaska 99669

Duane Udland
Chief of Police

February 3, 1986

Senator Mike Abood
Chairman State Affairs Committee
Pouch V
Juneau, AK 99811

Dear Senator Abood,

I am writing this letter to urge you to support Senate CS for CS for House Bill No. 252 (State Affairs) as submitted by Senator Ray. I think the amendments by Senator Ray are fair to all persons concerned.

There is considerable support for this bill as amended in the law enforcement community. I thank you for your time in this matter.

Sincerely,

Duane Udland
Chief of Police

DU/mb

cc: Senator Ray

BACK-UP

— SEND TO LAA —

November 14, 1985

The Honorable Bill Ray
State Senator
165 Behrends Avenue
Juneau, AK 99801

Dear Bill:

This letter is in followup to our telephone conversation on November 13, 1985.

I've been asked by the Alaska Associations of Chiefs of Police, Fire Chiefs, Peace Officers, and Fire Fighters to express their concern with the present form of House Bill 252 which currently is in the Senate State Affairs Committee.

As Vice Chairman of the Public Employees' Retirement Board and a former police and fireman myself, I can appreciate the concerns that they have with the bill. On November 5, 1985, the Presidents of the above organizations met in Anchorage with Mr. Ken Humphreys, Director of Division of Retirement and Benefits; Mr. John Logan, Deputy Director; and Mr. Bob Richardson, State Actuarial Consultant. At this time the four organizations presented their concerns to Mr. Humphreys and discussed proposed changes in the bill which would make it more responsive to the needs of the police and fire employees who may retire after this bill becomes effective.

Basically, the bill provides for much needed refinement to the Public Employees' Retirement System; but, unfortunately, there are two areas which cause great concern for state police and fire personnel.

The two basic areas that concern the associations and myself are in the first paragraph where it states that each police peace officer or fireman shall contribute to the system an amount equal to 8 percent of the peace officer's or fireman's compensation. Secondly, on Page 5, Section 39.35.475, Post Retirement Pension Adjustment, the bill as currently drafted allows only for cost-of-living adjustments after an individual reaches age 60 or is disabled.

In its current form, as described above, the bill raises the contribution level for police and firemen but does not provide a cost-of-living allowance until they reach age 60.

WELLINGTON'S LETTER

We would appreciate your initiating an amendment on behalf of the four associations which would change the contribution level to 7 1/2 percent and on Page 5, under Post Retirement Pension Adjustment, Line 17, add the following after the word year: "and to persons who have received benefits from this system for at least five years. On Line 22, change the 75 percent to 70 percent."

I understand from talking with Ken Humphreys and Bob Richardson, these amendments would actually save the state approximately $500,000 a year and provide a realistic cost-of-living adjustment for police and firemen after they have been retired for five years.

As I mentioned to you on the telephone, there was some original concern by APEA regarding any amendments to the bill which would drastically affect the general membership of their organization; however, the Executive Director for APEA supports this proposed change in the bill. Obviously, Bill, the reason that the police and fire services are asking you to sponsor the amendments is because of your long association with their organizations and the many personal and professional friends you have in the active police and fire associations as well as their retired ranks.

On behalf of the associations and myself, I want to take this opportunity to express our appreciation for your taking the time to read our material. Please let me know, at your convenience, whether or not you would feel comfortable in introducing the amendments on behalf of the associations. If you concur, the associations would then be willing to appear at whatever committee hearings you feel would be necessary in order to support their positions on the amendments.

It was good talking with you. I look forward to your response.

Sincerely yours,

Pat Wellington, Vice Chairman
Public Employees' Retirement Board
6115 Staedem Drive
Anchorage, AK 99504

cc: President, Alaska Association Chiefs of Police
President, Alaska Fire Fighters Association
President, Alaska Fire Chiefs Association
President, Alaska State Peace Officers Association
Mr. Ken Humphreys, Director, Division of Retirement & Ber
First Sergeant John Glass, State Board Member, APEA

Alaska State Legislature

House of Representatives

House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

MEMO: Jan. 14, 1986

TO: Sen. Bill Ray

FROM: Rep. Mike Miller

RE: Proposed amendment to HB 252 (PERS Retirement) increasing benefits under Territorial retirement system

Bill --

You may remember us discussing last year a proposed amendment to the PERS retirement bill increasing the benefits under one of the Territorial retirement programs.

There now are only two (last year there were three) surviving beneficiaries of this retirement system, and the proposed amendment would increase their monthly benefit by $100. Ken Humphreys tells me that there has not been an increase for this retirement system since 1980, despite the high inflation during the years since. He says that a change of $100 would be about right considering inflation since 1980, and that the benefit increase would have negligible impact on the retirement system.

If you can see your way clear to provide for this amendment on the Senate side, I'm sure that it would be much appreciated by the recipients.

Get back to me if you have any questions or concerns.

Thanks!

REPRESENTATIVE MILLER'S
LETTER

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Draft bill dated 1/21/86 | Revision Date: _____

FISCAL DETAIL

Bill/Resolution No.: SCS CS HB 252(SA)
Title: "An Act relating to state retirement benefits;. . ."
Sponsor: M.M. Miller and Duncan
Requestor:
Date of Request:

Agency Affected: All State Agencies
BRU: Retirement & Benefits
Components: PERS

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES		77.6				
RTMNT & BNFTS		[1,593.5]	[1,721.0]	[1,858.7]	[2,007.4]	[2,167.9]
TRAVEL						
CONTRACTUAL		199.5				
SUPPLIES		1.0				
EQUIPMENT		10.0				
LAND & STRUCTURES						
GRANTS, CLAIMS		2.4	2.4	2.4	2.4	2.4
TRS MATCH						
TOTAL OPERATING	-0-	[1,303.0]	[1,718.6]	[1,856.3]	[2,005.0]	[2,165.5]
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		[1,177.8]	[1,553.4]	[1,677.9]	[1,812.3]	[1,957.4]
FEDERAL FUNDS		[60.0]	[79.2]	[85.5]	[92.3]	[99.7]
OTHER		[65.2]	[86.0]	[92.9]	[100.4]	[108.4]
TOTAL		[1,303.0]	[1,718.6]	[1,856.3]	[2,005.0]	[2,165.5]

POSITIONS:	-0-		-0-	-0-	-0-	-0-
FULL-TIME		2				
PART-TIME						
TEMPORARY		2				

ANALYSIS: Attach a separate page if necessary

See attached

J.K. Humphreys

Prepared By: J.K. Humphreys, Director | Phone: 465-4470
Division: Retirement & Benefits | Date: 2/5/86

Approved by Commissioner: Eleanor Andrews | Date: 2/6/85
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Draft SCS CS House Bill 252 (State Affairs)
(1/21/86 version)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

February 5, 1986

IV Analysis: This bill applies primarily to the Public Employees' Retirement System (PERS). It would provide for an automatic, post retirement pension adjustment (PRPA) and an increased benefit multiplier for covered members. It increases the employee contribution rate by an additional 2½% of salary, increases the indebtedness contributions for military service credit by 2½% and provides for the employer to withhold employee contributions before taxes rather than the current after tax contributions to begin effective January 1, 1987. The bill also contains several cost containment provisions which would affect only those members first hired after the effective date. Those cost containment provisions are: a partial pay provision for health coverage for retirees; no COLA before age 65; no military credit shall be granted if the member is eligible to receive a benefit for the same service from the Federal Government and increasing the normal retirement age from 55 to 60. The bill also increases benefits for the two territorial retirees by $100.00 per month.

This is estimated to result in a .27% decrease in the PERS employer contribution rate for FY 87. The PERS state salaries for FY 87 are estimated to be $590,176,728.00 and are estimated to increase at 8% per year.

The state savings of $1,303.0 is calculated as follows:

The change in the PERS employer contribution rate (.27%) times the estimated FY 87 state PERS salaries ($590,176,728) equals	[$1,593.5]
Increased benefits for two territorial retirees per year	2.4
Plus administrative costs displayed on the following page	288.1
Total state FY 87 savings	[$1,303.0]

In addition to the State savings above, this would result in savings in Political Subdivision contributions as follows:

FY 87	FY 88	FY 89	FY 90	FY 91
[$1,296.7]	[$1,400.4]	[$1,512.5]	[$1,633.5]	[$1,764.1]

Draft SCS CS House Bill 252 (State Affairs)
(1/21/86 version)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

February 5, 1986

FY 87 Administrative Costs

Personal Services:		
	2 non-permanent retirement technicians for 12 months	$77.6
Contractual:		
	Telephone and other contractual costs for 2 positions	2.0
	Contractual costs for enhancing the PERS data processing system	127.5
	Contractual costs for enhancing the state payroll system	70.0
Supplies:		
	Supplies for 2 positions	1.0
Equipment:		
	Equipment accommodations for 2 non-permanent positions	10.0
	Total FY 87 administrative costs	$288.1

Position Paper

SCSCS House Bill 252 (State Affairs)

This bill applies primarily to the Public Employees' Retirement System (PERS). It would provide for an automatic, post retirement pension adjustment (PRPA) and an increased benefit multiplier for covered members. Employee contributions would be increased and placed on a pre-tax basis effective January 1, 1987. The bill also contains several other cost containment provisions which would affect only those members first hired after the effective date: a partial pay provision for health coverage for retirees; no geographical cost of living allowance before age 65; no military credit if a member is eligible to receive a benefit for the same service from the Federal Government and an increase in the normal retirement age from 55 to 60. It also increases benefits for the two territorial retirees by $100.00 per month.

The Department supports this bill because it provides for a more fiscally responsible funding method for post retirement pension adjustments and provides for several cost containment provisions which, while still leaving the PERS one of the most generous retirement systems in any state, provide welcome, net FY 87 savings to the State and Political Subdivisions.

J. K. Humphreys — 2/5/86

J.K. Humphreys, Director, Division of Retirement & Benefits — Date

Eleanor Andrews — 2/6/86

Eleanor Andrews, Commissioner, Department of Administration — Date

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Draft bill dated 1/21/86 | Revision Date: _____

FISCAL DETAIL

Bill/Resolution No.: SCS CS HB 252(SA)
Title: "An Act relating to state retirement benefits;. . ."
Sponsor: M.M. Miller and Duncan
Requestor:
Date of Request:

Agency Affected: All State Agencies
BRU: Retirement & Benefits
Components: PERS

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES		77.6				
RTMNT & BNFTS		[1,593.5]	[1,721.0]	[1,858.7]	[2,007.4]	[2,167.9]
TRAVEL						
CONTRACTUAL		199.5				
SUPPLIES		1.0				
EQUIPMENT		10.0				
LAND & STRUCTURES						
GRANTS, CLAIMS		2.4	2.4	2.4	2.4	2.4
TRS MATCH						
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CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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TOTAL		[1,303.0]	[1,718.6]	[1,856.3]	[2,005.0]	[2,165.5]

POSITIONS:	-0-		-0-	-0-	-0-	-0-
FULL-TIME		2				
PART-TIME						
TEMPORARY		2				

ANALYSIS: Attach a separate page if necessary

See attached

DRAFT

Prepared By: J.K. Humphreys, Director | Phone: 465-4470
Division: Retirement & Benefits | Date: 1/27/86

Approved by Commissioner: Eleanor Andrews | Date:
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTES

Draft SCS CS House Bill 252 (State Affairs)
(1/21/86 version)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

January 27, 1986

IV Analysis: This bill applies primarily to the Public Employees' Retirement System (PERS). It would provide for an automatic, post retirement pension adjustment (PRPA) and an increased benefit multiplier for covered members. It increases the employee contribution rate by an additional 2½% of salary, increases the indebtedness contributions for military service credit by 2½% and provides for the employer to withhold employee contributions before taxes rather than the current after tax contributions to begin effective January 1, 1987. The bill also contains several cost containment provisions which would affect only those members first hired after the effective date. Those cost containment provisions are: a partial pay provision for health coverage for retirees; no COLA before age 65; no military credit shall be granted if the member is eligible to receive a benefit for the same service from the Federal Government and increasing the normal retirement age from 55 to 60. The bill also increases benefits for the two territorial retirees by $100.00 per month.

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DRAFT

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(1/21/86 version)
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Prepared by Division of Retirement & Benefits
Department of Administration

January 27, 1986

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Contractual:		
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	Contractual costs for enhancing the state payroll system	70.0
Supplies:		
	Supplies for 2 positions	1.0
Equipment:		
	Equipment accommodations for 2 non-permanent positions	10.0
	Total FY 87 administrative costs	$288.1

DRAFT

Cramer
1/21/86

Original sponsors: M.M.Miller and Duncan

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 252 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to state retirement benefits; and providing for an effective date."

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

* Section 1. AS 39.35.160(a) is repealed and reenacted to read:

(a) Beginning January 1, 1987, each peace officer or fireman shall contribute to the system an amount equal to seven and one-half percent of the peace officer's or fireman's compensation. Beginning January 1, 1987, each other employee shall contribute to the system an amount equal to six and three-quarters percent of the employee's compensation. The contributions shall be deducted by the employer at the end of each payroll period. The contributions shall be deducted from employee compensation before computation of applicable federal taxes, and the contributions shall be treated as employer contributions under 26 U.S.C. 414(h)(2).

* Sec. 2. AS 39.35.340(a) is amended to read:

(a) A vested employee is entitled to credited service for active military service in the armed forces of the United States, either by enlistment or induction, if the employee <u>received a discharge under honorable conditions and is not entitled to receive benefits from the United States government for the same service</u> [DID NOT RECEIVE A DISHONORABLE DISCHARGE]. The credited service allowed may not exceed an aggregate period of five years. Benefits are not payable on credited service for military service unless the employee makes retroactive contributions to the system for the period of time that service

credit is claimed. However, if the employee was in the employ of an employer on the date of entry into the armed forces and returned to the employ of an employer within 90 days after the date of discharge from military service, the employee is not required to make retroactive contributions under this system for the period of credited service.

* Sec. 3. AS 39.35.340(b) is repealed and reenacted to read:

(b) In order to obtain credited service under this section, an employee shall make an election to do so and shall verify the period of military service. When eligibility for credited service for military service has been established, an indebtedness shall be determined as follows: (1) the employee's actual compensation, or the calculated annual compensation for those employees working less than 12 months, during the calendar year 1976 or the year in which an employee first becomes vested under this chapter, whichever is later, multiplied by (2) the number of years of military service credited under this section, and this product multiplied by (3) six percent for members who are first eligible to claim this military service before January 1, 1987, or eight and one-half percent for members who are first eligible to claim this military service on or after January 1, 1987. Interest as prescribed by regulation accrues on this indebtedness beginning on July 1, 1977, or one year following the date a person first becomes vested, whichever is later. Any outstanding indebtedness that exists at the time a person is appointed to retirement will necessitate an actuarial adjustment to the benefits payable based upon that military service.

* Sec. 4. AS 39.35.360(i) is amended to read:

(i) An employee who completes three years of credited service with an employer, for which the employee makes contributions required

by this chapter, is entitled to credited service on a year-for-year basis for service credited in the Civil Service Retirement System, rendered as an employee of an Alaska Bureau of Indian Affairs (BIA) school, other than service as a teacher. Retroactive credited service under this section must be claimed before the employee retires. When eligibility for retroactive credited service under this section has been established, an indebtedness of the employee to the system shall be determined as follows: (1) [ESTABLISHED. THE AMOUNT OF THIS INDEBTEDNESS IS DETERMINED BY MULTIPLYING SIX PERCENT OF] the employee's actual annual compensation, or the calculated annual compensation for an employee who works fewer than 12 months, for the most recent calendar year in which service is rendered to an employer before the calendar year in which the employee first becomes eligible to claim service under this subsection, multiplied by (2) the number of years of service in Alaska BIA schools that is credited under this subsection, and this product multiplied by (3) six percent for employees first eligible to claim this service before January 1, 1987, or eight and one-half percent for employees first eligible to claim this service on or after January 1, 1987. Interest as prescribed by regulation accrues on the indebtedness beginning on the date the employee may first claim the retroactive credited service. Any outstanding indebtedness that exists at the time the employee retires requires an actuarial adjustment to the benefits that are based on retroactive credited service under this section. Service may not be claimed under this subsection and benefits may not be paid for service claimed under this subsection if the employee has, at any point in time, enough service credit in the Civil Service Retirement System to be eligible for a retirement benefit under that system.

* Sec. 5. AS 39.35.370(a) is amended to read:

(a) A terminated employee is eligible for a normal retirement benefit (1) at age 60 [55] with at least five years credited service, or (2) with at least 20 years of credited service as a peace officer or fireman, or (3) with at least 30 years of credited service for all other employees.

* Sec. 6. AS 39.35.370(b) is amended to read:

(b) A terminated employee is eligible for an early retirement benefit at age 55 [50] with at least five years credited service. An actuarial adjustment must be made to retirement benefits paid under this section for an early retirement benefit.

* Sec. 7. AS 39.35.370(c) is amended to read:

(c) The monthly amount of a retirement benefit for a peace officer or fireman is two percent of the average monthly compensation times the years of credited service [UP] through 10 years, plus two and one-half percent of the average monthly compensation times the years of service over 10 years. For all other employees it is

(1) two percent of the average monthly compensation times all [THE] years of service before July 1, 1986, and for years of service through a total of 10 years; plus

(2) two and one-quarter percent of the average monthly compensation times all years of service after June 30, 1986, over 10 years of total service through 20 years; plus

(3) two and one-half percent of the average monthly compensation times all years of service after June 30, 1986, over 20 years of total service [AN ACTUARIAL ADJUSTMENT MUST BE MADE FOR AN EARLY RETIREMENT BENEFIT].

* Sec. 8. AS 39.35.385(a) is amended to read:

(a) An employee is eligible for a normal retirement benefit at age 60 [55] with at least two years of credited service if the

employee also is eligible for a normal retirement salary under the teachers' retirement system (AS 14.25).

* Sec. 9. AS 39.35.385(b) is amended to read:

(b) An employee is eligible for an early retirement benefit at age 55 [50] with at least two years of credited service if the employee also is eligible for an early retirement salary under the teachers' retirement system (AS 14.25).

* Sec. 10. AS 39.35.385(f) is amended to read:

(f) An employee is eligible for a normal retirement benefit at age 60 [55] or an early retirement benefit at age 55 [50] if the employee has at least 60 days of credited service as a temporary employee of the legislature during each of five legislative sessions.

* Sec. 11. AS 39.35.475 is repealed and reenacted to read:

Sec. 39.35.475. POST-RETIREMENT PENSION ADJUSTMENT. (a) Once each year the administrator shall increase benefit payments to eligible disabled members, to persons age 60 or older receiving benefits under this system in the preceding calendar year, and to persons who have received benefits under this system for at least five years who are not otherwise eligible for an increase under this section.

(b) The increase in benefit payments applies to total benefit payments except for the cost-of-living allowance under AS 39.35.480. The amount of the increase is a percentage of the current benefit equal to

(1) the lesser of 75 percent of the increase in the cost of living in the preceding calendar year or nine percent, for recipients who on July 1 are at least 65 years old and for members receiving disability benefits; and

(2) the lesser of 50 percent of the increase in the cost of living in the preceding calendar year or six percent, for recipients

who on July 1 are at least 60 but less than 65 years old or for recipients who are less than 60 years old on July 1 but who have received benefits from the system for at least five years.

(c) If a recipient was not receiving benefits during the entire preceding calendar year, the increase in benefits under this section shall be adjusted by multiplying it by the fraction whose numerator is the number of months for which benefits were received in the preceding calendar year and whose denominator is 12.

(d) If at the time of first receiving a retirement benefit a member was receiving a disability benefit under this system, the administrator shall, at the time the member is appointed to retirement, increase the retirement benefit by a percentage equal to the total cumulative percentage increase that has been applied to the member's disability benefit under this section.

(e) When computing an occupational death benefit under AS 39.35.430 or 39.35.440 or a survivor's benefit under AS 39.35.450, adjustments granted to the deceased member or survivor under this section shall be included.

(f) An increase in benefit payments under this section is effective July 1 of each year and is based on the percentage increase in the consumer price index for urban wage earners and clerical workers for Anchorage, Alaska during the previous calendar year as determined by the United States Department of Labor, Bureau of Labor Statistics.

* Sec. 12. AS 39.35.480(a) is amended to read:

(a) While residing in the state, a person receiving a benefit under this chapter <u>who is 65 years of age or older or who is receiving a disability benefit</u> is entitled to receive a monthly cost-of-living allowance in addition to the basic benefit. The amount of this allowance shall be $50 or 10 percent of the basic benefit, whichever

greater.

* Sec. 13. AS 39.35.535 is amended to read:

Sec. 39.35.535. MEDICAL BENEFITS. (a) If a benefit recipient elects major medical insurance coverage under this section, the [THE] following persons are entitled to [MAJOR MEDICAL INSURANCE] coverage:

(1) a person receiving a monthly benefit from the system;

(2) the spouse of a person receiving a monthly benefit from the system;

(3) a natural or adopted child of a person receiving a monthly benefit from the system, if the child is a dependent child under AS 39.35.680(11).

(b) After an election of coverage under this section, major [MAJOR] medical insurance coverage takes effect on the same date that [AS RETIREMENT] benefits begin, and stops when the member [RETIRED EMPLOYEE] or survivor is no longer eligible to receive a monthly benefit. The coverage for persons age 65 or older is the same coverage available for a person under 65. The benefits payable to [THOSE] persons age 65 or older supplement any benefits provided under the federal old age, survivors and disability insurance program.

* Sec. 14. AS 39.35.535 is amended by adding a new subsection to read:

(c) A benefit recipient may elect major medical insurance coverage in accordance with regulations and under the following conditions:

(1) a person who is younger than 60 years of age must pay an amount equal to the full monthly group premium for retiree major medical insurance coverage;

(2) a person who is at least 60 years of age but is younger than 65 years of age must pay an amount equal to one-half of the full monthly group premium for retiree major medical insurance coverage;

(3) a disabled member or a person 65 years of age or older

is not required to make premium payments.

* Sec. 15. AS 39.35.680(8) is amended to read:

(8) "compensation" means the total remuneration earned by an employee for personal services rendered, including employee contributions under AS 39.35.160, cost-of-living differentials, payments for leave that is actually used by the employee, the amount by which the employee's wages are reduced under AS 39.30.150(c), and any amount deferred under an employer-sponsored deferred compensation plan, but does not include retirement benefits, welfare benefits, per diem, expense allowances, workers' compensation payments or payments for leave not used by the employee whether those leave payments are scheduled payments, lump-sum payments, donations, or cash-ins;

* Sec. 16. AS 39.35.680(13) is amended to read:

(13) "early retirement" means retirement for a member who is not eligible for normal retirement and who is at least 55 [50] years old and is eligible to receive benefits under AS 39.35.370(b) or under AS 39.35.385(b) or (f);

* Sec. 17. The benefits payable under sec. 1, ch. 102, SLA 1951, as increased by ch. 85, SLA 1970, ch. 134, SLA 1975, and sec. 43, ch. 146, SLA 1980, are further increased by $100 per month for each recipient.

* Sec. 18. Sections 2, 5 - 6, 8 - 10, 12 - 14, and 16 of this Act apply only to members first hired under the Public Employees' Retirement System after June 30, 1986. Changes in the Public Employees' Retirement System enacted in this Act that require a reduction in benefits to members of the retirement system apply only to members who are first hired under the retirement system after June 30, 1986. Other sections of this Act apply to all members of the public employees' retirement system, regardless of the date of hire.

* Sec. 19. Sections 2, 5 - 14, and 16 - 18 of this Act take effect

July 1, 1986.

* Sec. 20. Sections 1, 3, 4, and 15 of this Act take effect January 1, 1987.

SCS HB 252 (State Affairs)

First of all, the dates were changed because it is not 1985 anymore.

Pat Wellington's amendments were put in Sections 1, 2, and 11.

Representative Mike MIller's amendment is in new Section 17.

New sections 18-20 are just renumbering due to the insertion of Section 17.

Senator Ferguson would like the inclusion of Cost-of-Living differential into this bill (see attached memo).

Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: SENATOR MITCH ABOOD

FROM: SENATOR FRANK R. FERGUSON

DATE: JANUARY 31, 1986

SUBJECT: HB 252 - RETIREMENT BENEFITS

SHOULD YOU SCHEDULE HB 252, YOU MAY WANT TO CONSIDER INCLUSION OF SECTIONS 5 AND 6 OF CSSB 207 (FIN.) INTO THE BILL.

THE PROVISIONS OF SECTION 5 AND 6 OF SB 207 PASSED OUT OF YOUR COMMITTEE LAST YEAR.

FRF/ldn

RECEIVED
JAN 31 1986

Offered: 4/12/85
Referred: Rules

Original sponsor: Finance Committee

IN THE SENATE BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 207 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to calculation of the cost-of-living and pay step differentials for the compensation and retirement benefits of certain public employees; classification system; limiting the state's power to change the cost to the state of compensation for certain positions; and providing for an effective date."

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

* Section 1. AS 23.40 is amended by adding a new section to read:

Sec. 23.40.075. ITEMS NOT SUBJECT TO BARGAINING. The parties may not negotiate terms contrary to the limitations on state personnel actions under AS 37.07.085 or on pay step differential calculations under AS 39.27.020(d).

* Sec. 2. AS 37.07 is amended by adding new sections to read:

Sec. 37.07.085. LIMITATIONS ON STATE PERSONNEL ACTIONS. (a) Unless the budget specifically provides or the legislature approves, the state may not

(1) reclassify a position to a higher salary range after September 1, 1985 unless the reclassification is consistent with policies established in AS 39.25.150(1) for a position classification plan;

(2) change the salary range of a job class unless the change is required to comply with AS 18.80.220(a)(5), AS 39.25.010 or 39.25.150(2); or

(3) promote a person to the next step of a flexibly staffed position if the person was first hired in the flexibly-staffed position after the effective date of this section.

(b) In this section, "state" means the executive, legislative and judicial branches of state government and includes the University of Alaska.

Sec. 37.07.087. LISTING OF PERMANENT POSITIONS. (a) On or before September 15 of each year, each department shall deliver to the division of budget review in the Office of Management and Budget a list of permanent positions in the department on July 31 of that year. The list shall include for each position the position control number (PCN), title, salary range, pay step, location, time status, bargaining unit if any, and position funding source. A department shall remove from the list a PCN that is not funded and shall revise the listing of other PCN's to be consistent with the positions authorized in the budget. The department shall report to the legislature each year the positions removed from its list.

(b) After conforming the list of permanent positions to the budget, a department may not establish a new permanent PCN or change the salary range, pay step, location, or time status of an existing PCN unless the division of budget review concurs.

(c) A department shall maintain the master list of the department's positions as an automated position accounting control system file in accordance with instructions from the Office of Management and Budget.

* Sec. 3. AS 39.25.010(b) is amended to read:

(b) The merit principle of employment includes the following:

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open

consideration of qualified applicants for initial appointment;

(2) regular integrated salary programs based on the nature of the work performed;

(3) retention of employees with permanent status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction in inadequate performance, and separation for cause;

(4) equal treatment of applicants and employees with regard only to consideration within the merit principles of employment; [AND]

(5) selection and retention of an employee's position secure from political influences; and

(6) classification and pay plans designed to provide pay equity by using judgments and factors free of biases based on race or sex and determining job worth for all job classifications based on a single set of criteria.

* Sec. 4. AS 39.27.020 is amended by adding a new subsection to read:

(d) If an employee's basic annual salary is no more than $30,000, the pay step differential shall be calculated using the employee's basic salary. If the employee's basic annual salary is greater than $30,000, then the employee's pay step differential shall be calculated on the differential for a basic salary of $30,000.

* Sec. 5. AS 39.35 is amended by adding a new section to read:

Sec. 39.35.675. INCLUSION OF COST-OF-LIVING DIFFERENTIALS IN COMPENSATION AND BENEFITS. (a) An employee shall make contributions to the system based on compensation including a cost-of-living differential.

(b) The amount of a cost-of-living differential may not be included in the employee's compensation for purposes of calculating benefits paid under this chapter unless the employee has received a

cost-of-living differential in a comparable amount or of at least that many steps for at least 50 percent of the employee's credited service.

(c) When an employee receives a benefit, and if the employee's compensation for purposes of calculating the benefit does not include a cost-of-living differential, then the administrator shall refund to the employee the amount of contributions the employee made based on the differential.

(d) In this section "cost-of-living differential" means an adjustment to salary based on the cost of living in the geographic region where the employee works and includes a pay step differential under AS 39.27.020.

* Sec. 6. AS 39.35.680(8) is amended to read:

(8) "compensation" means the total remuneration earned by an employee for personal services rendered, including cost-of-living differentials only as provided in AS 39.35.675, payments for leave that is actually used by the employee, the amount by which the employee's wages are reduced under AS 39.30.150(c), and any amount deferred under an employer-sponsored deferred compensation plan, but does not include retirement benefits, welfare benefits, per diem, expense allowances, workers' compensation payments or payments for leave not used by the employee whether those leave payments are scheduled payments, lump-sum payments, donations, or cash-ins;

* Se[illegible]. The legislature shall review the pay step differentials provi[illegible]ier AS 39.27.020 and under collective bargaining contracts betwee[illegible]e state and employee bargaining organizations following the release of a comprehensive study of the geographic differentials by the state.

* Sec. 8. By September 15, 1985, the division of budget review in the Office of Management and Budget shall develop a master position control

system with the capability of matching permanent positions listed in an automated position accounting control system against the state's master payroll record.

* Sec. 9. The amendments made by secs. 5 and 6 of this Act apply only to members first hired under the Public Employees' Retirement System on or after the effective date of secs. 5 and 6 of this Act.

* Sec. 10. Nothing in this Act terminates or modifies a collective bargaining agreement in existence on the effective date contained in sec. 13 of this Act.

* Sec. 11. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby.

* Sec. 12. Sections 5, 6, and 9 of this Act take effect January 1, 1987.

* Sec. 13. Sections 1 - 4, 7, 8, 10, and 11 of this Act take effect immediately in accordance with AS 01.10.070(c).

HB

2834

Alaska State Legislature

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CHAIRMAN
Special Committee on
Telecommunications

MEMBER
Labor and Commerce
State Affairs
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

M E M O R A N D U M

RECEIVED
MAY - 5 1986

To: All Members
Senate State Affairs Committee

From: Representative H.A. "Red" Boucher
Sponsor, HB 284

Date: May 5, 1986

Subject: Overview, HB 284, "An Act Relating to Elections"

The statutes governing the activities of the Division of Elections have gradually gotten out of step with changes in the needs of the voters, particularly with regards to absentee ballots and the counting of ballots. Consequently, the Division asked me to submit on their behalf a bill which would provide some housekeeping changes to allow them to operate more efficiently and effectively in these critical areas.

Other legislators have also felt this need apparently, because as the bill has progressed through the House, numerous friendly amendments were added onto the bill. Further, primarily because of a decision to distribute election phamphlets to households instead of to each individual voter, the bill is one of the few pieces of legislation introduced that actually has a negative fiscal note, of $81,100. As a result, this bill received bi-partisan support and passed the House on April 24 on a reconsideration vote of 31 yeas, 4 nays, and 5 absent.

The bill at present covers a lot of different specific areas of election activity, but still primarily focused on absentee and counting problems. The Division, which is fully supportive of these changes, has prepared an updated sectional analysis of the bill as passed by the House, and also an overview guide to the major provisions of the bill. Both of these documents are attached for your consideration.

I would very much appreciate it if you would take the time to read over this material, and if you have any questions or concerns at all prior to the Committee hearings on the matter, could you please contact me on them as soon as possible. This bill is important in that it provides a lot of needed changes in the current election statutes, and I would be happy to talk to you about them in detail if you wish.

SECTIONAL ANALYSIS OF CSHB 284
(AS PASSED BY THE HOUSE)

Submitted By:

Division of Elections
May 1, 1986

The following is an analysis of the recommended changes to Title 15 of the Alaska Statutes proposed by CSHB 284 (RULES):

Section 1 and 2

These sections of the proposed bill relate to the provisions of Title 15 in place to ensure that persons convicted of felonies involving moral turpitude are prevented from voting prior to their unconditional discharge. Under current law upon release of the convicted felon from the authority of the court, voting rights are automatically restored with no action required by the individual. The intent of these sections is to cancel the voter registration of convicted felons, and require them to reregister upon unconditional discharge.

Section 3

AS 15.07.160(a) provides that it is unlawful for a registration official to refuse to register a qualified individual. The proposed amendment stipulates an exception in cases of otherwise qualified individuals who are not yet unconditionally discharged from custody of the court.

Section 4

This amendment to AS 15.07.160(b) which provides that it is unlawful for an individual to register who knowingly lacks the qualifications of a voter, changes the reference citation from AS 15.05.010 (1)-(4), Voter Qualifications, to AS 15.07.030, Who May Register.

Section 5

AS 15.10.180 relates to the appointment of party representatives for participation on state canvassing boards. By specifying the participation of 2 persons from

each political party, the current statute limits the size and composition of the board. The proposed amendment gives the director discretion as to the number of teams that may serve, and stipulates that each team must have members from at least 2 political parties. The flexibility offered by the amendment allows the director to accommodate fair party representation for all parties, as the number of recognized parties fluctuates. As the State has grown, and registration rolls have increased, voter turnout has also dramatically increased. The certification process is becoming more difficult to complete in a reasonable amount of time. It is estimated that certification requires the review of nearly 65,000 mathematical calculations over 442 precincts statewide. This proposed amendment would allow the director to appoint additional teams as needed to assure that the process can continue to be completed in a reasonable amount of time, while guaranteeing fair party representation in the process.

Section 6

This section amends AS 15.13.120 relating specifically to campaign contributions and expenditures. AS 15.13 provisions do not relate to the Division administration of elections. Rather, this chapter concerns the functions of the Alaska Public Offices Commission. The Division, therefore, offers no comment on this amendment.

Section 7

This section concerns the posting of public notices in conspicuous places in each precinct. Present law provides that the posters contain the legal boundary description of the precinct. Having legal descriptions preprinted on the posters would be a very expensive process as there are only 2 for each precinct required by law. Therefore, Divisional staff must clip and paste each legal description on 884 individual posters by hand. Additionally, legal boundary descriptions are often confusing, hard to read, and difficult to understand and therefore are of questionable benefit to the voters as used in this application. The division has better methods in place by which to notify of their proper precinct and polling place. Each voter is sent a polling place card before major elections that indicates the precinct in which he or she should vote and where the polling place is located. The list of polling places for all precincts are published in the Official Election Pamphlet. Therefore, it is proposed that legal boundary description requirement be deleted from AS 15.15.070(c).

Section 8

This section provides that if a voter's name does not appear on the precinct register in which he or she seeks to vote, the election worker must affirmatively advise the voter of the right to vote a questioned ballot.

Section 9 (Also see Section 14, 15, 17, 18 and 22)

This section seeks to make a housekeeping change in the start date for state canvass board review, from the 8th day after the election to the 11th day. This amendment relates to the tightening of the deadline for receipt of absentee ballots as proposed in Section 12 of this bill, which provides that the last day to receive military and foreign by mail ballots would be the 10th day. Under the existing statute the state review board is required to begin its canvass before counting of absentee ballots is completed at the regional level because of the extended absentee deadline beyond the 8th day. Regional Boards have been required to submit incomplete precinct data to Juneau. This has resulted in additional counting of ballots received after the 8th day being concluded at the director's level, after the state canvass has begun. The amendment allows time for all counting to be completed at the regional level in accordance with the proposed 10 day receipt deadline, and before the state canvass would begins its audit.

Section 14, 15, 17 and 18 of this bill propose similar housekeeping changes to dates related to the review and counting of absentee and question ballots, and the forwarding of precinct records to the directors office for inclusion in the state review, pursuant to the amended deadline for receipt of absentee ballots.

Section 10

This section relates to absentee by personal representative voting and eliminates the requirement that the disabled voter's ballot must be returned within 3 days of its being picked up by the personal representative. The amendment allows the voted ballot to be returned any time prior to 8:00 p.m. election day.

Section 11

This amendment changes the last day to postmark an absentee application from 6 days to 14 days prior to the election. It also allows a voter register and apply for absentee ballots for all elections within a calendar year, with a single application. Current statutes provide that application may not be made earlier than 6 months before the election.

Section 12

Presently, all absentee by mail ballots may be accepted up to 15 days after the elections. This proposed amendment would require that absentee by mail ballots be received no later than the tenth day after the election for ballots mailed from within the United States.

Concern has been expressed that since current statutes mandate, that "if the ballot is postmarked, it must be postmarked on or before election day", there is a potential for fraudulent or unethical use of the system. Specifically, this part of the statute requires the postal stamp on or before election only if the ballot is indeed postmarked, but does not require a postmark on all ballots. Research shows that requiring postmarks on all ballots is not feasible because of irregularities in the postal systems worldwide. Because of postal inconsistencies candidates or campaign workers could respond to election night returns by soliciting absentee voters who have not mailed in their ballots to do so in the few days right after the election. Because no postmark is required for counting, these ballots cast after the election, but received within the 15 day period, could be included in the totals. In close races, these late votes could impact the outcome. Research shows that 98% of mailed ballots take fewer than 6 days for delivery.

Shortening the deadline for receipt of absentee ballots would enhance the faster announcement of election results. Candidates, particularly in close races, would know the outcome more quickly as certification of election results could be completed sooner.

Section 13

This amendment extends the deadline for receipt of absentee ballots mailed from overseas or any APO or FPO address to the 10th day after the election. Research of such ballots indicates that 98.5% of these ballots are delivered in fewer than 10 days.

Section 14, 15, 17 and 18 (Also see Section 9)

These sections are additional housekeeping amendments making changes to specified days on which regional boards begin and complete review and counting of absentee and questioned ballots and forward materials to the directors office for inclusion in the state review. These changes related to the proposed deadline for receipt of absentee ballots.

Section 16

This amendment to AS 15.20.203(b) eliminates failure of an absentee voter to place the ballot in a secrecy envelope as sole grounds for not counting the ballot, if the ballot is otherwise properly cast.

Section 19

This section eliminates failure of a questioned voter to place the ballot in a secrecy envelope as sole grounds for not counting the ballot if the ballot is otherwise properly cast.

Section 20

Under current statutes, a candidate requesting a recount may select representatives to observe and participate in the recount process. Often candidates choose to represent themselves. These observers and candidates are currently paid for this participation at the same rate as the counting team members. In essence, the candidates pay the nominal fee and are then repaid for participating. The proposed amendment removes the provision for paying recount representatives.

Section 21

The cost to the State for conducting recounts are approximately $1700 per District. This proposed amendment would increase the fees required of candidates for recounts. Additionally, the amendment raises the difference between the number of votes cast between candidates from 10 votes to 20, as a basis for determining if a recount is to be completed free of charge.

Section 22

This section deletes language allowing late absentee ballots received after the deadline for receipt from being included in recounts.

Section 23

The addition of this section formalizes the authority of the Director to supervise punch-card voting and counting procedures as necessary. This formal placement of final authority is critical, especially under emergency situations which sometimes occur during election night counting. As an example, during the failure of the mainframe computer in Anchorage during the 1984 primary election, the decision to

go to the backup system had to be made quickly. This addition clarifies the role of the Director in making such decisions while coordinating the work of the Date Processing Review Board as responsible for testing and implementing the actual computer counting of ballots. Timely and responsive decisions by a single authority is required to ensure the counting process continues to proceed as smoothly and efficiently as possible.

Section 24

This amendment alters the method by which a random sampling of ballots is selected to be manually counted and checked against the computer tabulation during the data vote counting. Under current statute, an individual race is manually counted in 6 precincts. The amendment provides that all races are checked in at least one precinct selected at random based on a statistical sampling. Based on recommendation from programmers who have accomplished data vote computations, the Division endorses this amendment.

Section 25

This section provides new language which allows the Director to conduct special elections held at any time other than dates of primaries, general or municipal elections entirely by mail. Registered voters who are eligible to vote in the special election would automatically receive a ballot in the mail and would return it by mail. The purpose of this amendment is to save costs while increasing turnout in special elections.

Section 26

This amendment represents new sections clarifying the role of the Director in reviewing evidence related to eligibility of a candidate, most specifically in terms of claimed residence. The Director is authorized to determine eligibility based on a preponderance of evidence. It also clarifies the rules for determining residence.

Section 27

This proposed amendment seeks to make the filing fees paid by candidates non-refundable. In addition it deletes the provision that these fees be paid to the central committee of the political party of that candidate subject to legislative appropriation.

Section 28, 29, 30, 31, 36, 37, 38, 39 and 46

The proposed amendments to these sections are in response to an Alaska Supreme Court decision in Vogler vs. Miller, 651, P.2d 1 (Alaska 1982), and Vogler vs. Miller, 660 P2d 1191 (Alaska 1983).

In particular, the court held that AS 15.25.160 and 15.60.010(20) are unconstitutional as being unduly restrictive of ballots access and as to other consequences of "political party" status. AS 15.25.160 requires that a petition for nomination of candidates for the office of governor, lieutenant governor, United States senator and representative be signed by qualified voters equal in number to at least three percent of the number of votes cast in the preceding general election. AS 15.60.010(20) defines "political party" as a group of organized voters that represent a political program and that nominates a candidate for governor who received at least 10 percent of the vote cast at the preceding general election for governor.

This bill amends those two sections to reduce the required percentages to one percent and three percent, respectively. The bill also amends other sections to similarly reduce the required percentages in light of the Vogler decision.

Sections 32, 33, 34, 35, 41, 42, 43, 44, and 45

These sections make changes in the deadlines for submission of materials from political parties, candidates, judicial retention candidates and the judicial council, for inclusion in the official election pamphlet. Conforming Amendments are also made to the filing deadlines for judges and justice. These amendments ease the constricted timeframes which currently make publication of the Official Election Pamphlet nearly impossible to accomplish in time to meet the statutory deadline for mailing them to the voters. Under the current submission deadlines the Division is effectively allowed little more than 2 weeks to prepare 5, 150 page booklets for printing. Until the deadline has been reached, the Division cannot even adequately determine the exact number of pages which will be required.

The amendments to these deadlines are very important for efficient preparation of the Official Election Pamphlet. Under current statute, the critically tight time frame has resulted in several unfortunate circumstances. First of all strategic planning and budgeting is seriously hampered. Secondly, the strict time constraints eliminate adequate opportunity to assure quality control and proper proofreading. Thirdly, we have experienced costly overtime changes above and beyond contract award fees to accommodate last minute submissions and required revisions. In 1984 these excess changes were $17,000. With serious budget cuts and shortfall facing State government, we can no longer absorb such increases. The deadline changes offer us greater control in assuring that these additional charges kept at an absolute minimum.

Offered: 4/21/86
Referred: Rules

Original sponsors: Boucher, Hurley and Navarre

IN THE HOUSE BY THE RULES COMMITTEE

CS FOR HOUSE BILL NO. 284 (Rules) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to elections; and providing for an effective date."

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

* Section 1. AS 15.05.030 is amended to read:

Sec. 15.05.030. LOSS AND RESTORATION OF VOTING RIGHTS. (a) A person convicted of a crime that constitutes a felony involving moral turpitude under state law may not vote in a state or a municipal election from the date of the conviction through the date of the [RESTORATION OF VOTING RIGHTS UNDER THIS SECTION. THE RIGHT TO VOTE WITHDRAWN UNDER THIS SECTION IS AUTOMATICALLY RESTORED UPON THE] unconditional discharge of the person. Upon the unconditional discharge, the person may register under AS 15.07.

(b) The commissioner of corrections shall establish procedures by which a person unconditionally discharged is advised of the voter registration requirements and procedures [RESTORATION OF VOTING RIGHTS WITHDRAWN BY A CONVICTION].

* Sec. 2. AS 15.07.135 is amended to read:

Sec. 15.07.135. CANCELLATION [SUSPENSION] OF REGISTRATION OF CONVICTED PERSONS. The director shall make reasonable efforts to obtain the names of persons convicted of a felony involving moral turpitude. [THE DIRECTOR SHALL ALSO MAKE REASONABLE EFFORTS TO OBTAIN THE NAMES OF PERSONS UNCONDITIONALLY DISCHARGED FROM CUSTODY.] The director shall cancel [SUSPEND] the registration of a person convicted of a felony involving moral turpitude. Upon presenting proof that [UNTIL]

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the person is unconditionally discharged from custody, the person may register. The director shall make reasonable efforts to verify the unconditional discharge of persons applying for registration under this section.

* Sec. 3. AS 15.07.160(a) is amended to read:

(a) Except as provided in AS 15.07.135, it [IT] is unlawful for a registration official to refuse to register a person who is qualified to vote under provisions of AS 15.05.010(1) - (4).

* Sec. 4. AS 15.07.160(b) is repealed and reenacted to read:

(b) It is unlawful for a person knowingly lacking the qualifications of a voter to register under AS 15.07.030 to vote.

* Sec. 5. AS 15.10.180 is amended to read:

Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE BALLOT COUNTING REVIEW. The director shall appoint [TWO] persons from each political party to serve on teams to participate in the state ballot counting review. The director may determine the number of teams to be appointed but each team must have members from at least two political parties. Each person who is appointed and serves is entitled to compensation as provided in AS 15.15.380. Each political party may present to the director a list of three or more names from which the director shall select the persons to represent the party. The list of names may be submitted in writing at least 30 days before the date of the election. The persons to represent the party on the state ballot counting review board may be selected by the state party central committee or in any other manner prescribed by the bylaws of the party. The list of names shall be certified by the chair [CHAIRMAN] of the state central committee of the party or by the person authorized by the party bylaws to act in the absence of the chairman.

* Sec. 6. AS 15.13.120(a) is amended to read:

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(a) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year or by a fine of not more than $5,000. A violation includes but is not limited to any of the following acts or omissions:

(1) failing to make a statement or report required to be made under this chapter, or failing to make a statement or report at the time the statement or report is required to be made under this chapter;

(2) making a campaign contribution or expenditure which exceeds the limitations of AS 15.13.070 [AS 15.13.070(f)];

(3) making a false statement or report under this chapter;

(4) giving or furnishing money to another person or group for the purpose of making a contribution or expenditure anonymously, in a fictitious name, or in the name of another, or contributing in violation of AS 15.13.090;

(5) making a communication to support or defeat a candidate without identification of sponsorship, in violation of AS 15.13.090; [.]

(6) knowingly accepting a contribution in violation of AS 15.13.070. [;]

* Sec. 7. AS 15.15.070(c) is amended to read:

(c) Public notice shall also be given by posting notices in two or more conspicuous places in each election precinct. The posted notice shall specifically include but is not limited to the date of election, [THE BOUNDARY OF THE PRECINCT,] the location of the polling place, the hours between which the polling places will be open, the offices to which candidates are to be nominated or elected, and the subject of the propositions and questions which are to be voted on.

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* Sec. 8. AS 15.15.198(a) is amended to read:

(a) If a voter's name does not appear on the official registration list in the precinct in which the voter [HE] seeks to vote, the election judge shall affirmatively advise the voter that the voter may cast a questioned ballot and the voter [HE] shall be allowed to vote a questioned ballot.

* Sec. 9. AS 15.15.440 is amended to read:

Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE BALLOT COUNTING REVIEW. The state ballot counting review shall begin no later than 11 [EIGHT] days after the election and be continued daily until completed. The director may designate the hours each day during which the state ballot counting review board is to conduct its ballot counting review. The director shall close the review when the director [HE] is satisfied that no missing precinct certificate of election would, if received, change the result of the election. If no election certificate has been received from a precinct, the director may secure from the election supervisors and may count a certified copy of the duplicate election certificate of the precinct. If no election materials have been received, but election results have been received by telephone, telegram or radio, the director shall count the election results so received. If the director has reason to believe that a missing precinct certificate, if received, would affect the result of the election, the director shall await the receipt of the certificate until the close of business on [FOUR O'CLOCK IN THE AFTERNOON OF] the 15th day after the date of election. A certificate not actually delivered to the director by the close of business [FOUR O'CLOCK] on the 15th day after the election may [SHALL] not be counted at the state ballot counting review.

* Sec. 10. AS 15.20.071(c) is amended to read:

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(c) The personal representative shall deliver the absentee ballot to the voter as soon as practicable. Upon receipt of an absentee ballot through a personal representative, the voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on [THE BACK OF] the envelope in the presence of the personal representative who shall witness and date the signature of the voter. The voter must mark the ballot and sign the voter's certification not later than election day [SIGN AS ATTESTING WITNESS AND DATE HIS SIGNATURE]. The voter shall then return the absentee ballot to the [HIS] personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot must be returned to the election official [WITHIN THREE DAYS FROM THE DATE IT IS OBTAINED BUT] not later than 8:00 p.m. on election day. [AN ABSENTEE BALLOT THAT IS NOT RETURNED TO THE ELECTION OFFICIAL BY THE CLOSE OF BUSINESS ON THE THIRD DAY FROM THE DAY IT IS OBTAINED MAY NOT BE COUNTED BUT THE VOTER MAY VOTE IN THE ELECTION.]

* Sec. 11. AS 15.20.081(b) is amended to read:

(b) An application for an absentee ballot by mail must be postmarked not [MORE THAN SIX MONTHS NOR] less than 14 [SEVEN] days before the election for which the absentee ballot is sought. The absentee ballot application shall permit the person to register to vote under AS 15.07.070 and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote.

* Sec. 12. AS 15.20.081(e) is amended to read:

(e) An absentee ballot must be marked [AND ATTESTED] on or before the date of the election. Except as provided in (h) of this

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section, a [IF THE] voter who returns the ballot by mail [, HE] shall use a mail service at least equal to first class [THE MOST EXPEDITIOUS MAIL SERVICE] and mail the ballot not later than the day of the election to the election supervisor for the [IN HIS] election district in which the voter seeks to vote. The ballot may not be counted unless it is received by the close of business on the 10th day after the election. If the ballot is postmarked, it must be postmarked on or before election day. After the day of the election, no ballots shall be accepted unless received by mail.

* Sec. 13. AS 15.20.081 is amended by adding a new subsection to read:

(h) An absentee ballot returned by mail from outside the United States or from a military APO or FPO address that has been marked and mailed not later than election day may not be counted unless the ballot is received by the election supervisor not later than the close of business on the 10th day following the election.

* Sec. 14. AS 15.20.201(a) is amended to read:

(a) No less than seven days [ON THE SEVENTH DAY] preceding the day of election, the election supervisor [OR HIS DESIGNEE], in the presence and with the assistance of the district absentee ballot counting board, shall review all voter certificates of absentee ballots received by that date. The review of absentee ballots shall continue at times designated by the election supervisor until completed [AND SHALL INCLUDE ALL ABSENTEE BALLOTS RECEIVED IN THE OFFICE OF THE ELECTION SUPERVISOR BY 4:00 P.M. ON THE SEVENTH DAY FOLLOWING THE DAY OF THE ELECTION].

* Sec. 15. AS 15.20.201(c) is amended to read:

(c) On the 10th [EIGHTH] day following the day of the election, the district absentee ballot counting board shall certify the absentee ballot review.

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* Sec. 16. AS 15.20.203(b) is amended to read:

(b) An absentee ballot may not be counted if

(1) the voter has failed to properly execute the certificate;

(2) an official or the witnesses authorized by law to attest the voter's certificate fail to execute the certificate;

(3) [THE VOTER FAILS TO ENCLOSE THE MARKED BALLOT INSIDE THE SMALL ENVELOPE;

(4)] the ballot is not attested on or before the date of the election; [OR]

(4) [(5)] the ballot, if postmarked, is not postmarked on or before the date of the election; or [.]

(5) after the day of election, the ballot was delivered by a means other than mail.

* Sec. 17. AS 15.20.203(g) is amended to read:

(g) Upon completion of the absentee ballot review, the election supervisor shall prepare an election certificate for execution by the district absentee ballot counting board and shall forward the original certificate and other returns to the director no later than the 11th [NINTH] day following the election.

* Sec. 18. AS 15.20.205(c) is amended to read:

(c) The district questioned ballot counting board shall certify the questioned ballot totals as soon as the count is completed but no later than the 10th [EIGHTH] day following the election.

* Sec. 19. AS 15.20.207(b) is amended to read:

(b) A questioned ballot may not be counted if

(1) the voter has failed to properly execute the certificate; or

(2) an official or the witnesses authorized by law to

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attest the voter's certificate fail to execute the certificate [; OR

(3) THE VOTER DID NOT ENCLOSE THE MARKED BALLOT INSIDE THE SMALL ENVELOPE].

* Sec. 20. AS 15.20.440(a) is amended to read:

(a) The application shall state in substance the basis of the belief that a mistake has been made, the particular election precinct or election district for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two persons who shall represent the applicant and be present and assist during the recount. Any person may be named representative, including the candidate [HIMSELF] or any person signing the application [, AND THE REPRESENTATIVES SHALL BE PAID IN THE SAME AMOUNT AND MANNER AS ELECTION JUDGES]. Applications by 10 qualified voters shall also include the designation of one of the number as chair [CHAIRMAN]. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

* Sec. 21. AS 15.20.450 is amended to read:

Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit is $300 [$50] for each precinct, $750 [$250] for each election district, and $10,000 [$2,000] for the entire state. If [HOWEVER, IF] the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 [10] or less or was less than .5 percent of the total number of votes cast for the two

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candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 [10] or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit.

* Sec 22. AS 15.20.480 is amended to read:

Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount, the director [OR HIS APPOINTED REPRESENTATIVE] shall review all ballots whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board to determine which ballots, or part of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate and the review. The director shall check the number of ballots and questioned ballots cast in a precinct against the registers and shall check absentee ballots voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT ABSENTEE BALLOTS RECEIVED AFTER 4:00 P.M. ON THE 15TH DAY FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For administrative purposes, the director may join and include two or more applications in a single review and

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count of votes. The rules in AS 15.15.360 governing the counting of hand-marked ballots and the rules in AS 15.20.730 governing the counting of punch-card ballots shall be followed in the recount. The ballots and other election material shall remain in the custody of the director during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within 10 days. The director may employ additional personnel necessary to assist in the recount.

* Sec. 23. AS 15.20 is amended by adding a new section to article 5 to read:

Sec. 15.20.580. SUPERVISION OF PUNCH-CARD VOTING. In accordance with AS 15.15.010, the director shall supervise punch-card voting procedures and the counting of punch-card ballots.

* Sec. 24. AS 15.20.620(d) is repealed and reenacted to read:

(d) During the tabulation by computer at main computer counting sites, a manual count shall be made of a statistical sample of ballots for all races in at least one precinct picked at random for each election district counted at the site, under regulations adopted by the director. The director shall check the results of the manual count against those of the system.

* Sec. 25. AS 15.20 is amended by adding a new section to read:

ARTICLE 6. VOTING BY MAIL.

Sec. 15.20.750. VOTING BY MAIL. (a) The director may conduct an election by mail if it is held at a time other than when the general, party primary, or municipal election is held.

(b) If the director conducts an election under (a) of this section by mail, the director shall send a ballot for each election described in (a) of this section to each person whose name appears on the official registration list prepared under AS 15.07.125 for that

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election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the director or an election supervisor of a different address to which the ballot should be sent. The director shall send ballots by first class, nonforwardable mail.

(c) If the director conducts an election under (a) of this section by mail, the director shall mail ballots under this section on on or before the 22nd day before the election.

(d) The voter may cast the ballot under AS 15.20.081(d) - (e).

(e) The director shall review ballots voted under this section under procedures established for the review of absentee ballots under AS 15.20.201 and 15.20.203.

* Sec. 26. AS 15.25 is amended by adding new sections to read:

Sec. 15.25.042. ELIGIBILITY OF A CANDIDATE. (a) If the director receives a complaint regarding the eligibility of a candidate for a particular office, the director shall determine eligibility under regulations adopted by the director. The director shall determine the eligibility of the candidate within 30 days of the receipt of the complaint.

(b) Except as provided in (c) of this section, the director shall determine the eligibility of the candidate by a preponderance of the evidence.

(c) If a candidate for the legislature has been registered to vote at any time during the 12 months preceding the filing of the declaration of candidacy in a district other than the district in which the declaration of candidacy has been filed, the director may not determine that a candidate is eligible except under a standard of clear and convincing evidence.

(d) A person may not be a resident of two districts at the same

time.

Sec. 15.25.043. DETERMINATION OF RESIDENCY OF A CANDIDATE. In determining the residence within an election district of a qualified voter for the purposes of compliance with art. II, sec. 2 of the Alaska Constitution, the director shall apply the rules established in AS 15.05.020 together with the following rules:

(1) a person establishes residence within an election district

(A) by actual physical presence at a specific location within the district; and

(B) by maintaining a habitation at the specific location;

(2) a person may maintain a place of residence at a specific location within a district while away from the location for purposes of employment, education, military service, or vacation if the person does not establish residency at another location; and

(3) a qualified voter loses residence by voting in another election district or in another state's elections.

* Sec. 27. AS 15.25.050(a) is amended to read:

(a) At the time the declaration is filed, each candidate shall pay a <u>nonrefundable</u> filing fee to the director. The filing fee for candidates for office of governor, lieutenant governor, United States senator, and United States representative is $100. The filing fee for candidates for office of state senator and state representative is $30. [SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR SHALL PAY THE FILING FEE COLLECTED FROM A CANDIDATE UNDER THIS SECTION TO THE CENTRAL COMMITTEE OF THE POLITICAL PARTY OF THAT CANDIDATE.]

* Sec. 28. AS 15.25.160 is amended to read:

Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE

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OFFICE. Petitions for the nomination of candidates for the office of governor, lieutenant governor, United States senator and United States representative shall be signed by qualified voters of the state equal in number to at least one [THREE] percent of the number of voters who cast ballots [VOTES CAST] in the preceding general election. Candidates for the office of governor and lieutenant governor shall file jointly.

* Sec. 29. AS 15.25.170 is amended to read:

Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE OFFICE. Petitions for the nomination of candidates for the office of state senator or state representative shall be signed by qualified voters of the election or senate district in which the proposed nominee desires to be a candidate equal in number to at least one [THREE] percent of the number of voters who cast ballots [VOTES CAST] in the proposed nominee's [HIS] respective election or senate district in the preceding general election. A [, PROVIDED THAT NO] nominating petition [NEED CONTAIN MORE THAN 200 SIGNATURES NOR] may not [IT] contain less than 50 signatures for any district.

* Sec. 30. AS 15.30.025(a) is amended to read:

(a) A limited political party may be organized for the purpose of selecting candidates for electors of President and Vice President of the United States by filing [A PETITION] with the director at least 90 days before a presidential general election a petition signed by qualified voters of the [THIS] state equaling in number at least one [THREE] percent of the number of voters who cast ballots [ALASKA'S TOTAL VOTE] for President at the last presidential election. The petition shall state that the signers intend to organize a limited political party, that they intend to select candidates for electors of President and Vice-President of the United States at the next

succeeding presidential election, and the name of the limited political party.

* Sec. 31. AS 15.30.025(c) is amended to read:

(c) A limited political party organized under this section ceases [SHALL CEASE] to be a limited political party if [WHENEVER] its presidential candidate fails to receive at least three [10] percent of the number of voters who cast ballots [TOTAL ALASKAN VOTE CAST] for the office of President at a presidential election.

* Sec. 32. AS 15.35.040 is amended to read:

Sec. 15.35.040. FILING DECLARATION BY SUPREME COURT JUSTICE. Each justice seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before [NOT LESS THAN 90 DAYS BEFORE THE DATE OF] the general election at which approval or rejection is requisite.

* Sec. 33. AS 15.35.055 is amended to read:

Sec. 15.35.055. FILING DECLARATION BY JUDGE OF THE COURT OF APPEALS. Each judge of the court of appeals seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before [NOT LESS THAN 90 DAYS BEFORE THE DATE OF] the general election at which approval or rejection is requisite.

* Sec. 34. AS 15.35.070 is amended to read:

Sec. 15.35.070. FILING DECLARATION BY SUPERIOR COURT JUDGE. Each judge seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before [NOT LESS THAN 90 DAYS BEFORE THE DATE FIXED FOR] the general election at which approval or rejection is requisite.

* Sec. 35. AS 15.35.110 is amended to read:

Sec. 15.35.110. FILING DECLARATION BY DISTRICT JUDGE. Each

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district judge seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before [NOT LESS THAN 90 DAYS BEFORE THE DATE FIXED FOR] the general election at which approval or rejection is requisite.

* Sec. 36. AS 15.40.100 is amended to read:

Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES. Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters of the state equal in number to at least one [THREE] percent of the number of voters who cast ballots [NUMBERS OF VOTES CAST] in the preceding general election, and shall state in substance that which is required in petitions for nomination for general elections provided in AS 15.25.180.

* Sec. 37. AS 15.40.190 is amended to read:

Sec. 15.40.190. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY CANDIDATES. Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters of the state equal in number to at least one [THREE] percent of the number of voters who cast ballots [VOTES CAST] in the preceding general election and shall state in substance that which is required for nomination petitions by AS 15.25.180.

* Sec. 38. AS 15.40.280 is amended to read:

Sec. 15.40.280. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY CANDIDATES. Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters of the state equal in number to at least one [THREE] percent of the number of voters who cast ballots [VOTES CAST] in the preceding general election, shall include nominees for the office of governor and lieutenant governor, and shall state in substance that which is required for nomination petitions by AS 15.25.180.

* Sec. 39. AS 15.40.440 is amended to read:

Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES. Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters equal in number to at least <u>one</u> [THREE] percent of the number of <u>voters who cast ballots</u> [VOTES CAST] in <u>the proposed nominee's</u> [HIS] respective election or senate district in the preceding general election. <u>A</u> [, PROVIDED THAT NO] nominating petition [NEED CONTAIN MORE THAN 200 SIGNATURES NOR] may <u>not</u> [IT] contain less than 50 signatures for any district, and shall state in substance that which is required in petitions for nomination for general elections provided in AS 15.25.180.

* Sec. 40. AS 15.58.010 is amended to read:

Sec. 15.58.010. ELECTION PAMPHLET. Before each state general election, the lieutenant governor shall prepare, publish and mail <u>at least one</u> [AN] election pamphlet to <u>each household identified from the official registration list</u> [EVERY REGISTERED VOTER]. The pamphlet shall be prepared on a regional basis as determined by the lieutenant governor.

* Sec. 41. AS 15.58.030(a) is amended to read:

(a) No later than <u>July 15 of a presidential election year</u> [75 DAYS BEFORE THE STATE GENERAL ELECTION], candidates for the offices of the United States President and Vice-President may file with the lieutenant governor photographs and statements advocating their candidacy.

* Sec. 42. AS 15.58.030(b) is amended to read:

(b) No later than <u>July 15 of a year in which a</u> [75 DAYS BEFORE THE] state general election <u>will be held</u>, a candidate for the office of United States senator, United States representative, governor, lieutenant governor, [JUSTICE OR JUDGE,] state senator, or state

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representative may file with the lieutenant governor a photograph and a statement advocating the [HIS] candidacy.

* Sec. 43. AS 15.58.030 is amended by adding a new subsection to read:

(g) No later than August 7 of the year in which the state general election will be held, a person seeking retention in office as a justice or judge may file with the lieutenant governor a photograph and a statement advocating the candidacy.

* Sec. 44. AS 15.58.040(a) is amended to read:

(a) No later than July 15 of a year in which a [75 DAYS BEFORE THE] state general election will be held, a political party may file with the lieutenant governor a maximum of two pages of material.

* Sec. 45. AS 15.58.050 is amended to read:

Sec. 15.58.050. INFORMATION AND RECOMMENDATIONS ON JUDICIAL OFFICERS. No later than August 7 of the year in which [75 DAYS BEFORE] the state general election will be held, the judicial council shall file with the lieutenant governor a statement including information about each supreme court justice, court of appeals judge, superior court judge, and district court judge who will be subject to a retention election. The statement shall reflect the evaluation of each justice or judge conducted by the judicial council according to law. A statement may not exceed 600 words.

* Sec. 46. AS 15.60.010(20) is amended to read:

(20) "political party" means an organized [A] group of [ORGANIZED] voters that [WHICH] represents a political program and that [WHICH] nominated a candidate for governor who received at least three [10] percent of the total votes [VOTE] cast at the preceding general election for governor;

* Sec. 47. AS 43.23.015 is amended by adding a new subsection to read:

(i) The commissioner shall design the application form prepared

in conformity with (b) of this section so that an individual applying for a permanent fund dividend may register to vote, update an existing voter registration, and request the cancellation of a voter registration in another state. The commissioner shall promptly provide the director of elections with the information obtained under this subsection. The commissioner may not use information obtained under this subsection for any purpose except to assist a resident of the state to complete or update voter registration.

* Sec. 48. AS 15.13.070(f) and (g); AS 15.20.201(d), 15.20.220(b); and AS 15.25.180(10) are repealed.

* Sec. 49. Sections 1 - 24, 26 - 31, 36 - 42, 44 and 46 - 48 of this Act take effect immediately in accordance with AS 01.10.070(c).

* Sec. 50. Sections 25, 32 - 35, 43 and 45 of this Act take effect January 1, 1987.

COMMITTEE COPY

HB

2888

COMMITTEE REPORT

SENATE

FURTHER: RESOURCES
JUDICIARY

5/6/85

Date FEBRUARY 4, 1986

Mr. President

The Committee on STATE AFFAIRS considered CSHB 288(Jud) am

taking of fish and game for subsistence and personal use; efd.

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

[X] do pass

[ ] do pass with attached amendment(s)

[X] replace with/or adopt s CS for CS HBN288 (SA)
[ ] new title
[X] same title and recommends

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[X] recommends referral to RESOURCES Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Cobb Would like to be
Taylor Rolle
Fischer NR
Beck Kay DO NOT PASS
UNLESS AMENDED (SHORT
WORKMANSHIP)

Chairman

DO PASS w/ letter

Chairman recommendation

NATIONAL RIFLE ASSOCIATION L HUB
1600 RHODE ISLAND AVE NORTHWEST
WASHINGTON DC 20036 10AM

Western Union Mailgram® UNITED STATES POSTAL SERVICE® U.S.MAIL

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2028286375 MGMB TDMT WASHINGTON DC 100 05-10 0353P EST

NRA

HONORABLE MITCH ABOOD, CHAIRMAN
ALASKA SENATE STATE AFFAIRS COMMITTEE
ROOM 423C
ALASKA STATE CAPITOL BLDG
JUNEAU AK 99801

DEAR SENATOR,

AS THE ALASKA LEGISLATIVE SESSION COMES TO A CLOSE, THE NRA WOULD LIKE TO THANK YOU FOR YOUR SUPPORT OF THE SPORTSMEN IN YOUR STATE.

WE ARE ESPECIALLY GRATEFUL FOR YOUR RESOLVE IN SEEKING LONG-TERM SOLUTIONS TO THE PROBLEMS CREATED BY HOUSE BILL 288. SUCH PROBLEMS DESERVE CAREFUL STUDY, AND IN-PUT FROM SPORTSMEN IS ESSENTIAL IN ORDER TO DEVELOP THE APPROPRIATE LONG-TERM SOLUTIONS.

NRA STANDS READY TO ASSIST IN THESE EFFORTS.

SINCERELY,
MICHAEL J LASHBROOK, DIRECTOR STATE AND LOCAL AFFAIRS DIVISION

1555 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

Official Business

COMMITTEE:

DATE:

Subject of meeting:

SIGN-IN

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Woody Morrison Jr.	1736 Davis - Juneau	780-4963	Self	Yes.
Mardz Jensen	2630 Fritz Cove Juneau	789-7853	Self	Yes
Robert Rausch	P.O. Box 2662 Juneau	789-3764	Self	Yes
Susan Arthur	Box 2662 Juneau	789-3764	Self	Yes
Thor Simenstad	Juneau.	9-3450	AK. Outdoor Council	Yes
Dennis Kelso	P.O. Box 3-2000 Juneau AK 99802	465-4100	Department of Fish and Game	Yes
Larri Spengler	Pouch K, Juneau	465-3600	Department of Law	Yes
Rep Goll	Pouch V Juneau 99811	465-4925	Self	Yes
Bob Blake	314 Seward Juneau	586-7870	United Fishermen of Alaska	Yes
Carol McQueen	P.O. Box 3-2000 Juneau, AK 99802	465-4147	Dept of Fish & Game	-

Official Business

COMMITTEE:

DATE:

Subject of meeting:

SIGN-IN

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Pupe Andrews	9416 Long Rifle Dr Juneau	9-7422	AK Outdoor Council	Yes
Greg Yarg	9719 Trapper Lake Dr	9-2639	Self	Yes
Ron Williams			ANB	NB 288

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ *1031 W 4th AVENUE*
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ *1st NATIONAL CENTER*
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

☑ *POUCH K - STATE CAPITOL*
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 10, 1985

The Honorable Mitchell Abood
Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: CS HB 288(Jud) am -- subsistence and personal use
Our file nos. 366-375-85
and 377-176-85

Dear Senator Abood:

There appears to be some confusion about my testimony and the testimony of Dennis Kelso, Deputy Commissioner, Department of Fish and Game, on CS HB 288(Jud) am, relating to subsistence and personal use, to the Senate State Affairs Committee. The Department of Law and the Department of Fish and Game support CS HB 288 (Jud) am, because the bill would provide the statutory authority that will solve both the ANILCA and management problems which resulted from Madison v. Alaska Department of Fish and Game, ___ P.2d ___, Op. No. 2911, (Alaska Feb. 22, 1985). In addition, the definition of "subsistence uses" contained in the bill would be defensible against an equal protection challenge.

If you have any questions about this, please contact me at your convenience.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Larri Irene Spengler
Larri Irene Spengler
Assistant Attorney General

03-C5LH

LIS:dlm

cc: Commissioner Collinsworth
Deputy Commissioner Kelso
Honorable Norman C. Gorsuch

JUNEAU TLINGIT & HAIDA COMMUNITY COUNCIL
3235 HOSPITAL DRIVE
JUNEAU, ALASKA 99801

May 9, 1985

Re: SB 231

Senator Mitch Abood
Pouch V
Juneau, Alaska 99811

Dear Senator Abood:

My name is Cyril R. Wanamaker. I am the President of the Juneau Tlingit & Haida Community Council. I represent the approximately 5000 urban members of the Alaska Native Community who live in Juneau.

We are urging you to support and help to pass SB 231. We urge your support because SB 231 responsibally satisfies the need for a subsistence law for Alaska.

This bill will provide the Boards of Fish and Game the right to make decisions and allocate resources. It will create a personal use fishery for non-rural residents. It defines rural communities so that it allows for the responsible management of the resources and it will put Alaska back in compliance with ANILCA.

In light of these important attributes we think SB 231 should be passed.

Sincerely,

Cyril R. Wanamaker

Cyril R. Wanamaker
President, JTHCC

I would like to testify in opposition to Senate Bill 231. It is quite distressing to see such a flawed piece of legislation even considered for passage. Not only does this bill create an unreasonable and arbitrary classification of its residents but it favors special interest groups that derive a cash livelyhood from a public resource. This public resource is reserved by the State constitution for use by all of the people for common benefit. When those needs have been met other uses in support of commerce and industry are provided for.

The haste with which this bill is being hustled makes me wonder if any of those persons favoring it have taken the time to analyze what they are doing. Having no other definition for the word "rural", and it seems that this one word is their panacea, than Webster's New World dictionary: I see that this bill will exclude all persons living in towns or cities, all persons not engaged in agricultural type pursuits, in essence all persons not living in the country. This encompassees all people in Haines, Hoonah, Juneau, Sitka, Angoon, Kake, Petersburg, Ketchikan, Wrangell, etc. Who does it leave? Those few individuals not living in any of the towns, villages, or cities.

As our population continues to grow, and our industries expand our fish and game resources must not only recieve the highest priority for habitat protection but the resultant reduced per capita allocation of fish and game resources must be equitable distributed to all residents of the State. Special interest users must take a second position to the peoples basic priority ownership of the resources.

Greg L. Young

GREG L. Young

May 8, 1985
Robert A. Rausch
P.O. Box 2662
Juneau, Alaska 99803

The issue before us, the 1978 subsistence statute, and the Governor's current effort to bandaid one of its many legal shortcomings, is one that I have testified on or spoken on almost annually. I expect that many more individuals will agonize over this ill-conceived and fatally flawed concept before it passes into history as one of the most wrong-minded attempts to categorize Alaskans in our recorded history.

Basically I have only one message--it is the same message that I gave to the legislature in 1976 and 1978 and subsequently to then candidate, Bill Sheffield in the summer of 1982. That message is THE ISSUE WILL NOT GO AWAY UNTIL ALL CITIZENS of Alaska are treated equally and fairly in the allocation of fish and game resources. The existing statute fails to do this and the "bandaid" proposal constitutes an even more flagrant violation of fairness.

The 1978 subsistence statute will never function satisfactorily because it is bad social and conservation law. It is bad because it is illogical. The law takes one of the many uses of fish and game resources, uses that presumably fall within the constitutionally mandated "beneficial uses," and accords it the highest priority of use for all time, in every case and in every situation, without regard for other beneficial uses so long as the resource isn't eliminated. Of course, other uses can continue so long as subsistence use is fully satisfied. But in the face of rapidly expanding human populations especially in some of our resource poor regions, the end of other beneficial uses is merely a matter of time.

I submit that the legislature should never have created an absolute use priority for any fish or game population, let alone for all of them.

Without a mandated priority of use the Board(s) of Fisheries and Game managed from 1959-1978 with far fewer altercations over resource use, fewer lawsuits and better rapport among users. Certainly the system was not without problems. But no system responsible for the welfare of Alaska's diverse fish and game populations and their uses will satisfy everyone. However, the current system is on the verge of alienating everyone.

A part of the problem stems from the rather abstruse terminology associated with the statute and its proposed successor. "Subsistence use" has never been satisfactorily defined in spite of the Boards' best efforts. Certainly they have come forth with definitions or characterizations of subsistence but all such efforts contain elements that are, in all probability, unconstitutional in that they almost invariably rely upon one's area (geography) of residence, past practices (length of residency) or other nebulous terminology. We may not like it but we can no longer draw lines on maps or calendars to determine your eligibility to be a fully participating citizen. Perhaps we need a constitutional amendment authorizing limited entry subsistence permits fully patterned after the fisheries limited entry system; certainly such an approach would stimulate our flagging economy. Finding a definition for the term "rural" is at least as problemsome as defining "subsistence" and perhaps fraught with more legal pitfalls.

I wonder if it isn't time, once again, to step back and ponder what it is that we are trying to do? Is this merely an attempt to benefit "rural" people? Does it have anything to do with ethnicity? Is welfare (need) a part of the problem? Are some Alaskan citizens more equal than others? It seems to me that the purpose of the activity has become fuzzy. Are we really trying to perpetuate a life style and if so, is it necessary to gradually eliminate all other uses?

If it should be a life style that is at issue I suggest it has already largely disappeared. "Rural" hunting and fishing today is not a life sustaining activity. Yes, it is important, highly desirable, worthy of some protection, but not indefinitely sustainable given the high technology now employed in the taking of fish and wildlife---do we want to foster as the highest priority of use the taking of walrus from aircraft and from boats with the aid of radios when only the ivory is salvaged--do we wish to accord first priority to the pursuit of flightless waterfowl, caribou, and other game with the most modern all-terrain vehicles---can we perpetuate desirable cultural attributes while fostering multibillion dollar expenditures in the areas that clamor most for subsistence? Has the legislature taken the time and energy necessary to articulate a position that conveys the leadership required to assure the holders of various subsistence viewpoints that all have been considered fully and fairly?

1. The issue is too complex to resolve in the dying days of this session--please don't pass a "rural" bill and thereby force the citizens to once again sue to correct your mistake. Request the public involvement that the administration promised but has denied us.

2. Following extensive hearings throughout the state consider doing what you do best--pass a bill that treats all Alaskans equally and fairly and allow the Board(s) to implement the law. Laws that supplant the Boards' and Department's authority to allocate and manage fish and game rarely are successful because of the rapid fluctuation in animal population numbers and distribution.

3. Problems attendant to defining and administering subsistence will never go away until we build a coalition of supporters whose essential qualifications reek of fairness and equity. Perhaps the very term, subsistence, should be abandoned for a forward looking system that considers all beneficial uses of wild resources whenever allocations are made among the uses. Assigning by law the highest priority of use to subsistence was an error that staggers the imagination. Clearly there are higher uses over time and in certain places. Examples are legion and they change with time and circumstance. In my view a statute directing the Boards of Fisheries and Game to consider all designated beneficial uses whenever allocating fish and game resources comes much closer to the desired goals than does the existing or proposed legislation (the legislature, if it so desired, could spell out designated beneficial uses including subsistence uses, commercial uses, recreational uses, etc.)

Such an approach could also alleviate any potential clash with the federal government as subsistence would be considered with every regulatory action. Of course, it will be necessary to eventually alter federal law in order to lessen the likelihood of expensive suits against ANILCA by citizens. Suits that many legal scholars believe have merit.

May 9, 198:

TO Chairman and Committee,

I have been an Alaskan resident for the last 6 years and a commercial Fishermen for the last 10 years.

I myself along with the rest of us here in Cordova support House Bill 285 as it now reads.

I feel the management plan by Fish and Game and the Alaskan Fisheries Board over the last 30 years has worked for the Alaskan Fisheries. Limited entry enacted in the early 70's has now returned an abundance of fish TO the streams, creeks, and rivers of Alaska.

The historical subsistence catch on the upper copper Rivers has worked out fairly in the past 50 years. If there is TO be an increased catch of subsistence fish then there should be an income level TO define a subsistence user.

I have no problem with a resident catching subsistence needs as long as that person actually needs the fish or game to survive! I would really question the need of a urban resident that makes over $35,000 a year and drives a Winnebago TO catch fish and game TO survive.

Anyone in the state of Alaska that is a resident can get a low interest loan and become a Commercial Fishermen.

Dont give a priority basis to a user group that could be made up of the TOtal population of Alaska.

(over)

All it takes is 30 days to become a resident and once that is known a lot more people will move to Alaska to take advantage of the renewable natural resources that greatly exist in the State.

Thank you

James L. Mykland
Box 1241
Cordova, Ak. 99574
424-7115

4/25/85

BY Halford

IN THE SENATE

A bill

For an Act entitled: "An Act relating to the taking of fish and game for personal and subsistence uses; and providing for an effective date."

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

Section 1. FINDINGS. The legislature finds that:

(1) Nonresidents visiting Alaska take fish stocks and game populations primarily for commercial, trophy, and recreational purposes. Alaska residents who take fish stocks and game populations for non-commercial purposes use such stocks and populations for food for personal and family consumption;

(2) because of its importance to the health, safety and general wellbeing of all Alaska residents, the taking of fish stocks and game populations by such residents for personal and family consumption is a priority use of stocks and populations;

(3) because of their local proximity to fish stocks and game populations, their dependence upon such stocks and populations as a mainstay of livelihood, and the lack of alternative food resources, the taking of fish stocks and game populations for personal and family consumption by Alaska residents in rural areas for personal and family consumption by reasonable economic means is essential to the health, safety, and general well being of such residents;

(4) the taking of fish stocks and game populations for commercial, recreational and other uses by both residents and nonresidents is also important to the economy of the State of Alaska and particularly to the economies of communities dependent upon commercial fishing; and

(5) commercial fishermen often use a portion of their catch for personal use.

*Section 2. AS 16.05.251 (b) is repealed and reenacted to read:

(b) Whenever it is necessary to restrict the taking of a fish population to assure the maintenance of such population on a sustained-yield basis, the taking of such population by Alaska residents for personal and family consumption, shall be the priority uses of the harvestable surplus of such population and the Board of Fisheries shall adopt regulations authorizing such taking in accordance with the Administrative Procedure Act (AS 44.62).

*Sec. 3. AS 16. 05. 251 is amended by adding new subsections to read:

(c) If the harvestable surplus of a fish population is not large enough to provide a reasonable opportunity for the taking of such population by Alaska residents pursuant to regulations adopted pursuant to subsections (a) and (b) of this section, the Board of Fisheries shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) that afford the taking of such population for subsistence uses a priority over other consumptive uses of such population. Takings authorized pursuant to this subsection shall be subject to reasonable regulations as to seasons, bag limits, and methods and means.

(d) If the harvestable surplus of such population is not large enough to provide a reasonable opportunity for the taking of such population for subsistence uses, the board shall adopt regulations that establish restrictions and limitations on the taking of such population for subsistence uses on the basis of the following criteria:

(1) customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) local residency; and

(3) availability of alternative resources.

Subsistence fishing authorized pursuant to this subsection shall be subject to reasonable regulation as to seasons, bag limits, and methods and means.

(e) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or

proposal, or 30 days after receiving the request for an explanation, whichever is later.

Sec. 4. AS 16.05.255 is repealed and reenacted to read:

(a) The Board of Game may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.62) for

(1) setting apart game reserve areas, refuges and sanctuaries in the waters or on the lands of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and area for the taking of game;

(3) establishing the means and methods employed int the pursuit, capture and transport of game;

(4) setting quotas, bag limits, harvest levels, sex, age, and size limitation on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators or other categories;

(6) methods, means, and harvest levels necessary to control predation and competition among game in the state;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation and stocking of game;

(8) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) establishing the times and dates during which the issuance of game licenses, permits and registrations and the transfer of

permits and registrations between registration areas and game management units or subunits is allowed.

(b) Wherever it is necessary to restrict the taking of a game population to assure the maintenance of such population on a sustained-yield basis, the taking of such population by Alaska residents for personal and family consumption, shall be the priority uses of the harvestable surplus of such population and the Board of Game shall adopt regulations authorizing such taking in accordance with the Administrative Procedure Act (AS 44.62)

(c) If the harvestable surplus of a game population is not large enough to provide a reasonable opportunity for the taking of such population by Alaska residents pursuant to regulations adopted pursuant to subsections (a) and (b) of this section, the Board of Game shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) that afford the taking of such population for subsistance uses a priority over other consumptive uses of such population. Takings authorized pursuant to this subsection shall be subject to reasonable regulations as to seasons, bag limits, and methods and means.

(d) If the harvestable surplus of such population is not large enough to provide a reasonable opportunity for the taking of such population for subsistence uses, the board shall adopt regulations that establish restrictions and limitations on the taking of such population for subsistence uses on the basis of the following criteria:

(1) customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) local residency; and

(3) availability of alternative resources.

Takings authorized pursuant to this subsection shall be subject to reasonable regulations as to seasons, bag limits, and methods and means.

(e) If the Board of Game denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

Sec. 4. AS 16.05.940 (23) is amended to read:

(23) "subsistence uses" means the customary and traditional taking and use by Alaska residents in rural areas of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the noncommercial customary trade, barter, or sharing for personal or family consumption. Wild and renewable resources taken for subsistence uses must be used in the same area in which they are taken. For the purposes of this paragraph,

(a) "rural area" means a community or area in which the taking of fish stocks and game populations for personal and family consumption is a significant characteristic of the economy of the community or area;

(b) "family" means all persons related by blood, marriage, or adoption, and any person living within the household on a permanent basis;

Sec. 5. AS 16.05.940 (21) is amended to read:

(21) "sport fishing" means the taking of or attempting to take for personal use or for personal or family consumption, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries."

Sec. 6. AS 16.05.940.(28) is amended by adding a new paragraph to read:

(28) "resident net fishing" means the taking, fishing for, possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal or family consumption and not for sale or barter, with gill or dip net, seine, pot, fish wheel, long line, or other similar means defined by the Board of Fisheries.

Sec. 7. This Act takes effect immediately in accordance with AS 01.10.070(c).

HB

338

Alaska State Legislature

DISTRICT 27
AKHIOK
CHIGNIK
CHIGNIK LAGOON
CHIGNIK LAKE
CHINIAK
IVANOF BAY
KARLUK
KODIAK
LARSEN BAY
OLD HARBOR
OUZINKIE
PERRYVILLE
PORT LIONS
WOMENS BAY

P O BOX V
JUNEAU ALASKA 99811
(907) 465-2487
(907) 465-2498

P O BOX 75
KODIAK, ALASKA 99615
(H) (907) 486-4899
(LIO) (907) 486-8116

Representative
Dave Thompson

DT: 4/24/86

TO: House Finance Committee

FR: Dave Thompson DWT

RE: HB 338, Lottery Fiscal Note

The following fiscal note and accompanying analysis give the costs for the initial three and one-half months (3/15/87 to 6/30/87), and the first fiscal year of operation for a lottery as permited by CSSSHB 338(Jud). The funding for FY 87 would provide for establishment of a board of directors and one months salary for an executive director and secretary to implement the corporation.

Figures for FY 88 are predicated on:
1. Gross sale of lottery products of $35,485,300;
2. Prize payments of 50% of gross sales, or $17,742,700;
3. Administration costs of 9% of gross sales, or $3,280,100 (see fiscal note analysis).
4. Commissions to retail sales agents of 7% of gross sales, or $2,484,000.

This results in a net profit of 34% of gross sales, or $11,978,600 to the state general fund.

This gross sale figure is consistant with the low end estimate for probable profits which could be generated by an Alaska lottery, "Replacement Revenues - - a Position Paper in Support of an Alaskan Lottery," pages 27 & 28.

STATE OF ALASKA 198[illegible] LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS SSHB 338

Title : An Act establishing a state lottery, authorizing an advisory vote; & providing for an effective date.

Sponsor : Thompson

Requestor : _____

Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept. of Revenue

RRU : Division of Public Services

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		8.4	1054.9			
TRAVEL		13.8	99.7			
CONTRACTUAL		24.4	1377.5			
SUPPLIES		.5	32.0			
EQUIPMENT			216.0			
LAND & STRUCTURES						
GRANTS, CLAIMS			17742.7			
MISCELLANEOUS			2484.0			
TOTAL OPERATING		47.1	23006.8			
CAPITAL			500.0			
REVENUE			35485.3			

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER			23006.8			
TOTAL			23006.8			

POSITIONS :

FULL-TIME			27			
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Grants, Claims: Prize Obligation
Miscellaneous: Retail Agent Compensation
Funding: Operational Funds from Lottery Proceeds

Bill allows for program receipts

Prepared by : Bob D. Thomas — Phone : _____

Division : Representative Dave Thompson — Date : _____

Approved by Commissioner : _____ Date : _____

Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

LOTTERY CORPORATION
Fiscal Note Analysis

ASSUMPTION:

1. Instant ticket game with retail outlets in all communities of over 800 population. Communities between 250,000 and 5,000 to have 1 retail outlet for each 2,000 people. Communities between 5,000 and 2,000 to have 1 retail outlet for every 1,000 people. Communities between 2,000 and 800 to have 1 retail outlet for each 800 people. The cities of Ketchikan, Wrangell, Sitka, Juneau and Skagway would have 5 additional retail outlets each; Petersburg, Haines, Angoon, Cordova, Valdez, Seward and Whittier would have 2 additional retail outlets each to service tourist volume.

2. Weekly lotto game available through all retail outlets in communities of 250,000 - 2,000. Each fourth week lotto game available through all retail outlets in communities 250,000 - 800, retail agents in 75% of the communities between 800 - 100, and by request through the mail to the remainder of the population from lottery regional offices (Anchorage, Juneau and Fairbanks).

3. On-line lottery games would only be considered in the major marketing areas (containing 78.7% of the state's population; page 19 of position paper) of the state. This would be implemented after six months of operation.

4. Gaming computer equipment will be leased for a percentage of the gross sales. Current data line capacity owned by the state to be used for on-line application at no cost to the corporation.

5. A lottery corporation with three departments plus an Office of the Director.

   (1) the office of the director
   (2) a marketing department
   (3) a security department
   (4) an administration department

The lottery corporation board of directors would have overall authority over the state lottery.

LOTTERY CORPORATION

100 PERSONAL SERVICES

OFFICE OF THE DIRECTOR

The lottery corporation would be headed by the director. The Director acts as Secretary and Executive Officer of the Board of Directors. The Director supervises and administers the operation of the lottery. A secretary would be employed in this office to provide administrative and secretarial support.

POSITION	$ PER MONTH	FY 87	FY 88
1 Director	6,135 (a)	6,135	73,620
1 Secretary	2,289 (a)	2,289	27,504

MARKETING DEPARTMENT

Manages statewide marketing activities including sales of lottery tickets and shares, program advertising and promotion, retailer network, marketing analysis, product and game design, and related activities. Nine field representatives, (Anchorage, 5; Juneau, 2; and Fairbanks, 2) would service retail sales agents for lottery products.

POSITION	$ PER MONTH	FY 87	FY 88
1 Marketing & Sales Manager	4,668 (b)	-0-	56,016
1 Publications Specialist	4,010 (b)	-0-	48,120
1 Economist/Research Analyst	4,339 (b)	-0-	39,552
1 Secretary/Clerk Typist	2,056 (b)	-0-	24,672
9 Sales Representatives	4,339 (c)	-0-	390,510

SECURITY DEPARTMENT

Develops and manages maintenance of systems and procedures to ensure security, integrity, honesty, and fairness of Lottery operations. Responsibilities include background investigation of staff, vendors, and contractors.

POSITION	$ PER MONTH	FY 87	FY 88
1 Investigator/Manager	4,379 (b)	-0-	52,548
2 Investigators	3,753 (b)	-0-	90,072
1 Secretary/Clerk Typist	2,056 (b)	-0-	24,672

ADMINISTRATION DEPARTMENT

Administers corporation operations relating to budgeting, accounting, data processing, contract administration, and administrative services including purchasing, facilities management, and records.

POSITION	$ PER MONTH	FY 87	FY 88
1 Accounting & Operations Mgr.	3,855 (b)	-0-	46,260
2 Accounting Technicians	2,886 (b)	-0-	69,264
1 Accounting Clerk	2,292 (b)	-0-	27,504
1 Secretary/Clerk Typist	2,056 (b)	-0-	24,672
1 Storekeeper	2,886 (c)	-0-	28,860

After 6 months of operation, on-line games would be implemented and the following staff added:

POSITION	$ PER MONTH	FY 87	FY 88
1 Accounting Technician	2,886 (d)	-0-	17,316
1 Accounting Clerk	2,292 (d)	-0-	13,752
TOTAL ANNUAL WAGES AND BENEFITS		8,424	1,054,914

FOOTNOTES

(a) Beginning at day 45
(b) Beginning at day 75
(c) Beginning at day 105
(d) Beginning at day 225

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200 TRAVEL

This travel covers board of director's travel and monthly meetings, director's travel to other lottery states, conferences and monthly meetings. The accounting and operations manager, the marketing manager and the investigators would each be using out-of-state travel to attend training seminars and would bring the expertise back to their sections. The marketing manager would travel within Alaska to promote the lottery and the enforcement section investigators would travel within Alaska to conduct field investigations and to ensure the integrity of the lottery.

ITEM	FY 87	FY 88
Commission trips	11,813	47,250
Director trips	2,000	16,000
Marketing trips	-0-	5,000
Accounting training trip	-0-	1,400
Investigator training/ Investigative trips	-0-	30,000
TOTAL TRAVEL	13,813	99,650

300 CONTRACTUAL

Contractual costs are listed in 3 separate categories: expenses related to the gaming equipment; expenses related to the setup of the corporation; expenses related to security checks for employees and agents.

Gaming Equipment

Computer data lines from the central office to the computer terminals at vendor's locations in communities of over 2,000 currently exist and could be used by the lottery at no cost to the state. Computer terminals would be leased from a gaming equipment company for a percentage of sales. Costs for installation of these terminals would be a one-time capital cost to upgrade the capacity at communication nodes to interface with lottery equipment

ITEM	FY 87	FY 88
Instant tickets	-0-	407,970
Data line connections from terminals to local nodes (6 mos.)	-0-	10,782
Interface	-0-	500,000

Corporation Setup

ITEM	FY 87	FY 88
Executive Search	20,000	-0-
Office communications	1,000	21,000
Copiers	500	12,000
Printing	500	35,000
Subscriptions	-0-	1,000
Postage	500	30,000
Messenger Service	-0-	2,000
Freight	500	3,000
Office Space	1,000	69,264
Miscellaneous	-0-	5,000
Advertisement	500	500,000

Security Checks

During the first 1-3 months of operation, prior to lottery product sales, contracted services will screen lottery employee (100) and agent licensing (900) applications.

ITEM	FY 87	FY 88
Security checks	400	200,000

Vendor reports, marketing information and other information and statistics would be data-captured for analysis and reporting to the commission.

ITEM	FY 87	FY 88
Equip. lease & maintenance	-0-	48,512
Programs	-0-	25,000
Program maintenance	-0-	7,000
TOTAL CONTRACTUAL	24,400	1,877,528

400 SUPPLIES

Office supplies costs are estimated at $1.0 per employee.

ITEM	FY 87	FY 88
Stationery and office supplies	500	25,000
Miscellaneous software	-0-	7,000
TOTAL SUPPLIES	500	32,000

500 EQUIPMENT

Office equipment and furniture includes desks, chairs, calculators, file cabinets, partitions, bookcases, credenzas, phones, conference tables and typewriters for central office and two regional offices. Purchase of central processing unit equipment, including one disk drive, a tape drive, a 5574 band printer and air and power conditions.

ITEM	FY 87	FY 88
Office equipment and furniture	-0-	125,000
Disk and tape drives	-0-	70,000
5574 printer	-0-	12,500
Air and power conditioners	-0-	8,500
TOTAL EQUIPMENT	-0-	216,000

	FY 87	FY 88
TOTAL LOTTERY CORPORATION YEARLY OPERATING	$ 47,137	$ 3,280,092

The figure of $47,137 represents start-up and operational costs for the first 3.5 months of the lottery. An appropriation in this amount will be needed for implementation and operation of the first 3.5 months.

The Fiscal Note provides figures based on the above assumptions and corporation structure, an annual per capita net income of $26 (as described on page 28 of the position paper Replacement Revenues--a Position Paper in Support of an Alaskan Lottery), and a net profit estimate of 35% of total expenditures for lottery products.

R E P L A C E M E N T R E V E N U E S --

a Position Paper in Support of an

A L A S K A N L O T T E R Y

From the Office of:
Representative David W. Thompson
Alaska State Legislature

Prepared by:
Bob D. Thomas

November 1985

SUMMARY

As the state of Alaska faces the very real prospect of long-term declining revenues from its number one revenue source while the demand for state government services continues to increase, exploration of new revenue generation sources is necessary. The notion of lotteries, specifically state operated lotteries, is far from a new idea, and although over one-half of the U.S. population lives in states operating lotteries, misinformation abounds regarding them. Lotteries offer state governments a proven method for enhancing their total level of revenue receipts. Lotteries are not designed to solve all the financial woes of any state but can help diversify a total package of revenue generation programs.

Government sponsored lotteries have been around from the birth of this nation and have become an integral part of 22 state government's financial support system. Lotteries provide state governments with an acceptable, predictable, voluntary form of revenue generation. Projections for revenue generation in Alaska conservatively range from $15 million to $20 million per year.

Lotteries do not prevail on the "poor" or the "less educated" ... every study conducted to date concludes that the above average income and higher than average educated segments of the populations, in states operating lotteries, buy the lions share of lottery products. Lotteries do not increase the incidence of compulsive gambling and do not disrupt the lives of large prize winners. An Alaska lottery would not negatively affect the economies of the states 262 rural communities.

While a politically conservative approach to drafting legislation for authorization of an Alaska lottery is recommended, the experience of states with successful lottery histories and advice of directors of those lotteries should be utilized to maximize the profit potential for this state. The broadest possible latitude must be given the state agency, and board or commission, for operation of the lottery to allow for the flexibility to operate within and adjust to everchanging market conditions.

Recent surveys conclude that the broad cross-section of Alaskan residents would favor the implementation of a state sponsored lottery by two to one margin.

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INTRODUCTION

This report is intended to provide the reader with general information regarding state operated lotteries. Types of customary lottery games are described and the most common questions about lotteries are answered based on validated research completed by numerous state governments and lottery industry organizations over the past twenty years.

Revenue generation in states currently operating lotteries is examined and comparisons are presented to assist the reader analyze those factors affecting projection of revenue that could be expected from an Alaskan lottery. Among those factors examined are the economic and physical, characteristics of the population of our state, marketing area configurations, and tourist impact on Alaska. A projection of probable profits from a lottery is presented based upon most current population figures, tourist influences and conservative expectations of per capita expenditures on lottery products.

State responsibility for the social affects of government sponsored activities must be of paramount concern to all involved in effecting legislation establishing authority for these activities. The social impact from the operation of a state lottery is discussed and the most current research available is presented.

A brief discussion on implementation and operation of a state lottery is presented from recommendations by several recognized authorities with many years of experience in directing state lotteries.

The conclusions of a November 1985 state-wide opinion poll conducted in Alaska are presented for the readers examination.

Part I: LOTTERY BASICS

Nutshell History of Lotteries

Lottery, according to Webster, is "a drawing of lots in which prizes are distributed to the winners among persons buying a chance." The lottery is not an invention of conventional America. Lotteries have been used by kings, emperors and representative governments throughout history to finance building projects or to increase revenues. The first reported government lottery was instituted by Ceasar Augustus to rebuild Rome. In 1612, King James authorized a lottery to help finance the "colonial settlement" which paid the cost of settling Virginia. In 1751 and 1754 Benjamin Franklin helped sponsor a series of "Academic Lotteries" and helped fund the University of Pennsylvania. The Congress of 1776 provided a National Lottery strongly supported by Thomas Jefferson and others of the nation's founding fathers. Some 70 acts were passed by Congress before 1820 authorizing lotteries for the building of schools and roads and other public projects. Lotteries helped erect Harvard, Yale, Brown, Dartmouth, Columbia, Princeton, William and Mary and many of the nations other prestigious academic institutions. Today over 112 countries around the world sponsor government lotteries, including most of Western Europe, Canada, Mexico, and many Central and South American nations. The modern U.S. lottery started in 1964 in New Hampshire.

Thomas Jefferson once said that "Lotteries are a wonderful thing; they tax only the willing." Indeed many states have turned to state-operated lotteries as a means of raising revenue "painlessly." Lotteries are currently legal in the District of Columbia and 22 states - Arizona, California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and West Virginia; (Puerto Rico and Guam also have lotteries). Well over 50% of the population of the U.S. lives in lottery states.

Types of Lottery Games

Lottery games can be divided into two category - "active" and "passive." Active games are those in which the player participates in the bet by choosing a number or set of numbers. The winning numbers are drawn completely at random, so the player's choice has no bearing on the outcome of the game. However, many players enjoy active games because they can choose numbers that have some significance to them which gives an added dimension of entertainment and interest. Active games currently offered by the U.S. lottery states include three and four digit numbers games and lotto.

Passive games are those in which the player takes no action to determine whether he has won or lost; a ticket is purchased and the outcome is then revealed. Passive games offered in the U.S. include instant

games, traditional "draw" type lottery games and some subscription games.

The games mentioned above are all easy to play, and none involve any skill. Features of the various games can be described as follows.

1. Draw Lotteries
Though rare in the U.S., this was the original lottery game, and remains the main game in overseas lotteries. Players purchase pre-numbered tickets and wait for a weekly drawing, similar to a raffle. Payouts vary among games, but generally start at around $5 and cap off at either $50,000 or in some cases into the hundreds of thousands of dollars and more.

2. The Instant Game
Instant lottery games involve a fixed price for a ticket, usually $1. The ticket normally has a scratch-off spot to reveal whether or not it is a winner. The advantage of this game is no waiting: the player knows immediately whether or not he has won.
Prizes range anywhere from a free ticket up to hundreds of thousands of dollars. Most lotteries hold some type of grand prize drawing for winners of some lower-tier prizes, the winner of that drawing receiving a prize sometimes as high as $1 million or $1,000 a week for life. Most lotteries offer several instant games per year, and grand prize drawings are generally held when a specific game is sold out or otherwise ended.

3. Lotto
A traditional European lottery game in which the player selects four, five or six numbers from a field ranging from 30 to 49, depending on the size of the population of the state.
Payout is parimutuel; i.e. the jackpot is created from money wagered, and the more that people bet, the larger the prize becomes. If no one selects the winning six numbers in any order, the jackpot "rolls over" to the next drawing. If there no winners for a number of weeks the jackpot can become enormous. Prizes can be divided when more than one bet is placed on the same numbers, and many states offer smaller prizes if one chooses most of the correct numbers.

4. Subscription Games
Many lotteries offer subscriptions to their lotto games, allowing the player to select certain numbers, pay a bulk rate, and automatically be issued a ticket for each drawing. The same concept is applied to many draw-type games, and many lotteries offer a stand-alone subscription game that doubles as a weekly draw lottery.

5. Numbers Games
Numbers games have been one of the traditional games of state lotteries since the 1970's. The player selects a three- or four-digit number and places a bet on it, normally starting at $.50.
The winning number is drawn at a preset time, and the drawing is usually broadcast on television and/or radio. Drawings are held daily for three-digit games, and anywhere from once a week to daily for four-digit games. All but one numbers game in the U.S. offer a

fixed payout for winning numbers, i.e. the payout ratio does not change when more people bet money. Several options for betting combinations are available to play at a variety of predetermined odds and pay-off formulas. Payouts are determined by the amounts bet.

Questions and Answers about a State Lottery

Are lotteries a good method of raising state revenues?

Not as effective as taxes ... taxation is the most effective way of raising revenues. No responsible person in the industry has ever claimed that lotteries replace broad based taxes. Lotteries are best described as a supplemental revenue source only. Lotteries were never designed to solve tax revenue collection problems - only to assist.

How much revenue will a state lottery produce?

Fiscal year 1985 statistics indicate that total gross lottery sales in the U.S. exceeded $8.8 billion. This means the average annual state lottery gross revenue was about $90.00 per capita. A simplified means of predicting a state's likely gross lottery sales is to multiply this number by a state's total population. On the average, about 35 - 40% of gross lottery sales goes to the state as profits from the lottery. (see Pt. II for complete discussion of revenue projections for Alaska)

Is a state-run lottery the answer to the economic problems currently facing Alaska?

Certainly a state-run lottery is not the answer to all the financial needs of the state. At the same time, in many states the lottery has stabilized some of their problems. Connecticut raised $148,000,000 from its lottery; Pennsylvania, $572,600,000; Michigan, $320,000,000; and little old Rhode Island $18,600,000 in FY 85. All of this revenue is raised voluntarily. Needless to say, there are people who oppose lotteries or gambling in any form. These people are free not to buy tickets.

Are lotteries popular?

Yes. More people participate in state-run lotteries than in any other form of legalized gaming. In present lottery states, 75% of the residents of those states favor the lottery programs. At one time or another 60% of the residents of a lottery state will buy lottery tickets. Recent ballots in four states (California, Oregon, West Virginia, and Missouri) showed an overwhelming acceptance vote (over 60%). Alaskans support the concept of a state operated lottery by a margin of two to one according to a poll completed in November, 1985 by the Dittman Research Corporation of Anchorage (see Pt. V for

complete Dittman Research Corporation report). A survey of voters in AK House District 1 A-B by Rep. Robin Taylor, also completed in November '85, concluded the same level of support for a lottery; 66% of the respondents (from a total of 328) would support a "tightly regulated state operated Lottery Program" in Alaska. Polls taken in other non-lottery states such as Nebraska, Missouri, Florida indicate overwhelming support (two or three to one) for state-run lotteries.

Has any lottery in modern times ever failed ... or failed to show a profit? How are sales doing?

No lottery has ever failed ... or failed to show a profit. Sales are soaring! In 1982 lottery ticket sales exceeded $4.2 billion .. with lottery profits exceeding $1.5 billion. In calendar year 1983, sales exceeded $6.0 billion with profits exceeding $2.4 billion. In 1984, sales hit $6.9 billion, generating $2.8 billion in profits; and in FY 85 gross sales were $8.8 billion providing an estimated $3.8 billion in profits for those states with lotteries.

What do states do with their lottery profits?

Most states put their lottery profits into their general funds. However, some states earmark lottery profits for specific purposes. California, Michigan, New Hampshire, New York and New Jersey use their profits to aid education ... Pennsylvania donates its profits for senior citizen programs ... Massachusetts shares its profits with all the towns and cities in the state ... Colorado earmarks some of its profits for parks and recreation.

What happens to the lottery dollar and how does a lottery affect the economy of the state?

Generally, 45¢ to 50¢ of every dollar is returned to ticket buyers in the form of prizes ... 5¢ to 7¢ of every dollar is paid to local merchants as commissions for selling tickets ... about 5¢ to 10¢ of every dollar is used to pay state lottery employees, rent and utility bills for office and warehouse space, to purchase lottery products from established and experienced vendors, to establish a computer system, and promote the lottery ... and the balance, about 35¢, ends up as the profit for the state. Almost all lottery dollars stay in the state.

Are lotteries difficult to administer?

Absolutely not! Modern-day lotteries have been in existence for 20 years (since 1964) and there certainly isn't any "mystery" concerning their operations. Present lottery states are only too happy to share their experiences and their techniques with new entrants into the lottery field. Most states have lottery commissions overseeing their operation. All lotteries have full-time Directors or Executive

Secretaries ... people with extensive backgrounds in lottery operations. Few problems have arisen in the lottery industry during the past twenty years. When problems have arisen the industry has been quick to react. Recent studies indicate that a majority of ticket buyers believe that lotteries are well run and honest. Lottery staff can run from 50 to 150 depending on the size of the state.
(see Pt. IV for additional discussion regarding lottery operations)

Where are lottery tickets sold?

Most states license retail establishments that are easily accessible to the public such as drug stores, supermarkets, convenience stores, newsstands and package stores. As a rule of thumb one license is granted for each 1,000 of population. As stated previously, these agents usually receive 5% to 7% of their sales as commissions for selling lottery tickets. In granting licenses lottery agencies will investigate each prospective licensee as to past criminal records ... their financial condition ... their ability to serve the public ... and their general fitness to serve as agents.

Aren't lotteries, for the most part, supported by poor people?

Definitely not! Extensive studies of the state-run lotteries indicate that an overwhelming majority of ticket purchasers are in the middle income ranges. Whereas citizens in the low income ranges buy lottery tickets, they buy fewer tickets proportionately than their percentage of the population. (see Pt. III for complete discussion of social impacts of a lottery on Alaska)

Don't lotteries appeal to the under-educated?

Current demographic information obtained from actual prize claim forms filed with the Washington State Lottery (a perfect sampling of lottery ticket purchasers) show that 65.6% of players are high school graduates or better and that those with less than eight years of schooling play the lottery in far less proportion than they represent in the population. This study's conclusion repeats that of every study of lottery participation conducted in the U.S. over the last twenty years. (see Pt III for complete discussion of social impacts of a lottery on Alaska)

How much money does the average citizen spend on lottery tickets per year?

The "per capita" spending on lottery tickets in 1984 was about $72.02. Since only about 60% of a state's population is expected to buy tickets, actual expenditures for tickets is about $120, or about $2 per week.

How about "organized crime" and lotteries?

There is absolutely no evidence of any state lottery being infiltrated by "organized crime." As a matter of fact some lottery Directors believe that state-run lotteries have taken customers away from illegally-run numbers games. A Connecticut study came to the conclusion that the state's legal games had, in fact, impacted illegal wagering in that state. A 1976 report of the National Gambling Commission stated that 11% of all Americans wager illegally. In lottery states that percentage drops to 6% ... almost a 50% decrease in illegal wagering. Modern day lotteries are run by state governments and there are no avenues available for illegal operators to ply their trade. There is no similarity between state-run lotteries and casino gambling or horse racing. The latter two are usually operated by private individuals or corporations that are licensed by the state. (see Pt. II for additional discussion)

What about the social implications of advocating a form of legalized gambling as a method of raising revenue?

People have been known to gamble for thousands of years and will continue to gamble. Most sociological studies (and there are many) have concluded that state-run lotteries are a "harmless" form of legalized gambling. A comprehensive, independent, state-commissioned study completed in 1981 concerning Connecticut's legalized gambling programs gave the state "a clean bill of health" ... "no increase in welfare cases, no increase in bankruptcies, no increase in compulsive gambling, and no increase in unemployment." Newsweek concluded an article on gambling in its March 3, 1980 issue by stating: "The only games that apparently pose no real threat of addiction are state lotteries. That is because they don't have enough action." (again, see Pt. II for further comment on social implications of lotteries)

PART II: ALASKA LOTTERY INCOME

Alaska Compared to Current Lottery States

Consideration of an Alaska state operated lottery always prompts the question of how much profit could the state generate on an annual basis. A responsible answer to this question is dependent on many factors and requires careful consideration. Because lotteries are businesses operated for a profit, they are dependent upon the same factors that affect other businesses. These basic marketing factors must be studied to determine if Alaska has those characteristics indicative of lottery success. To date there has been no in-depth analysis of the characteristics which are generally present in states currently operating successful lotteries and the degree to which these characteristics exist in Alaska. The following discussion provides, for the first time, this analysis.

Since every state lottery has always produced a profit, it could be said that all are successful. However, as Table 1 indicates, some states are more successful than others; that is some states produce both a higher net profit and a higher per capita profit from their lotteries. A review of the marketing conditions of the lottery states quickly reveals why some are more successful than others. These factors are:

1. The economic characteristics of the population of the state,
2. The physical characteristics of the population of the state (age, sex, education level, etc.),
3. The population concentration/dispersion patterns for the state.
4. Unique conditions usually affecting a particular state or region (neighboring state's lotteries, high volume of non-resident traffic, etc.)

Table 1-II lists the 18 states which have operated lotteries for over one year and the income generated for the years 1981-1985. Gross, net and per capita income has been presented from available sources. Because of the tremendous variation in the size of the population of the states listed a comparison of gross or net lottery income does little to help determine which states are successful and which are not. The key measure of just how successful a state has been in operation of its lottery is the per capita profit to the state. A sound per capita measure will also be of most help to project the possibilities for Alaska. As can be seen, Maryland is the most successful and Vermont is the least successful in per capita income of all 18 states.

Those top five states experiencing the most success with lotteries in 1983 thru 1985 were Maryland, New Jersey, Pennsylvania, Connecticut, Colorado ('83), Wash. D.C. ('84 &'85), and Massachusetts ('85). Those states with the least successful record with regard to per capita income were Vermont, Maine, New Hampshire, Arizona, Ohio ('83), Colorado ('84) and Rhode Island ('85). Colorado ranked in the top five for 1983 and in the bottom five states in 1984 and 1985.

Table 1-II

STATES LOTTERY INCOME

State	1981[a] $Mil Gross	1982[b] $Mil Gross	1982[b] $Mil Net	1983[a] $Mil Gross	1983[a] $Mil Net	1983[a] $ Per Capita	1983[a] Rnk*	1984[a] $Mil Gross	1984[a] $Mil Net	1984[a] $ Per Capita	1984[a] Rnk*	1985[c] $Mil Net	1985[c] $ Per Capita	1985[c] Rnk*
AZ				75.0	30.0	11.04	15	60.0	18.0	6.62	15	22.0	8.09	14
CO				208.0	72.8	25.19	4	120.0	40.7	14.08	14	32.0	11.77	13
CT	515.1	169.8	71.0	188.0	75.2	24.20	5	254.4	105.4	33.92	5	148.8	47.88	6
DW	20.1	25.6	9.5	29.8	11.0	18.51	10	33.0	14.0	23.56	9	15.0	25.24	11
DC				54.1	14.2	22.25	7	68.2	21.7	34.00	4	29.7	49.97	3
IL	206.1	334.8	142.9	467.0	214.4	18.76	9	911.9	377.1	33.00	6	517.8	45.31	7
MN	6.4	9.7	2.4	13.7	3.3	2.93	17	16.0	4.5	4.00	17	4.4	3.91	17
MD	385.6	457.4	199.0	462.8	198.5	47.07	1	485.5	209.2	49.61	1	263.7	62.53	1
MA	224.0	279.8	92.5	352.0	97.3	16.33	11	506.1	169.1	29.48	7	284.0	49.50	4
MI	502.3	527.3	205.6	557.6	221.2	23.88	6	620.0	250.0	26.99	8	320.0	34.55	9
NH	11.0	12.4	3.6	13.6	3.7	4.02	16	18.7	5.7	6.19	16	4.3	4.67	15
NJ	417.0	517.8	220.3	690.1	295.0	40.06	2	847.8	359.7	48.84	2	388.0	52.68	2
NY	236.2	424.9	179.8	646.9	262.4	14.94	13	888.7	389.8	22.20	11	615.0	35.03	8
OH	295.9	363.9	144.0	397.7	144.8	13.41	14	603.0	250.0	23.15	10	338.0	31.30	10
PN	427.0	562.2	227.1	885.4	335.4	29.96	3	1,236.0	516.3	43.52	3	572.6	48.26	5
RI	36.2	38.0	13.7	44.0	15.0	15.84	12	52.9	18.4	19.43	12	18.6	4.42	16
VT	2.5	3.8	.9	4.6	1.1	2.15	18	5.1	1.3	2.54	18	1.2	2.35	18
WA				225.0	90.0	21.78	8	164.6	71.0	17.18	13	58.8	14.23	12
Mean	234.7	266.2	108.0	295.3	115.9	19.57		382.9	156.8	24.35		201.9	29.53	
Median	258.8	265.5	114.	445.0	168.3	24.61		620.6	258.8	26.08		286.9	27.52	

* Lottery states ranked by highest per capita income first (#1).

[a] Lottery Journal; Vol. 1, No. 1.
[b] Games and Wagering Business; May 1985.
[c] "USA Today"; 9/12/85.

Table 2-II provides a comparison of Alaska to all states which have lotteries or are in the process of starting lotteries, with regard to income levels and physical characteristics of the populations within these states. These comparisons have been illustrated for those factors generally considered to be indicators of positive characteristics for the operation of a profitable lottery. States are ranked in descend order for each category of economic and physical characteristics of their population. Rankings for Table 2-II have been made from information contained in Tables 3-II and 4-II, for which specific values for rankings can be ascertained.

Columns A-G contain economic comparisons for the 21 states involved in this analysis. The ranking is straight-forward, the state with the highest income figure for each category is ranked first, for each of these columns except for columns D and E. Columns D and E are reversed, with the state with the lowest income figure for this category ranked first. For example, Alaska has the lowest percentage of its population in the $0 to $10,000 household income category. Since lottery participation by the lower income groups is less than their proportion to the population in general the state with the lowest percentage of its population in this group should be ranked first. The same reasoning has been applied to column E.

For all categories of income measures indicating ability to operate a profitable lottery, Alaska ranks first. In addition, those states with a record for operating the most successful lotteries (see Table 1-II) rank with Alaska in the top one-third of states compared in Table 2-II, (Pennsylvania an exception). Those least successful lottery states (see Table 1-II) fall at the opposite end of the spectrum from Alaska.

An analysis of personal, family and household income, comparing Alaska to other lottery states indicates that Alaska should expect to be able to operate a profitable lottery.

Column H compares Alaska and the current lottery states as to how urban their population is. History has shown that state operated lotteries generally are more successful in urban versus rural states. States rank from first, Washington D.C., with a 100% urban population, to last, Vermont, with a 33.8% urban population. The percentage of Alaska population living in urban areas is 64.3%; this is 35.7 percentage points below D.C. and 30.5 percentage points above Vermont.

The rank order in column H is less conclusive than the percentage point differences between the states. This is confirmed by the fact that each of the top five most successful lotteries are represented in the highest, middle and lowest one-third of the order. The closest state (with an income history) to Alaska in its percentage of urban population is the third most successful lottery state Pennsylvania, with 69.3%. Those least successful lottery states, Vermont, Maine and New Hampshire, have the most rural populations by far. Contrary to the belief of many, that we in Alaska live in remote areas, the large majority of our population lives in urban areas, and, according to the Alaska Department of Labor we are becoming more urban each year.

Alaska's population grew by 30% in the 2.25 years between 5/1/80 and 7/1/84 and 90% of that growth was in the Anchorage, Kenai Penn., Mat-Su, Fairbanks, and Juneau Boroughs.[1]

Again, Alaska appears to be in a favorable situation for probable lottery success when considering its percentage of urban population.

Column I of Table 2-II illustrates the ranking of lottery states and Alaska for their population mix of males to females. Numerous studies of lottery players indicate that more males than females play lottery games. (see Pt. III) Alaska leads all states in the number of males to 100 females, with a total of 112 (Table 4-II). A significant point here is that all lottery states, except Washington D.C., have between 90 and 99 males for every 100 females. This large difference between Alaska and other lottery states is a factor in support of being able to implement a successful lottery.

Column J presents a ranking of the percentage of populations over eighteen years of age. Alaska's population is youngest compared to those in lottery states. However, information from Table 4 indicates that the percentage of population eighteen and older for lottery states (excluding DC at 77.5%) ranges from a high of 74.0% (RI) to a low of 70.3% (MI). Alaska's eighteen and older population makes up 67.5% of its total population. Two points need to be made here; first the difference between Alaska's percentage and that of the more normal lottery states is not significantly large; and Alaska, like Washington D.C., is subject to peculiar circumstances. Alaska has the lowest percentage of elderly population in the nation (2.8% compared to a U.S. average of 11.8%[1]), this reduces our percentage of eighteen and older population. This second point is actually a positive characteristic for lottery success in Alaska since the elderly play lotteries in numbers less than their proportion to the total population. Although the total percentage of eighteen and older population is lower than other lottery states, the percentage of age levels that play lotteries the most, is higher than this 67.5% figure. This conclusionWashington D.C. has the highest percentage of female population in the nation due to occupational opportunities there.

Columns K and L of Table 2-II provide a comparison of Alaska and the lottery states regarding the education levels for their populations. Studies of lottery players indicate that the typical player has more education than the average for the total population. (see Part III) Again Alaska ranks first with the highest percentage of its population having more than 12 years of school, and third highest for the percentage of its population with 16 or more years of education.

Alaska's ranking in all of the categories examined in Table 2-II are high and indicate, that from the basis of this information, Alaska would be successful if it implemented a lottery. That is, Alaska could expect to generate for its general fund, a level of revenue per capita on a par with the most successful lotteries now in operation.

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[1] Alaska Department of Labor, Research and Analysis, (Draft) Alaska Population Overview, 1985; Chapt. II.

TABLE 2-II

LOTTERY STATES DEMOGRAPHIC COMPARISONS REGARDING POSITIVE CHARACTERISTICS FOR OPERATION OF PROFITABLE LOTTERY

Rank	A Personal Income/ Capita	B Median Family Income	C Median Hsehld Income	D % of Hsehld $0-10K	E % of Hsehld $10-20K	F % of Hsehld $30-40K	G % of Hsehld $40K +	H % Pop Urban Areas	I Male/ 100 Female	J % Pop over 18 Yrs Old	K % Pop w/ 12+ Yrs Sch	L % Pop w/ 16+ Yrs Sch
1	AK	AK	AK	AK	AK	AK	AK	DC	AK	DC	AK	DC
2	DC	CT	MD	MI	MD	MD	MD	CA	WA	RI	CO	CO
3	CT	MD	CT	CT	NJ	NJ	CT	NJ	CO	MA	WA	AK
4	NJ	NJ	NJ	NJ	IL	MI	NJ	RI	CA	PN	OR	CT
5	CA	IL	IL	IL	MO	CT	DC	NY	OR	CT	CA	MD
6	IL	MI	MI	CO	CT	IL	CA	AZ	AZ	NY	AZ	MA
7	NY	WA	WA	MI	CA	WA	IL	MA	MI	CA	NH	CA
8	MD	CA	CA	WA	WA	CA	MI	IL	NH	NJ	MA	WA
9	WA	CO	CO	CA	NY	CO	CO	CO	VT	OR	VT	VT
10	CO	MA	DW	NH	MA	OH	DW	MD	MN	WA	CT	NJ
11	MA	OH	OH	DW	DW	MA	NY	CT	IL	MD	MN	NH
12	DW	DW	MA	OH	DC	DW	RI	WA	MD	CO	DW	NY
13	MI	NY	NH	MA	OH	NY	WA	OH	OH	DW	MI	OR
14	PN	OR	PN	PN	CO	OR	MA	MI	CT	NH	MD	DW
15	OH	PN	OR	OR	OR	PN	OR	DW	DW	IL	NJ	AZ
16	RI	NH	NY	AZ	PN	AZ	OH	PN	NJ	VT	DC	IL
17	NH	RI	AZ	NY	RI	NH	AZ	OR	PN	MN	OH	RI
18	OR	DC	RI	DC	AZ	DC	PN	AK	RI	OH	IL	MN
19	AZ	AZ	VT	RI	NH	RI	NH	NH	MA	AZ	NY	MI
20	VT	VT	MN	VT	MN	VT	VT	MN	NY	MI	PN	OH
21	MN	MN	*	MN	VT	MN	MN	VT	DC	AK	RI	PN

* District of Columbia omitted from this column by source; not a state.

Source: TABLE 3-II, & TABLE 4-II.

Column Explanations:

A, B, & C. First ranked (#1) state has highest income for category; last ranked (#21) has lowest income for category of lottery states.

D & E. First ranked (#1) states have lowest percent of households in income category; last ranked (#21) states have highest percent of households in income category.

F & G. First ranked (#1) states have highest percent of households in income category; last ranked (#21) states have lowest percent of households in income category.

H. First ranked state has highest percent of population living in urban areas.

I. First ranked state has the highest number of males per 100 females.

J, K, & L. First ranked states have the highest percent of population in each category.

Table 3-II

INCOME CHARACTERISTICS OF POPULATIONS IN LOTTERY STATES AND ALASKA

	Personal Income 1981				Money Income 1979									
					Household Income									
					Percent Within									
	Total (Mil $)	Per Capita ($)	Trnsfr. Pymnts. (Mil $)	Median Family Income ($)	Less than $10K	$10K to $20K	$20K to $30K	$30K to $40K	$40K to $50K	$50K and Over	Median ($)	Rnk.	Per Capita ($)	Pov. Level Fam. (%)
New England														
Maine	9,662.7	8,530	1,748.2	16,167	34.9	35.7	19.3	6.4	1.9	1.8	13,816	46	5,768	9.8
New Hampshire	9,367.3	10,013	1,208.3	19,723	26.3	33.2	23.6	10.0	3.6	3.4	17,013	21	6,966	6.1
Vermont	4,498.7	8,727	699.3	17,205	31.8	35.7	19.6	7.6	2.7	2.6	14,790	37	6,178	8.9
Massachusetts	64,243.9	11,128	9,423.4	21,166	27.7	28.8	22.5	11.3	4.9	4.7	17,575	19	7,458	7.6
Rhode Island	9,678.0	10,155	1,657.6	19,448	30.7	31.0	21.9	9.4	3.6	3.3	16,097	29	6,897	7.7
Connecticut	40,131.1	12,805	4,410.6	23,149	22.2	27.6	24.1	13.1	6.0	7.0	20,077	4	8,511	6.2
Middle Atlantic														
New York	201,707.2	11,460	30,386.4	20,180	30.4	28.4	20.8	10.6	4.7	5.2	16,647	26	7,498	10.8
New Jersey	90,001.3	12,156	11,460.8	22,906	23.8	26.7	23.0	13.4	6.3	6.7	19,800	6	8,127	7.6
Pennsylvania	123,056.8	10,366	20,583.8	19,995	28.6	30.6	22.9	10.2	4.0	3.7	16,880	22	7,077	7.8
East North Central														
Ohio	111,186.4	10,313	15,978.2	20,909	26.9	29.5	24.0	11.4	4.4	3.8	17,754	15	7,285	8.0
Illinois	132,638.0	11,572	17,003.6	22,746	25.0	26.7	23.5	13.1	5.8	5.9	19,321	7	8,066	8.4
Michigan	99,016.6	10,758	14,244.3	22,107	25.6	26.4	23.5	13.3	5.9	5.3	19,223	8	7,688	8.2
South Atlantic														
Deleware	6,643.5	11,102	836.1	20,817	26.5	29.3	22.7	11.2	5.1	5.1	17,846	13	7,449	8.9
Maryland	48,821.9	11,452	6,332.6	23,112	22.1	27.1	23.1	14.0	6.8	6.9	20,281	3	8,293	7.5
Wash. D.C.	8,522.8	13,509	1,916.2	19,099	30.5	29.4	17.6	9.6	5.2	7.7	16,211	X	8,960	15.1
Mountain														
Colorado	33,257.4	11,216	3,680.6	21,279	25.4	29.9	23.0	11.6	5.1	5.1	18,056	12	7,998	7.4
Arizona	27,285.8	9,765	4,008.1	19,017	28.8	31.3	21.8	10.1	4.1	4.0	16,448	27	7,041	9.5
Pacific														
Washington	47,546.4	11,274	6,521.9	21,696	26.0	28.4	23.6	12.2	5.0	4.7	18,367	9	8,073	7.2
Oregon	26,528.8	10,009	4,042.0	20,027	28.7	30.5	22.3	10.5	4.0	3.9	16,780	24	7,557	7.7
California	289,583.8	11,968	38,308.8	21,537	26.3	28.1	21.5	12.1	5.7	6.4	18,243	10	8,295	8.7
Alaska	5,660.7	13,749	500.2	28,395	18.3	21.2	18.4	15.1	11.3	15.7	25,414	1	10,193	8.6

Source: U.S. Bureau of Census, County & City Data Book, 1983

Table 4-II

PHYSICAL CHARACTERISTICS OF POPULATIONS IN LOTTERY STATES AND ALASKA

	1980								25 Years and Older		
	Land Area (Sq Mi)	Total Persons	Urban (%)	Males Per 100 Females	18 Yrs and Older	Median Age	Total House-holds	College Enroll-ment	Total	Yrs of Sch 12+ (%)	Yrs of Sch 16+ (%)
New England											
Maine	30,995	1,124,660	47.5	94.4	803,273	30.4	395,814	45,764	661,840	68.7	14.4
New Hampshire	8,993	920,610	52.2	95.0	662,528	30.1	323,493	50,344	541,953	72.3	18.2
Vermont	9,273	511,465	33.8	94.9	366,138	29.4	178,325	29,703	295,051	71.0	19.0
Massachusetts	7,824	5,737,037	83.8	90.8	4,246,648	31.2	2,032,717	415,897	3,463,256	72.2	20.0
Rhode Island	1,055	947,154	87.0	91.0	704,303	31.8	338,590	64,128	575,243	61.1	15.4
Connecticut	4,872	3,107,576	78.8	93.1	2,284,657	32.0	1,093,678	177,255	1,900,164	70.3	20.7
Middle Atlantic											
New York	47,377	17,558,072	84.6	90.5	12,870,209	31.9	6,340,429	1,076,133	10,721,012	66.3	17.9
New Jersey	7,468	7,364,823	89.0	92.2	5,373,962	32.2	2,548,594	384,885	4,504,247	67.4	18.3
Pennsylvania	44,888	11,863,895	69.3	91.9	8,740,599	32.1	4,219,606	550,786	7,240,244	64.7	13.6
East North Cent.											
Ohio	41,004	10,797,630	73.3	93.5	7,703,310	29.9	3,833,828	514,105	6,291,667	67.0	13.7
Illinois	55,645	11,426,518	83.3	94.0	8,183,481	29.9	4,045,374	617,759	6,678,759	66.5	16.2
Michigan	56,954	9,262,078	70.7	95.2	6,510,092	28.8	3,195,213	531,671	5,254,040	68.0	14.3
South Atlantic											
Delaware	1,932	594,338	70.6	93.1	427,743	29.8	207,081	34,286	344,657	68.6	17.5
Maryland	9,837	4,216,975	80.3	94.0	3,049,445	30.3	1,460,865	256,872	2,499,096	67.4	20.4
Wash. D.C.	63	638,333	100.0	86.1	494,842	31.1	253,143	59,302	398,653	67.1	27.5
Mountain											
Colorado	103,595	2,889,964	80.6	98.5	2,081,151	28.6	1,061,249	179,073	1,663,891	78.6	23.0
Arizona	113,505	2,718,215	83.8	96.9	1,926,728	29.2	957,032	179,503	1,558,891	72.4	17.4
Pacific											
Washington	66,511	4,132,156	73.5	98.7	2,992,796	29.8	1,540,510	243,004	2,439,417	77.6	19.0
Oregon	96,184	2,633,105	67.9	97.0	1,910,048	30.2	991,593	149,400	1,579,841	75.6	17.9
California	156,299	23,667,902	91.3	97.2	17,278,944	29.9	8,629,866	1,720,087	14,043,986	73.5	19.6
Alaska	570,833	401,851	64.3	112.8	271,106	26.1	131,463	18,778	211,397	82.5	21.1

Source: U.S. Bureau of Census; County & City Data Book, 1983

So far we have only looked at the first two marketing conditions listed above; the economic and physical characteristics of the population of Alaska in relation to other lottery states. The third marketing condition needing examination is how the population of Alaska is concentrated and/or dispersed.

Alaska is unique in its vastness with over one-half million square miles of land, 3.7 times the area of the next largest lottery state, California, and 541 times the size of Rhode Island, the smallest lottery state (excluding DC). However, as we saw in Table 2-II, Alaska is quite urban; twice as urban as Vermont, and only 36% less urban than Wash. D.C. with 100% of its population living in urban areas. When we examine the degree to which the population in Alaska is concentrated we find that there exists similarities with some of the other lottery states. These states are the relatively large western states of Arizona, Colorado, Oregon and Washington. Table 5-II and maps of these states following Table 5-II illustrate this similarity in population concentration in marketing terms.

As Table 5-II illustrates, each of these states has one marketing area which contains approximately one-half of the states total population. This area has been identified as the primary marketing area for that state. In addition, each of these states has from one to three other major marketing areas within the state which, when combined with the primary marketing area, contain approximately 80% of the state's total population. The conclusion made from this comparison is that these states would be reasonable candidates for use as a comparative model to help predict possible revenue levels for an Alaskan lottery.

The three western states with lottery history at this time are Arizona, Colorado and Washington. Of these states the most similar to Alaska is Colorado, with the same pattern of population concentration (one primary marketing area and two additional major marketing areas). Colorado is also a very close match with its percentages of total population in these marketing areas very similar to Alaska's.

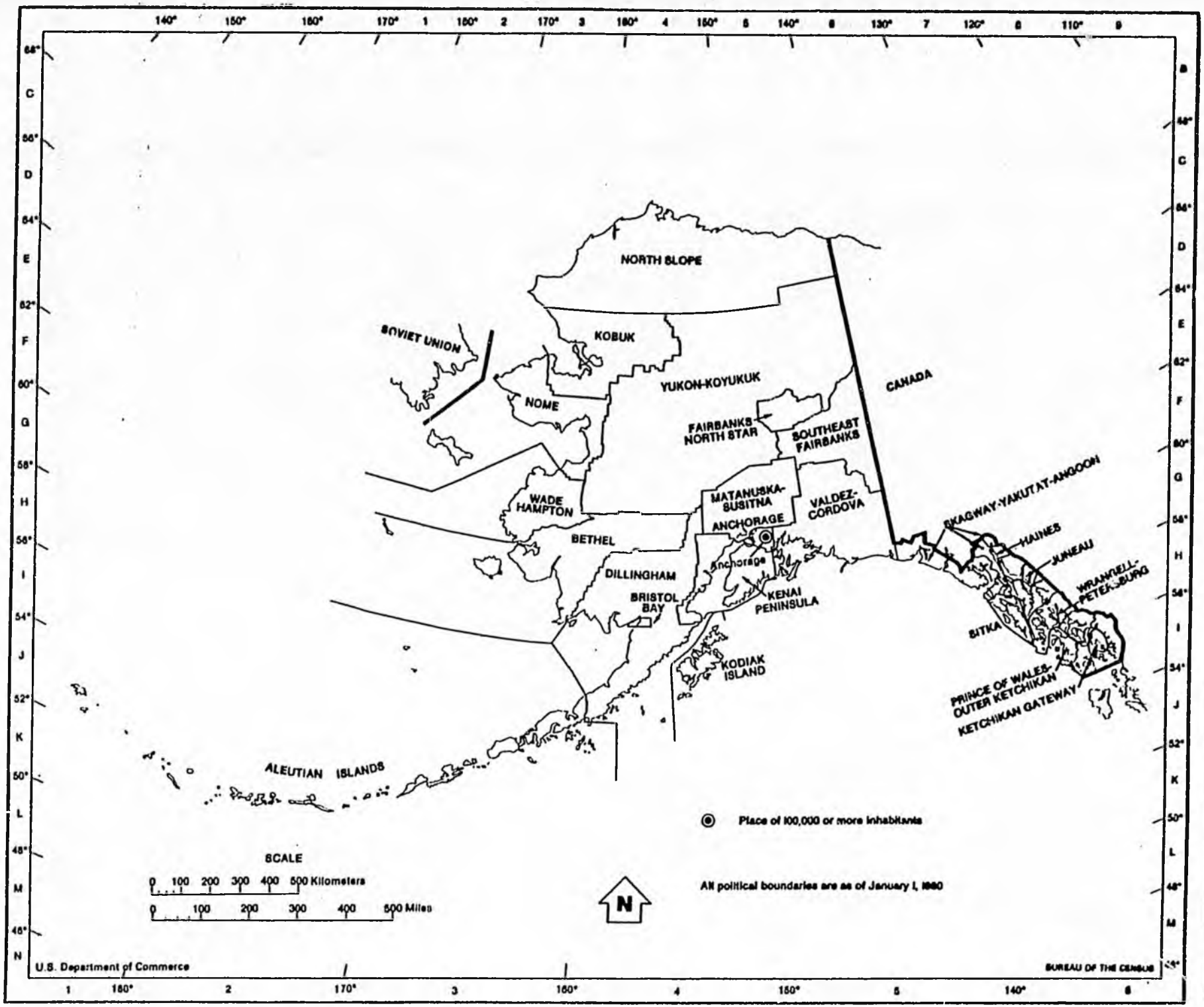
Also included is a map of Vermont, a state often used as an example to compare with Alaska for projections of lottery revenue because its total population size is similar to Alaska's. Three factors should be considered to illustrate why Vermont is not a reliable example for this comparison. Note that although Vermont's population is about the same as Alaska's, there is only one city, Burlington, with over 25,000 people. Also not that 66.2% of Vermont's total population lives in rural settings (Table 4-II); only 35.7% of Alaska's population lives in rural settings (Table 4-II). Vermont lacks the population concentration/s necessary for effective marketing of lottery products. Last, note that Vermont is surrounded by larger lotteries of New Hampshire, Massachusetts, New York and Quebec; Vermont residents have until recently been able to easily access all of these high prize lotteries.

Table 5-II

WESTERN LOTTERY STATES MARKETING AREAS COMPARISON
(1980 U.S. Census Data)

State	County	Total Pop	Prim Mkt Area Pop	PMA % of St	Maj Mkt Area Pop	MMA % of St
AK	Anchorage	174,431				
	Mat-Su	17,816				
	Kenai Pen.	25,282	217,529	54.1		
	Fbnks-NS	53,983				
	Juneau	19,528				
	Ketchikan	11,316				
	Sitka	7,803				
	Wrang-Pet	6,167			316,326	78.7
AZ	Maricopa	1,509,052				
	Pinal	90,918	1,599,970	58.9		
	Pima	531,443			2,131,413	78.4
CO	Denver	492.365				
	Adams	245,944				
	Arapahoe	293,621				
	Douglas	25,153				
	Boulder	189,625				
	Jefferson	371,753	1,622,461	56.1		
	El Paso	309,424				
	Pueblo	125,972				
	Larimar	149,184				
	Weld	123,438			2,330,479	80.6
WA	King	1,269,749				
	Kitsap	147,152				
	Pierce	485,643				
	Snohomish	337,320				
	Thurston	124,264	2,364,128	57.2		
	Clark	192,227				
	Spokane	341,835				
	Yakima	172,508			3,070,698	74.3
OR	Clackamas	241,919				
	Multnomah	562,640				
	Washington	245,808				
	Marion	204,692	1,255,059	47.7		
	Lane	275,226				
	Linn	89,495				
	Benton	68,211				
	Jackson	132,456			1,820,447	69.1

Source: U.S. Census Bureau; County & City Data Book, 1983


NORTH SLOPE
SOVIET UNION
KOBUK
YUKON-KOYUKUK
NOME
CANADA
FAIRBANKS NORTH STAR
SOUTHEAST FAIRBANKS
WADE HAMPTON
MATANUSKA-SUSITNA
VALDEZ-CORDOVA
ANCHORAGE
BETHEL
DILLINGHAM
BRISTOL BAY
KENAI PENINSULA
KODIAK ISLAND
ALEUTIAN ISLANDS
HAINES
JUNEAU
SITKA
PRINCE OF WALES-OUTER KETCHIKAN
KETCHIKAN GATEWAY
Place of 100,000 or more inhabitants
All political boundaries are as of January 1, 1980
SCALE
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U.S. Department of Commerce
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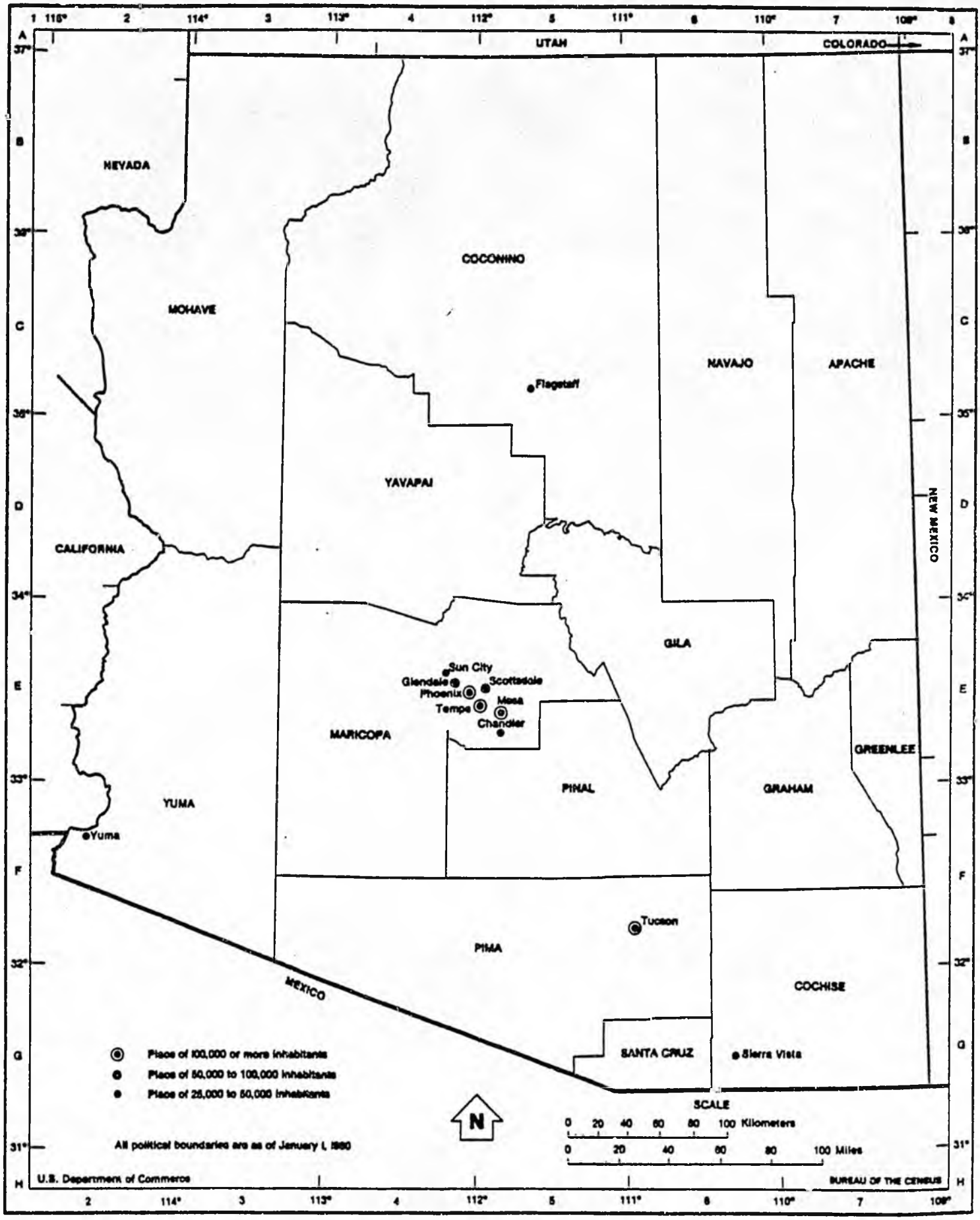
Arizona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COLORADO
NEVADA
COCONINO
MOHAVE
NAVAJO
APACHE
Flagstaff
YAVAPAI
NEW MEXICO
CALIFORNIA
GILA
Sun City
Glendale
Scottsdale
Phoenix
Mesa
Tempe
Chandler
MARICOPA
GREENLEE
PINAL
GRAHAM
YUMA
Yuma
Tucson
PIMA
COCHISE
MEXICO
SANTA CRUZ
Sierra Vista
Place of 100,000 or more inhabitants
Place of 50,000 to 100,000 inhabitants
Place of 25,000 to 50,000 inhabitants
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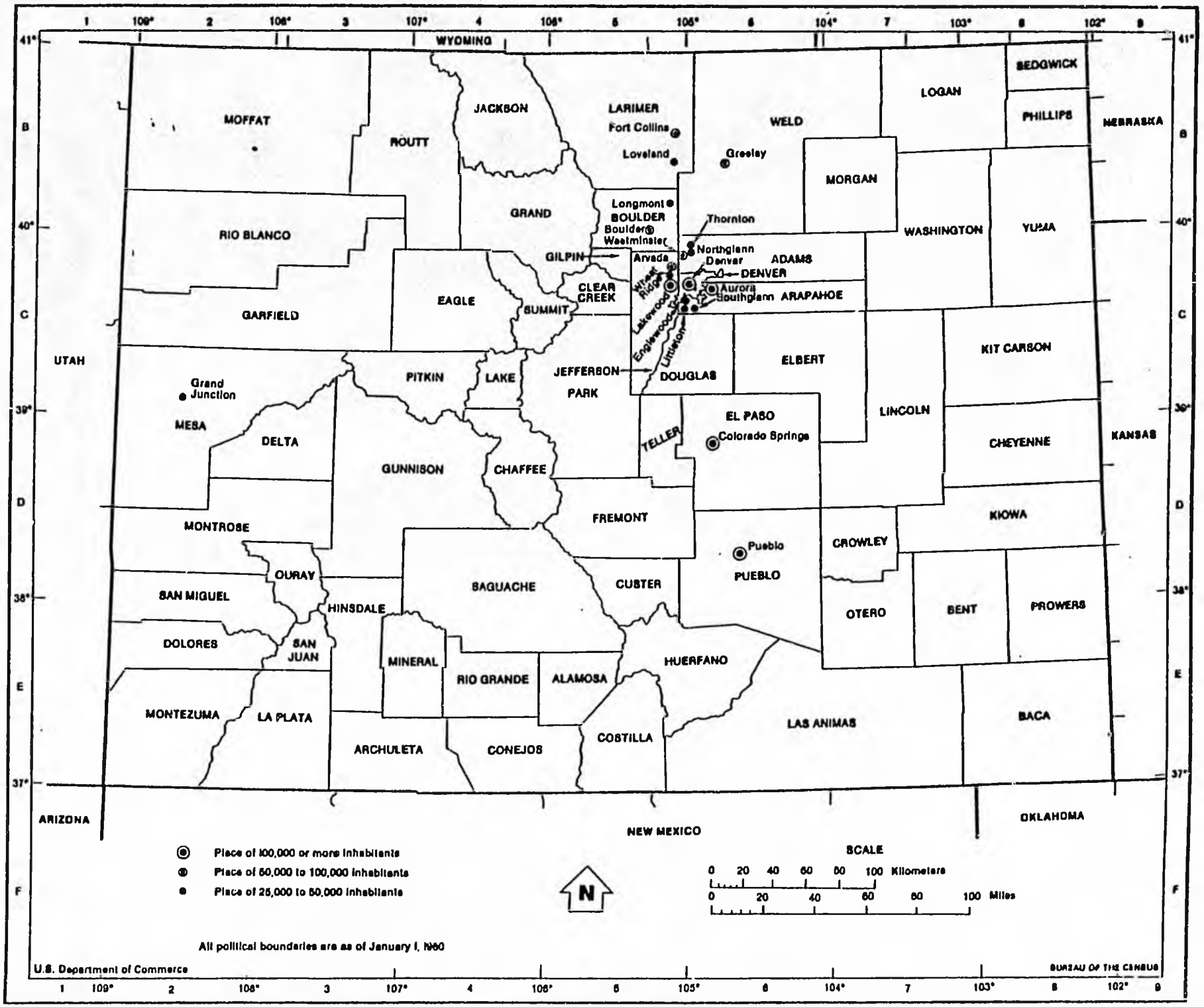
U.S. Department of Commerce
BUREAU OF THE CENSUS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KANSAS
UTAH
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NEW MEXICO
OKLAHOMA
MOFFAT
ROUTT
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LARIMER
Fort Collins
Loveland
WELD
Greeley
SEDGWICK
PHILLIPS
LOGAN
MORGAN
WASHINGTON
YUMA
RIO BLANCO
GRAND
BOULDER
Boulder
Westminster
Longmont
Thornton
Northglenn
Denver
ADAMS
DENVER
Arvada
GILPIN
Wheat Ridge
Lakewood
Englewood
Littleton
Aurora
Southglenn
ARAPAHOE
CLEAR CREEK
EAGLE
SUMMIT
GARFIELD
PITKIN
LAKE
JEFFERSON
PARK
DOUGLAS
ELBERT
KIT CARSON
Grand Junction
MESA
DELTA
GUNNISON
CHAFFEE
TELLER
EL PASO
Colorado Springs
LINCOLN
CHEYENNE
MONTROSE
FREMONT
KIOWA
Pueblo
PUEBLO
CROWLEY
OURAY
SAN MIGUEL
HINSDALE
SAGUACHE
CUSTER
OTERO
BENT
PROWERS
DOLORES
SAN JUAN
MINERAL
RIO GRANDE
ALAMOSA
HUERFANO
MONTEZUMA
LA PLATA
ARCHULETA
CONEJOS
COSTILLA
LAS ANIMAS
BACA
Place of 100,000 or more inhabitants
Place of 50,000 to 100,000 inhabitants
Place of 25,000 to 50,000 inhabitants
N
SCALE
0 20 40 60 80 100 Kilometers
0 20 40 60 80 100 Miles
All political boundaries are as of January 1, 1960
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CANADA
WHATCOM
Bellingham
SAN JUAN
ISLAND
SKAGIT
OKANOGAN
FERRY
STEVENS
PEND OREILLE
CLALLAM
SNOHOMISH
Everett
Edmonds
CHELAN
JEFFERSON
Seattle
Bellevue
DOUGLAS
LINCOLN
Spokane
IDAHO
Bremerton
Renton
KING
SPOKANE
MASON
Auburn
GRANT
GRAYS HARBOR
Tacoma
Lakes District
KITTITAS
ADAMS
WHITMAN
Olympia
THURSTON
PIERCE
PACIFIC
LEWIS
Yakima
WAHKIAKUM
GARFIELD
FRANKLIN
COLUMBIA
YAKIMA
Richland
Kennewick
WALLA WALLA
ASOTIN
COWLITZ
Longview
BENTON
Walla Walla
SKAMANIA
KLICKITAT
CLARK
Vancouver
OREGON
Place of 100,000 or more inhabitants
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Place of 25,000 to 50,000 inhabitants
SCALE
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0 20 40 60 80 100 Miles
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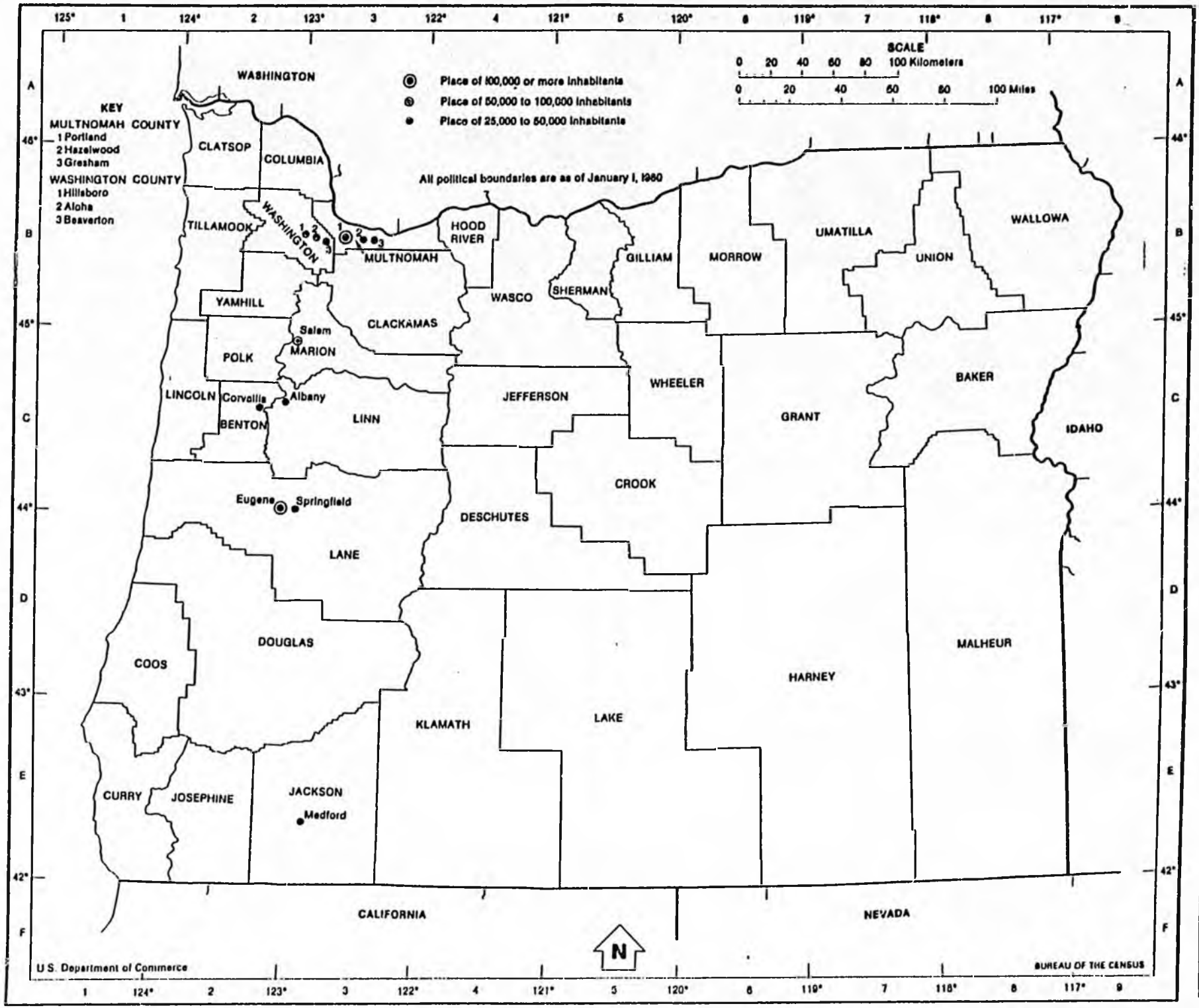
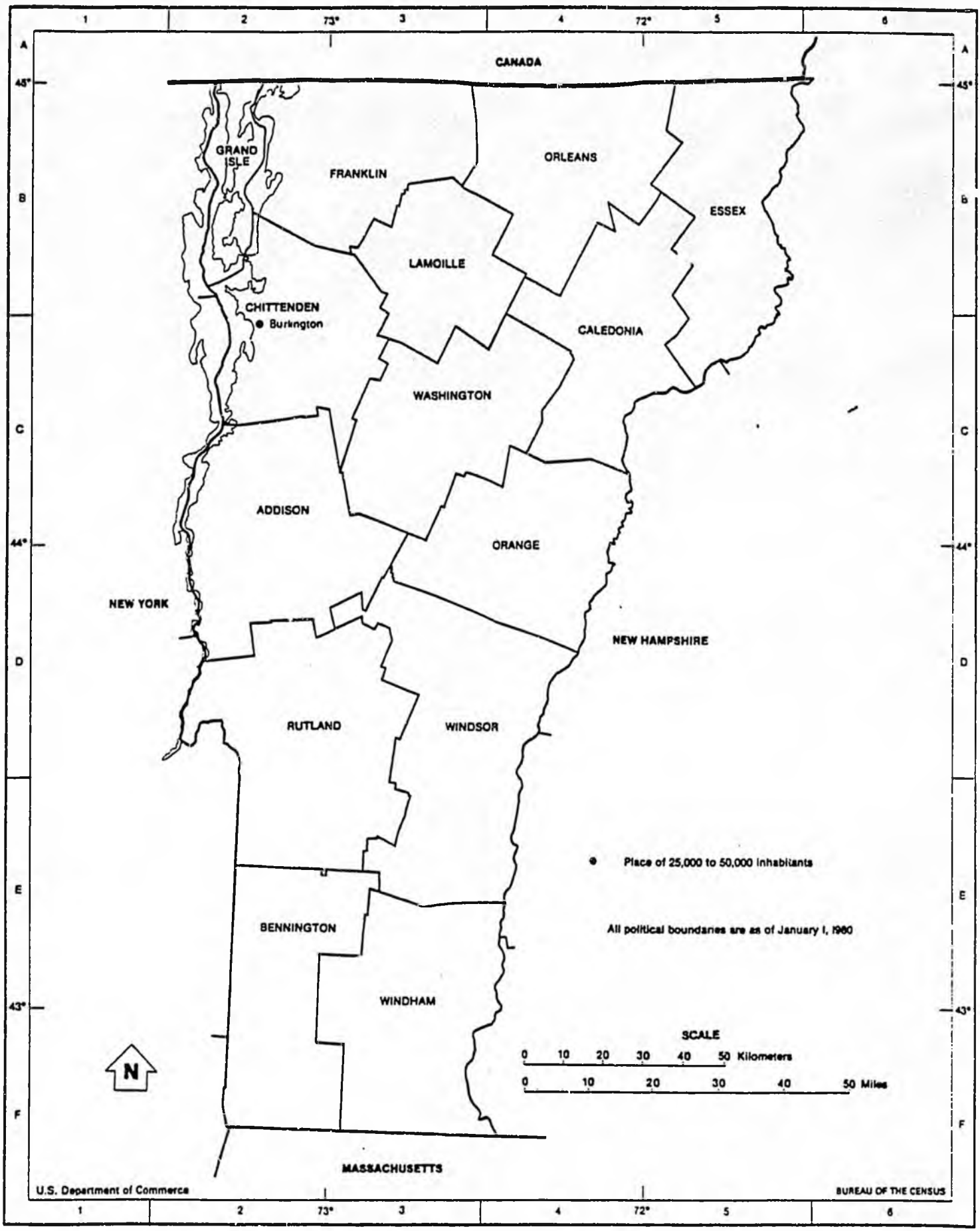
All political boundaries are as of January 1, 1980
U.S. Department of Commerce
BUREAU OF THE CENSUS


SCALE
0 20 40 60 80 100 Kilometers
0 20 40 60 80 100 Miles
Place of 100,000 or more inhabitants
Place of 50,000 to 100,000 inhabitants
Place of 25,000 to 50,000 inhabitants
All political boundaries are as of January 1, 1980
KEY
MULTNOMAH COUNTY
1 Portland
2 Hazelwood
3 Gresham
WASHINGTON COUNTY
1 Hillsboro
2 Aloha
3 Beaverton
WASHINGTON
CLATSOP
COLUMBIA
TILLAMOOK
MULTNOMAH
HOOD RIVER
WASCO
SHERMAN
GILLIAM
MORROW
UMATILLA
WALLOWA
UNION
YAMHILL
CLACKAMAS
Salem
MARION
POLK
LINCOLN
Corvallis
Albany
BENTON
LINN
JEFFERSON
WHEELER
BAKER
GRANT
IDAHO
CROOK
Eugene
Springfield
DESCHUTES
LANE
DOUGLAS
COOS
HARNEY
MALHEUR
KLAMATH
LAKE
CURRY
JOSEPHINE
JACKSON
Medford
CALIFORNIA
NEVADA
N
U.S. Department of Commerce
BUREAU OF THE CENSUS


CANADA
GRAND ISLE
FRANKLIN
ORLEANS
ESSEX
LAMOILLE
CHITTENDEN
Burlington
CALEDONIA
WASHINGTON
ADDISON
ORANGE
NEW YORK
NEW HAMPSHIRE
RUTLAND
WINDSOR
BENNINGTON
WINDHAM
MASSACHUSETTS
Place of 25,000 to 50,000 inhabitants
All political boundaries are as of January 1, 1960
SCALE
0 10 20 30 40 50 Kilometers
0 10 20 30 40 50 Miles
N
U.S. Department of Commerce
BUREAU OF THE CENSUS

The fourth, and last, marketing factor listed above was that of unique conditions affecting a particular market. There are several obvious and some not-so-obvious conditions present in some of the currently operating lottery states which impact their sales.

Small states with large populations in the East have an advantage over large less populated states with regard to the physical marketing of their lottery product.

People in the northeastern states have experienced a long history of exposure to illegal lottery type games and are therefore familiar with the concept. They do not have to be educated about how lotteries are played.

Those least successful lottery states of Vermont, Maine, New Hampshire and Rhode Island are surrounded by the neighboring giant lottery states of Pennsylvania, Massachusetts, Connecticut, New York and New Jersey. The convenience of buying lottery tickets from the large lotteries, with large prize structures, is such that many resident players from these smaller states choose to buy out of state. Why spend $1 on a chance to win $500,000, when the same $1 will buy a chance to win several million dollars? This will likely change in the near future with the implementation of the Tri-State Lottery partnership of Maine, Vermont and New Hampshire, and the recent (May '85) reversal in federal law interpretation by the U.S. Postal Service resulting in a ban on subscription lottery sales across state lines.

Alaska is unique in the fact that it experiences a tremendous annual influx of tourists, in comparison to its resident population estimated to reach 533,000 in 1985[2]. This tourist influx is large in the sense of its total volume, 776,600 projected for CY 86[3], and as percentage of the resident population, 147.5%. In addition to the number of tourists, a significant number of airline and cruise ship crews, a total of 6,000[4], are effectively part-time residents of the state. This situation is unique to Alaska, and of the lottery states only Colorado experiences a similar condition, although to a much lesser degree. These additional people would affect lottery sales Alaska in a positive direction.

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[2] Alaska Department of Labor, Research and Analysis, (Draft) Alaska Population Overview, 1985: "If the in balance of migration to Alaska during 1984-85 were to be zero, which seems unlikely, the 1985 population of the state should reach 533,000 due to natural increase alone."

[3] Alaska Department of Commerce and Economic Development, Division of Tourism.

[4] The McDowell Group (cruise ship crews), and telephone survey of major Anchorage hotels (airline crews).

Alaska Compared to Colorado

Information contained so far in this discussion provides a basis for reasonable conclusions regarding a method to estimate probable net revenue for an Alaskan lottery. Although Alaska shares similarities with the most successful lottery states (economic and physical composition of its population), our population size does not reasonably allow for a direct comparison with these states. Likewise, although our population size compares with some of the least successful lottery states, other marketing factors; our degree of urban versus rural population, our degree of population concentration, the lack of accessible neighboring lotteries, and the economic and physical composition of our population; does not allow for a direct comparison with these states.

One lottery state, with a three year lottery income history, does have a number of similar characteristics to Alaska and qualifies as a reasonable model for generating revenue projections. Colorado is similar to Alaska in more aspects than any of the other lottery states.

A review of Table 2-II and the discussion pertaining to it illustrates that Colorado provides a basis for conservative comparisons from a per capita, family and household economic perspective. It provides for a very close comparison from the perspective of educational level of the populations. And when including the information from Table 5-II with columns H, I and J from Table 2-II, Colorado is a good match with Alaska regarding comparisons of the urban nature and population concentration patterns of the two states, as well as the male to female ratio and population over eighteen years of age factors.

Alaska Lottery Income Projections

Using an average of Colorado's last three years per capita net income, $17.01 (Table 1-II), as a probable per capita income for Alaska will give a reasonable, conservative estimate for annual profit from an Alaskan lottery.

A second projection, using an average median per capita income from all lottery states for the last three years, $26.07 (Table 1-II), will provide a second, possibly less conservative and more simplified projection for Alaska.

A population factor of 730,000 for Alaska has been determined to be most useful for computing a probable FY 87 net profit, should Alaska implement a state operated lottery by July, 1986. This population factor is based on the assumption that tourists to the state would play a lottery with much more frequency than the average for the state. Tourists are here to be entertained and they have the money to spend (82% of the visitors to Alaska in 1983 had household incomes over $20,000, 25% over $60,000[4]). However, since tourists are in the state for an average of only 16.8 nights (this represents more than

10.8 million person-nights per year spent in the state)[5] a factor must be based on their short duration here. Therefore, an assigned factor of .25 is used as an approximation of their lottery play, compared to residents with a factor of 1.0. Likewise a factor of .50 is used to approximate the frequency of lottery play by crews from the airlines and cruise ships, who spend about one-fourth of the year in Alaska.

We now have enough information to compute a projection for an annual profit from operation of an Alaskan lottery.

Population Base	Number		Factor		Total
Alaska Total Population (Est. 1985):	533,000	x	1.00	=	533,000
Alaska Tourist Volume (Est. 1986):	776,600	x	.25	=	194,150
Cruise Ship and Airline Crews (1985):	6,000	x	.50	=	3,000
Total Effective Population					730,150

Using this "effective population" figure and the two per capita profit amounts, one from Colorado ($17.01) and the other from a national average ($26.07), an expected range of total net revenue for Alaska can be determined.

1. Alaska Total Effective Population	730,150
Colorado '83-'85 Average Per Capita Profit	x $17.01
Estimated Alaska Net Revenue (low)	$12,419,851
2. Alaska Total Effective Population	730,150
National '83-'85 Average Per Capita Profit	x $26.07
Estimated Alaska Net Revenue (high)	$19,035,011

An Alaska lottery could expect to generate between $12.4 and $19.0 million in FY 87.

This low end estimate, $12.4 million, is a very conservative figure when we consider that it is based on the Colorado lottery which is restricted to only operating instant games. A parallel comparison to this restriction would be to restrict a jewelry store to only selling gold jewelry. There is a large market for gold jewelry, but it's only a percentage of the total market.

The high estimate, $19.0 million, is a fairly realistic estimate, and is only dependent on how freely the enabling legislation for an Alaska lottery allows it to respond to the market.

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[5] Overview, Alaska Traveler Survey and Visitor Industry Analysis 1983; Dept. of Commerce and Economic Development, Div. of Tourism PART

III: SOCIAL IMPACTS OF LOTTERIES

The five questions mosts often asked regarding lotteries social impact are:

1. What affect do state lotteries have on the "poor?"
2. What affect do state lotteries have on the "less educated?"
3. How do lotteries affect the incidence of compulsive gambling?
4. Does winning disrupt the lives of winners of large cash prizes?
5. Do lotteries cause a negative economic drain on rural communities?

Questions 1 and 2:

The most often raised objection to state operated lotteries is that people from lower income households and/or the less educated buy a disproportionate amount of lottery tickets. The implicit suggestion is that a lottery should be prohibited in order to protect the "poor" and "less educated." As a matter of empirical fact, it is simply untrue that the poor and/or less educated buy lottery products disproportionately to their percentage of the population.

Research has been conducted in every state with a lottery operating for over one year regarding these questions (#1 & #2), and the conclusion is always the same; the poor and less educated play the lottery to a lesser degree than their proportion of the population.

Some comments from a sampling of the numerous studies conducted follow. Please bear in mind that every statement to follow is based upon statistical evidence, not opinion.

Colorado: Chart 1-III, below, is comprised of two bar graphs. The top graph represents the income group's percentage of the Colorado population. The bottom graph represents an index of lottery participation by the income group. Where the bar is above zero, that group plays the lottery more than their relative proportion in the population, and vice versa.[1]

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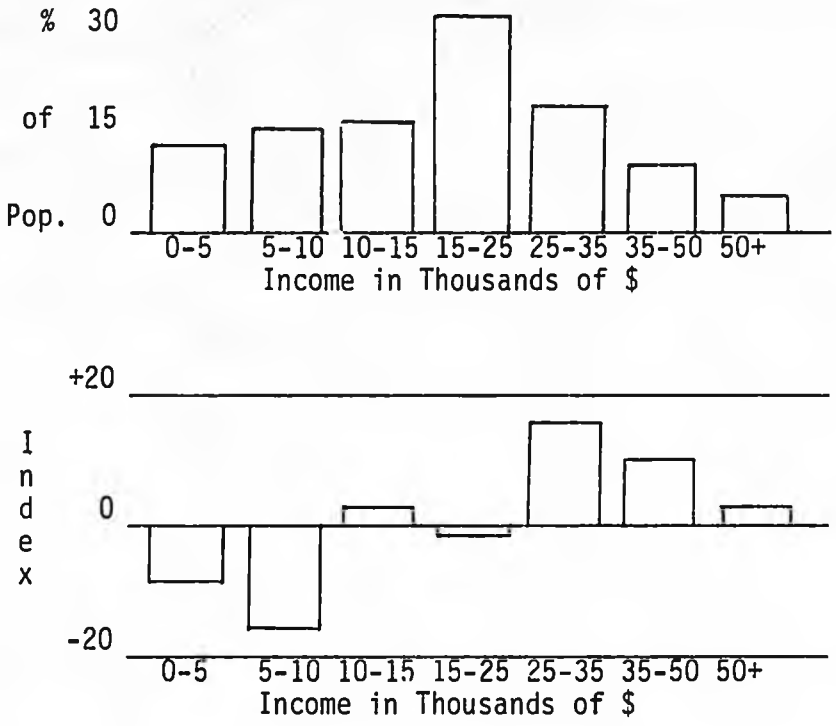
[1] Chart reproduced from "Colorado Lottery Facts", Oct. 1983, included in the Report to the Colorado Legislature by the Lottery, dated Dec. 6, 1983.

Chart 1-III

COLORADO LOTTERY PLAYER



As the chart dramatically shows, the lower income groups play the Colorado Lottery substantially less than their proportion in the population. The Colorado Lottery explained the methodology of their analysis and also commented generally on this issue.

"Analysis of the winners in lottery games is a statistically perfect sampling of the players. During each year, several state lotteries do research on the profile of their players through analysis of winners' age, income, occupation, sex, residence, and lifestyle. Every study conducted in the legal lottery business in North America has shown that the bulk of the lottery tickets are purchased by middle income consumers. Typically, most tickets are bought by persons between the ages of 35 and 54 although the play of the lotteries ranges in age from 18 to over 65. In addition, although the range of players runs from low income to high income, the majority of the tickets are purchased by persons whose household incomes are between $12,000 and $36,000. Research in Colorado indicates that the average education and income of the players are higher than the national average. Even low income players play the lottery from their discretionary income,

low income players play the lottery from their discretionary income, that is to say, even low income persons purchase lottery tickets on a competitive basis with their purchase of candy, movies and softdrinks. An average of 90¢ a week played on the lottery, while being a higher percentage of the discretionary income of a low income person than it is in a middle income person, is still a minor decision..."[2]

The results of the Colorado studies are confirmed by numerous other studies about the income levels of lottery players in other states. For example:

Arizona: An independent study concluded that "the poor are dramatically underrepresented among lottery players."[3]

Deleware; 89% of the buyers of "Daily Numbers" lottery tickets had an annual family income in excess of $10,000. The median family income of players was $19,200 a year, while the median income of non-players was $18,200 a year.[4]

Illinois; People with incomes below $11,000 only participated in lotteries about 75-78% of their percentage of the population.[5]

Maine; Studies "conclusively demonstrate that it is the middle income segment of the population that is the primary market for lotteries... [T]he poor (under $5,000 in income) are extremely underrepresented among lottery players."[6]

Illinois, Michigan, New Jersey, New York, Pennsylvania; An analysis of the household income profiles of over 6.5 million winners established that "the poor participate in the state lottery games at levels disproportionately less than their percentage of the population."[7]

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[2] "Colorado Lottery Fact Sheet", Oct. 1983, p.8, included in Report, op. cit. fn. 1.

[3] "Using Demographics to Increase Lottery Sales", G.E. Shippee, D.J. Schwartzman, K. Reynolds, Public Gaming Magazine, Aug.1983. See also, "Analysis of Sales Data of Lotteries", July 1983, Scientific Games, Inc., cited in Public Gaming Magazine, Dec. 1983, p.29 (hereafter "Analysis"), and Time, May 28, 1984, p.42.

[4] Report by Dr. Keiser, University of Delaware, College of Business and Economics, 1979.

[5] Public Gaming Magazine, Jan. 1982, p.33, Table II.

[6] "Analysis," op.cit., fn. 3.

[7] "The Myth of the Poor Buying Lottery Tickets", by Dr. J.R. Koza, Public Gaming Magazine, Jan 1982, at p.40.

Table 1-III

INDEXED HOUSEHOLD INCOME DISTRIBUTION
(Above-Average, Average & Below-Average Sales Areas of
17 $1 Instant Lottery Games, New York State)

ANNUAL HOUSEHOLD INCOME
(In 1980 Dollars)

	Over $56,000	$34,000- $56,000	$23,000- $33,999	$18,000- $22,999	$11,000- $17,999	$6,700- $10,999	Under $6,700
+ Ave.	105	128	120	99	83	75	75
Average	158	139	109	90	83	75	79
- Ave.	140	94	81	89	111	116	113

The income profile for the areas of the state having above-average sales have a relatively higher representation of high-income households. The same is true for of the areas of the state having average sales. For example; households with an income above the $56,000 (1980 dollars) range have an index value of 158 in the "average sales" level areas. This means that this level income household occurs at a rate 58% higher than in the state as an average.

However, for the areas of the state having below-average sales, the income distribution is bi-modal. It contains the "poor" and it also contains a significant representation of very high income people. The main point, however, is that the lower-income categories are relatively underrepresented in both the average and the above-average sales areas and that the lower-income households are overrepresented only in the below average sales areas.

Thus, using this slightly different perspective, the conclusion is again the same. Namely, that the poor participate in the lottery games at a disproportionate rate as compared to their percentage of the population.[11]

Most analysis and comment from the studies conducted by states operating lotteries include educational levels as well as household income issues. These studies indicate similar conclusions with regard to education levels of those playing lotteries; the less educated play lotteries proportionately less than they are represented in the total population.

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[11] "Myths", Public Gaming Magazine, Dec. 1983, pp. 28-33; and "Roses and Thorns of State Lotteries", by Bill Curry, State Legislatures Magazine, March 1984, p. 31-36.

The Washington State Lottery found that residents with 1 - 3 years of college were overrepresented in lottery play to a degree significantly exceeding that of any other educational group. Based on an index of 100, those in this category reached index levels as high as 141. Conversely, those with eight years of education or less were severely underrepresented, with indices ranging from 68 down to 43.

Final figures for FY 83 in Washington showed residents with 13 - 15 years of education totaling out at an index of 120, with those with eight years of education or less playing at an index rate of 56, the lowest of any category.[12]

A study of six western counties of Washington state by KIRO Broadcasting, Inc. found that 78 percent of the lottery players had 12 or more years of education.

The Arizona Lottery also tested for educational level of its players. In every case, the median educational level of players exceeded that of Arizona residents overall.[13]

Pennsylvania contracted with Opinion Research Corporation to use the "low, average and heavy play" analysis procedure described above for New York. They found that in the "heavy play" group - the group showing the most interest in the lottery - only 9.8 percent had less than a high school diploma.[14]

Again, these are only a sampling of survey results all stating the same conclusion - the less educated segments of the population in lottery states play lottery games less than they are represented in the total population of their state.

These conclusions are no surprise to those who view lotteries as a business operated for profit. The tremendous growth in both lottery participation and profit to those states operating them could never be generated by a dependency on the poor and under-educated. This segment of our population simply does not constitute a large enough percentage base to target marketing efforts. The majority of the population in most states lives in middle income households and has a higher than median education level. This is the natural market.

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[12] Washington State Lottery, 1983 Annual Report

[13] "Using Demographics to Increase Lottery Sales", G.E. Shippee, D.J. Schwartzman, K. Renolds, Public Gaming Magazine, Feb. 1983.

[14] Pennsylvania Study for the Bureau of State Lotteries, Opinion Research Corporation, Princeton, NJ, 1981.

Question number 3:
How do lotteries affect the incidence of compulsive gambling?

Studies done thus far have shown the compulsive gambler to be someone who by nature seeks avenues other than state lotteries to satisfy his or her need for gambling; state lotteries do not provide what a compulsive gambler needs for gratification.

Dr. Robert Custer, acting director of mental health for the Veterans Administration in Washington D.C. and medical advisor to the National Council on Compulsive Gambling, has done extensive research into the incidence and treatment of compulsive gambling, and is widely recognized as an expert on the subject. Custer contends that state lotteries do not provide a sufficient outlet for a compulsive gambler to either alleviate withdrawal symptoms or to experience any sustained euphoria generated by most other types of gambling. Custer said that of the compulsive gamblers he has treated at the V.A., 20% have fallen into each of four different categories: addiction to horse race betting, casino games(not casinos in particular, but games associated with them such as craps and card games), illegal sports betting, and stock options and commodities. The remaining 20% is divided among all other forms of gambling, lotteries only amounting to perhaps 2%. Of compulsive gamblers, Custer said lotteries are "not their style," because play is too slow. "The shorter the interval between the time you place your bet and when you collect, the more addictive," adding that, "any game involving a waiting period for the outcome and/or collection of winnings, such as lotteries, does not sustain a compulsive gambler, ..." Two key elements that compulsive gamblers need for satisfaction are some feeling that s/he has an "edge" or privileged information regarding the bet, and that some element of skill plays a part in the outcome. Neither of these exist with state lotteries.

"I think winning is a lot more stimulating than we realize," said Custer. "Particularly winning amounts ranging from a fourth to a half of one's income. That's one of the things about the lottery that I've never been very concerned about, because people don't win big that often. There are a lot of $1 and $2 winners, but very few million dollar winners."

Custer states that no data exists supporting the contention that lotteries increase compulsive gambling.[15]

A study for the New Jersey Lottery, supervised by Dr. Peter Carlton of the New Jersey College of Medicine and Dentistry, reached basically the same conclusions as did Custer's research; no cause-and-effect relationship was established showing lotteries to cause compulsive gambling, the same physiological changes were noted in gamblers as with the V.A. research. These results show that lotteries simply don't offer enough "action" to satisfy the needs of a compulsive gambler. A totally different environment of lottery-playing, as

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15 "Do Lotteries Increase Compulsive Gambling?", The Lottery Journal, Vol. 1, No. 2, p. 22 & 58.

opposed to other types of gaming, exists for state lottery participation. Lottery playing does not require a contained environment with a high degree of social interaction, as is found with other gaming activities. The decision to participate in a lottery game usually is an afterthought from some other activity.

John D. Quinn, Director of the New York State Lottery, and past president of the National Association of State Lotteries says that during his tenure as director of the N.Y. Lottery over 2 billion tickets have been sold and he has not received one phone call or letter saying a wife or husband "had spent the bread or milk money on the lottery."[16]

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[16] "Myths", op.cit., fn. 11, pp 39-41.

Question number 4:
Does winning disrupt the lives of winners of large cash prizes?

The results of a survey by the Ontario Lottery Corporation, updated through November of 1983, indicate that the lifestyles of the overwhelming majority of the lottery's jackpot winners changed little after their windfalls.

This survey of 870 people who won between $7,000 and $1 million in the lottery indicated that the overwhelming majority of the big-money winners kept their jobs and stayed in the same house. Few were bothered by adverse publicity or bothersome requests for donations.

Of the winners responding to the survey, 91.4% of those employed kept their job. Eight of the 25 winners of $500,000 or more continued to work. Most of the winners bank their money, and few indulge in spending sprees. Only 2.2% spent the bulk of their winnings on luxuries. Twenty-five percent bought a new car, and only 22.6% took vacations. More than two-fifths of those winning large prizes, 40.8%, shared their good fortunes with family, friends and charities.

Ninety percent of the winners were not subjected to calls and letters begging for money, and 70% of those who were contacted did not consider the solicitations a problem.

Most of the big winners have not been bothered by media attention. Of those responding to the survey 90.1% said media treatment of their good luck had been fair and courteous.[17]

Surley examples exist which illustrate that lives have been changed by the winning of large amounts of money, some of these changes would be considered positive and some negative. However, the statistics available, when considering broad cross-sections of winners, indicate that the majority of winners are not negatively affected. Ms. Mary Faulk, Director of the Washington State Lottery, puts it very well in her statement, "The lottery by design is open to maximum scrutiny by the public at all times. Our credibility is the first product we sell to the public. Identification of winners is an important responsibility to all our players. We feel that the media has shown responsible constraint in their handling of winners. Our winners have accepted this exposure with grace, because they recognize the public's right to know."

The administration of most lotteries use a prize award structure that makes payments to large winners over an extended time period; i.e., $1,000 per month for life. This is financially advantageous to the state and to the winner, and helps prevent the possible disruption of a winners life with a $1 million dollar check.

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[17] "Lottery Winner Research Indicates Life As Usual", Wendy Horne, Ontario Lottery Corporation.

Question No. 5:
Do lotteries cause an economic drain on rural communities?

This question is asking if it appears likely that a state run lottery will result in the residents of small remote communities spending an amount of their available cash to a degree exceeding the benefits these same communities would receive from the expenditures of lottery profits. Three additional questions must be examined to provide an answer to this concern of economic impact on rural communities:

1. How many communities and what population base is of concern?
2. What spending level for lottery products is likely to occur?
3. What level of benefits will these communities likely receive from the operation of a state lottery?

A conservative analysis, considering "worst case" possibilities for lottery expenditures by rural community residents and reasonable assumptions regarding benefits received from probable state lottery profits, indicates that a state operated lottery would not cause an economic drain on rural communities. In fact, the opposite is true.

For purposes of this discussion the term "rural community" is defined as a community of 2000 or less people. Alaska has a total of 262 communities of this size with a total population of 70,286, or 13.44% of the state's total population (see Table 2-III).

Individual spending on lottery products will be directly proportional to the degree to which residents of these communities would have access to lottery products. This access would only exist through state licensed lottery product retailers. Only qualified "viable businesses" would be issued lottery sales licenses upon application. A "viable business" is defined as one which would likely meet the qualifications established by a state lottery as necessary to be licensed as a lottery product retailer.

The Alaska WIC Program (Special Supplemental Food Program for Women, Infants, and Children) has been selected as a means to identify the number of probable "viable businesses" in rural communities. The WIC program is a state subsidized health and nutrition program for pregnant women, breastfeeding mothers, infants, and young children. The state provides subsidies for foods and other health needs purchases by its participants to the retailers participating in the program. This program has been selected for analysis on the assumption that its retail participants are considered by the state as "viable businesses" meeting WIC's vendor qualifications.

A review of the total number and locations of WIC vendors (see Table 3-III), provides the following items of information. It appears that a community population of more than 100 is necessary to support the operation of a retail store, the most common form of rural business (only 4.55% of communities of less than 100 have WIC qualified vendors). Eighty eight rural communities, comprising .98% of the state's total population or 5100, do not have the population base to support retail enterprises. At least some of the businesses in communities over 100 will not desire to be qualified as lottery

Table 2-III

1984 ALASKA POPULATION ESTIMATES BY COMMUNITY SIZE

A COMMUNITY SIZE	B #	C TOT. POP.	D % of AK	E # WIC	F % SVD.
0 - 50	37	1,266	0.24	0	
51 - 100	51	3,834	0.73	4	7.8
101 - 150	23	2,881	0.55	3	12.5
151 - 200	24	4,087	0.78	7	29.2
201 - 250	23	5,194	0.99	10	43.5
251 - 300	19	5,252	1.00	4	19.1
301 - 400	23	7,883	1.51	10	43.5
401 - 500	23	10,370	1.98	21	91.3
501 - 600	18	9,821	1.88	10	55.6
601 - 700	8	5,242	1.00	7	87.5
701 - 800	2	1,509	0.30	2	100.0
801 - 900	4	3,448	0.66	5	100.0
1,001 - 1,500	4	4,690	0.90	4	100.0
1,501 - 2,000	3	4,809	0.92	1	33.3
2,001 - 2,500	4	9,424	1.80	6	100.0
2,501 - 3,000	2	5,892	1.13	4	100.0
3,001 - 3,500	4	13,066	2.50	6	100.0
3,501 - 4,000	2	7,462	1.43	4	100.0
4,001 - 5,000	1	4,850	0.93	3	100.0
5,001 - 8,000	1	7,611	1.46	3	100.0
9,001 - 15,000	2	21,446	4.10	8	100.0
15,001 - 25,000	2	47,100	9.01	11	100.0
25,001 - 50,000	1	25,791	4.93	4	100.0
50,001 - 75,000	1	62,175	11.89	9	100.0
75,000 - 250,000	1	243,829	46.62	36	100.0
BCSA's (Table 3-III)		4,116	0.78	0	
Total	283	523,048	100.00	180	

Source: Alaska Department of Labor, Research and Analysis; (Draft) Alaska Population Overview, 1985; Table IV.2.

Alaska Department of Health & Social Services; Special Supplementary Food Program for Women, Infants and Children, Vendor List, Sept. 1985.

Column Explanations

A. Self explanatory.
B. Number of communities within the size indicated in column A.
C. Total population of all the communities within that size group.
D. Percent of the total population of Alaska within that size group.
E. Number of WIC vendors serving communities within that size group.
F. Percent of population within that size group served by WIC vendors.

Table 3-III

1984 ALASKA POPULATION ESTIMATES FOR COMMUNITIES OVER 2000

PLACE/S	POPULATION		% of AK.
Anchorage Borough	243,829		
Subtotal		243,829	46.62
Fairbanks Area	62,175*		
(Frbnks., Eielson, College, No. Pole, & Fox)			
Subtotal		306,004	58.50
Palmer-Wasilla	25,791*		
Juneau Bourough	23,729*		
Kenai-Soldotna	23,371*		
Subtotal		378,895	72.45
Kodiak Area	11,024*		
(Kodiak & Kodiak C.G.B.)			
Ketchikan Area	10,422*		
(Ketch., No. Tongas Hwy. & Saxman)			
Subtotal		400,341	76.54
Sitka Borough	7,611		
Subtotal		407,952	78.00
Delta Jct. Area	4,850*		
(Delta Jct., Big Delta & Ft. Greely)			
Subtotal		412,802	78.92
Bethel	3,743*		
Valdez	3,719*		
Homer	3,373		
Petersburg	3,340*		
Nome	3,184*		
Adak	3,169		
Subtotal		433,330	82.85
Barrow	2,969		
Seward	2,923*		
Subtotal		439,222	83.97
Wrangell	2,499*		
Kotzebue	2,485*		
Cordova	2,356*		
Dillingham	2,084*		
Subtotal		448,646	85.78
Remainder	70,286		
(262 places of less than 2000)			
Balance of Census Subareas (BCSA's)**	4,116	523,048	100.00

Source: Alaska Department of Labor, Research and Analysis, (Draft) Alaska Population Overview, 1985; Table IV.1.

* Population in BCSA included.

** Balance of Census Subareas (BCSA) contain those people living outside of defined communities designated as census areas; i.e., those living in the Kodiak area but outside of the Kodiak city limits.

retailers or would not qualify upon application. Therefore, it is safe to conclude that less than 100% of the people living in communities of 2000 and fewer will have access to lottery products on a day-to-day basis. However, a total of 84 WIC vendors ("viable businesses") in 83 rural communities with populations of 101 to 2000 would provide a probable minimum level of access to lottery products for 64.8% of the rural residents.

A maximum level of access to lottery products would exist if each rural community of 100 or more persons contained at least one lottery retailer. This is a possibility that cannot be discounted because the WIC program has not been able to consider service to all rural communities, therefore its vendor list may not contain all "viable businesses" in these areas.

The access to lottery products in rural communities, and thus the probable level of spending on these products, can then be anticipated as likely to be within parameters established by this maximum and minimum. The maximum case represents a situation in which 100% of the population in communities 101 to 2000 residents, or 65,186 people in 174 communities, would have access to a lottery retailer. The minimum case represents a situation in which 64.8% of the rural population, or 42,261 people, those living in 83 communities over 100 and served by the WIC program, would have access to a lottery retailer.

A probable low (maximum access) and high (minimum access) economic impact on rural communities can now be projected from lottery sales using an '83-'85 national per capita profit in lottery states of $26.07 and an assumed state total net revenue of $19,035,011 (from Pt. II, page 28). This impact will be a result of lottery expenditures by residents of these communities compared to the benefits received through expenditures by the state from lottery net profits. For this analysis it will be assumed that state expenditures are made on an equal per capita basis in all communities of the state. That is, a community with 5% of the population receives the benefits of 5% of state government spending.

Conclusion:
Both the "maximum access" and the "minimum access" case would result in a positive economic impact in all of the rural communities in Alaska. This positive impact would range from a low of 5.38% to a high of 62.54% in the 174 communities with populations of from 101 to 2000. That is, for every $1 spent on lottery products which leaves a rural community, between $1.05 and $1.63 would return in the form of state government services and grants from lottery profits. This return does not include the 50% of lottery expenditures remaining in communities from retail sales commissions and prizes. Eighty eight rural communities with populations of less than 100, comprising a total population of 5,100 (0.98% of the state's population), would experience even higher economic benefits, a total of $186,543 or $36.58 per capita, because they would receive the same benefits as others from lottery profits but would not be likely to make expenditures in a customary form of lottery.

The following computations corroborate these conclusions.

	AK Total	Max. Case	Min. Case
Population	730,150	65,186	42,221
Nat. '83-'84 Ave. Per Capita Profit	x 26.07	x 26.07	x 26.07
Net Profit (35% of Gross)	$19,035,011	$1,699,399	$1,101,744
Gross Profit (100%)	$54,385,745	$4,855,425	$3,147,841
Less Prize Payments (45%)	- 24,473,585	- 2,184,941	- 1,416,528
	$29.912,160	$2,670,484	$1,573,920
	$29,912,160	$2,670,484	$1,573,920
Less Commissions (5%)	- 2,719,287	- 242.771	- 157,392
$ Leaving Communities	$27,192,873	$2,427,713	$1,573,930
	$27,192,873	$2,427,713	$1,573,930
Less Admin. Costs (15%)	- 8,157,862	- 728,314	- 472,176
Net Profit to Gen. Fund	$19,035,011	$1,699,399	$1,101,744

Rural communities would realize benefits from a return of lottery profits equal to their percentage of the state population times the state net profit, or;

13.44% x $19,035,011 = $2,558,305

The probable maximum and minimum amount of dollars leaving rural communities is $2,427,713 and $1,573,920, respectively. The differences between the negative and positive cashflow are:

$2,558,305 - $2,427,713 (max.) = $130,592 (low); or a 5.38% gain;

$2,558,305 - $1,573,920 (min.) = $984,385 (high); or a 62.54% gain.

Two assumptions which have been made that led to the above conclusions merit additional comment. First is, the assumption that rural and urban residents would purchase lottery products on an equal per capita ratio. As has been illustrated above, a higher ratio of urban versus rural lottery purchases results in a high return to rural communities in terms of benefits received compared to expenditures made. Marketing strategies based on economy of scale will, in all likelyhood, focus on the urban areas of the state, not rural communities. This will result in lottery products and consumer incentives designed to appeal to urban residents and tourists. This will increase the ratio of lottery purchases outside of rural areas compared to purchases in rural communities to a higher degree than the above illustration assumes. The second assumption is that rural communities and urban communities receive benefits from state government spending on an equal bases. This assumption, again, results in very conservative projections with regard to the probable benefits received by rural communities.

PART IV: IMPLEMENTING AND OPERATING A STATE LOTTERY

Enabling Legislation

The experience of the past twenty years of lottery operation in the U.S., and the experiences of other governments' lottery operations, should be reviewed when considering legislation for an Alaska lottery. Most state lottery laws were drafted when the idea of a state lottery was a novel concept and little or no practical experience was available. The resulting legislation contained burdensome language addressing anxiety which stemmed from illusions based on fear rather than actual causes for concern. While this approach may have been justified ten or more years ago, it should have long since been abandoned and enabling statutes should now be drafted in light of the available record of lottery experience.

The operation of a lottery should be insulated, as far as is possible, from the operation of the political process. The following points have been recommended by Edward J. Powers, past executive director of the New Hampshire Sweepstakes Commission, which started the first lottery in the U.S. in 1964, and a founder and past president of the National Association of State Lotteries.

1. A state lottery should be established in the form of an independent authority (public corporation) rather than as a regular state agency. The authority should have its own identity and be responsible for its decisions. This is best from a public relations as well as from an efficiency viewpoint. It should have the authority to issue and present prize checks. It should be able to employ personnel and to enter into contracts, within established state procedures, and issue its own bid specifications. State purchasing statutes were not written with lotteries in mind, and so are not suited to the peculiar requirements of lottery management.
If an authority form of entity is not achievable, then, a separate commission consisting of members from both the public and private sector overseeing a separate department is preferable to a division within an existing department.
However, it should be noted that a number of state lotteries are currently functioning within another state agency.

2. The lottery agency should be treated like a business as much as possible. This is the only way to maximize revenues. It must have the flexibility to launch new programs and change marketing strategy. It should not be in a budget straightjacket that prevents it from making personnel or policy changes.

3. Full public accountability must be required. Periodic reports of revenue and expenses must be presented to the governor and the legislature. An annual report should be published for the public and the press to review. Some lotteries require that an outside accounting agency conduct periodic audits.

4. Security is paramount in every aspect of the lottery. The draft legislation should provide the framework for the internal controls

that are necessary to deter and prevent subversion both from within and without. Computer technology permits controls today that were unavailable in the past. Most security problems have arisen from employees and this emphasizes the need for close pre-employment screening. There must be cross-checks and frequent unannounced inspections to eliminate temptation.

5. It must be remembered that a state lottery will return close to 40 percent of total gross revenues to the state, after paying all the prizes and expenses. The lottery agency is completely self-supporting. Its initial start-up costs will be paid back to the state within a matter of months. Details as to lottery operation should not be specified in statutes. Legislation should not specify a percentage of prizes to be paid, the amount to be spent on advertising, the percentage allowed for expenses or the minimum amount to be returned in net revenue. State lotteries have proven they are capable of raising substantial net revenue. There is no need to set minimum acceptable levels of net revenue. Similarly, it is counterproductive to mandate the types of lottery games to be operated. These restrictions can seriously impede decision-making. It is best to charge the administrators of the lottery with the responsibility of raising maximum revenue from the program.

Experiences of operating lotteries have identified some areas that should be addressed in enabling legislation that were not, or if addressed were not adequately detailed. For instance, disputed claims should be clearly appealable only through state administrative procedures and should not be treated as civil disputes where contract law applies. Authority to own, operate and maintain separate data processing systems should be given lest a lottery be required to share time thereby compromising the lottery's security. Criminal offender record information should be available for use in licensing decisions. Failure of sales agents to promptly pay proceeds of lottery sales after reasonable demand should be a criminal offense.

In summary, legislation should be drafted using the store of lottery experience developed in the past and not simply be modeled on existing lottery laws adopted when this store of experience was not available. Maximum flexibility should be obtained in the original enactment as once carved in stone laws are hard, if not impossible, to change. The particular areas where governmental restraints are counterproductive should be identified and specifically modified or waived as to lottery operations.[1]

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[1] "Editorial Viewpoint", Public Gaming Magazine, Jan. 1982 and Jan. 1983.

Interim Funding of a Lottery Agency

Any agency formed to implement a state lottery, no matter what the organizational structure is, must be afforded interim funding. An accepted "rule of thumb" in gauging the amount to be appropriated is $1 for each state resident. A minimum recommendation needed in any state, regardless of its population is $1,500,000. The following paragraphs describe the time frames involved in the establishment of the lottery's first game and where the money will be needed.

If a lottery bill became effective on July 1 in any year, as an example, the appointments to the board or commission and the hiring of a full time director might take place within the next 30 to 45 days. If a bid was prepared within the next 30 to 45 days to purchase tickets for the state's first lottery game and then an award was made to a vendor to provide those tickets by mid-October those tickets could be delivered in the state by early or mid-December. While all of the aformentioned is going on, the board or commission will have time to promulgate lottery rules and regulations and the director will be forming the lottery administration ... who in turn will help license the ticket sales agents throughout the state. By the end of December, or six months after the effective date of the legislation, lottery ticket sales should commence. This is a conservative timeline as has been illustrated by Oregon taking only 135 days to become operative after its law was signed.

Based on the scenario described in the previous paragraph, lottery ticket sales will commence around the first of the year with the tickets for the first game "sold out" by the end of February ... or eight months after the effective date of the legislation. At this point in time a "cash flow" (money and profit coming into the agency from the sale of tickets) will have started and the agency will be in a position to return all of the "borrowed money" back to the state. Also, from that point on the agency will be self-sufficient, requiring no additional funding.

The interim funds provided the agency initially will be used to pay rent and utility bills for office and warehouse space ... for payroll costs for the the lottery employees for at least eight months ... to purchase a small computer or lease time on an existing system for the lottery agency's "accountability" programs ... to purchase vehicles for the agency's field staff ... to advertise and promote the first game ... to print all the necessary forms and pamphlets ... and to purchase millions of instant lottery tickets for the first game. Most of the above items must be paid for before the "cash flow" begins.

If a state with a population of 1,000,000 provided its new lottery agency with $1,500,000 in interim funding, for example, chances are that the state will order at least 10,000,000 instant lottery tickets for its first game and based on prior experiences will sell those tickets out in six to eight weeks. Washington State Lottery sold out its first games 50,000,000 tickets in five weeks to a population of 4.1 million. Therefore by the end of February (assuming tickets were placed on sale at the beginning of January) the state will have sold

$10,000,000 worth of tickets and will have realized a profit of $4,000,000. At this point, the $1,500,000 can be returned to the state along with another $1,000,000 to $2,000,000 in profits, with the agency holding on to the balance to carry out its activities with continuing games.

There are two points to remember. First, the longer it takes the state to implement the lottery and its first game, the more dollars would be needed in interim funding. Secondly, if it is the state's desire to have the money "borrowed" by the lottery agency repaid within the same fiscal year, the above scenario sees that occurrence happening with great ease and a good deal of leadway.[3]

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[3] Paul Silvergleid, Consultant and Past Chairman of the Connecticut Gaming Commission, Feb. 1983

Operation of a State Lottery

Most state lotteries are operated in a generally similar way. The majority of the state lotteries are overseen by a Commission (Delaware, Michigan and New York are exceptions). The Commission is responsible for broad policy making decisions, promulgation of appropriate rules and regulations to govern the lottery, and review of proposed contracts between the lottery and outside vendors. The actual day-to-day administration of the lottery is the responsibility of the lottery Director, who is a full time employee and generally has experience in the operation of state lotteries. In turn, the Director will have department heads in such areas as security, administration, marketing, and data processing. There will be a lottery staff of full time employees in each of these areas. Depending on the size of the state, the total number of staff will vary but one can expect between 50 and 150.

Although the lottery is operated by the Director and his staff, lottery tickets are actually sold by licensed agents. These licensed agents are generally retailers such as convenience stores, newsstands, package stores, supermarkets, etc. The Director will accept applications from all those eligible to be licensed agents and, after a background check, the retailers will be licensed and will sell lottery tickets subject to rules and regulations of the Commission. The agents will be compensated for sales of lottery tickets by receiving a commission on such sales. The most common retailers' commission in lottery states is 5%.

After setting up its staff and licensing its agents, the lottery must determine what type of game it will run. There are variety of lottery games available, but the two most common are what are called "instant games" and "on-line games." An instant game is played by the use of tickets which have hidden symbols concealed by a removable covering. The player purchases the ticket, removes the covering, and determines instantly whether he has won a prize and, if so, the amount of the prize. He then redeems his winning ticket in a manner established by the lottery. For small prizes, many states establish a system for the payment of the winning ticket by the licensed agents themselves. Larger prizes are redeemed through claim centers staffed by employees of the lottery. The instant tickets are constructed in such a way so that winning tickets can be validated to prevent any tampering, counterfeiting or fraud.

The on-line numbers games take a variety of forms. A typical game is a 3-digit daily numbers game. In order to run this game, the lottery distributes small computer terminals to its licensed agents which are comparable in size to cash registers. The terminals are connected "on-line" to a large central computer at lottery headquarters. A player selects a 3-digit number ranging from 000 to 999. He then tells the sales agent his selection along with the amount of money he wants to play on that number. The agent enters the number on his terminal (which simultaneously transmits the entry to the central computer) and the terminal issues the player a ticket. That ticket, as with an instant ticket, has various security and validation fea-

tures which protect against any tampering, counterfeiting or fraud. At the end of the day, the lottery randomly draws a three-digit number and the player who has a ticket with that number wins.

Although all aspects of the operation of a lottery are in-state, the lottery will have to purchase its instant tickets or on-line system from one to the established and experienced vendors in the United States. At this time, there are 3 primary instant ticket vendors and three primary "on-line" vendors. The lottery will generally pay such vendors approximately 2 - 3% of the total lottery gross revenues for the purchase of lottery products. That money is the only money which will be spent outside of the state.

Of course, there will be a "lag time" between the date the lottery law becomes effective and the date lottery tickets are first sold. It is during this period that lottery personnel are hired, the lottery administration is established, and the lottery vendor is chosen. Usually, there will be interim funding of the lottery during this "lag time" and that money is invariably repaid within 6 - 8 months of the effective date of the lottery law.[4]

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[4] Robert L. Mote, Esq., Scientific Games, Inc., May, 1983.

Part V: ALASKA LOTTERY SURVEY

The following pages contain excerpts from results of a state-wide survey concerning an Alaskan lottery completed by the Dittman Research Corporation of Alaska. This survey clearly indicates that Alaskans would favor the operation of a state lottery by a two to one margin.

Survey Methodology

During the period of November 1 through November 12, 1985, 502 residents of 51 Alaskan communities were personally contacted by telephone by professional interviewing employees of the Dittman Research Corporation. The views and opinions of the Alaskan residents were recorded on a strictly confidential basis.

Research Design: A random sample was featured which provided that all residents of the communities included had essentially the same chance of being interviewed.

Sample Selection: The Anchorage sample was selected through a computer-generated random digit dialing program. This is particularly important in Anchorage due to a 40% rate of unpublished and unlisted numbers.

The sample in other communities state-wide was randomly selected from current telephone subscribers listed in the most recent directory for each community. In these communities, the percentage of non-listed numbers does not exceed 10%.

Findings

Overall, Alaskans on a state-wide basis support the idea of a lottery by well over a 2:1 margin...

"Some people have suggested it would be a good idea for Alaska to have a state lottery, while others have said it would be a bad idea. What are your views -- do you basically favor or oppose Alaska having a state-wide lottery?"

Favor.....65%
Oppose.....29%
Unsure..... 6%

...and the support is basically consistent throughout all geographic regions...

Region	Favor	Oppose
Rural	57%	37%
Central	65%	28%
Southcentral	65%	29%
Anchorage	69%	24%
Southeast	62%	36%

...demographically, upper income residents are slightly more supportive...

Income	Favor	Oppose
Up to $20,000	64%	32%
$20,000 - $40,000	64%	30%
$40,000 - $60,000	65%	30%
$60,000 plus	73%	22%

...and young people are more supportive than older people...

Age	Favor	Oppose
18 - 24 years	84%	13%
25 - 40 years	67%	28%
41 - 55 years	62%	31%
56 years and older	44%	46%

...there is little difference based on gender...

Sex	Favor	Oppose
Male	66%	30%
Female	65%	27%

...and significantly important, the idea of a state-wide lottery has broad appeal across all political boundries...

Party	Favor	Oppose
Democrat	67%	24%
Republican	61%	31%
Non-partisan	67%	30%

Summary:
The support for a state-wide lottery is strong and broad throughout Alaska. Only among residents 56 and over does opposition exceed support, while among other age groups, support exceeds opposition by margins of up to 6;1.

Overall, in terms of political and geographic constituencies, support exceeds opposition by approximately 2:1 in each geographic area, and Democrats, Republicans and Non-partisan voters all support the idea of a state-wide lottery by 30% margins or more.[5]

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[5] "State-wide Survey Concerning Lottery"; Report to Rep. D. Thompson; Dittman Research Corp., Anchorage, AK; Nov. 1985.

HB

373

COMMITTEE REPORT

SENATE

FURTHER:

Date 5/12/85

Mr. President

The Committee on STATE AFFAIRS considered HB 373

repealing the regulation of concert promoters.

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

[ ] do pass

[ ] do pass with attached amendment(s)

[ ] replace with/or adopt CS for _____
[ ] new title
[ ] same title and recommends _____

[ ] and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

[ ] reports it back without recommendation

[ ] recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Victorian N.R

Kerr Kan DO NOT PASS
UNLESS CONSUMERS PROTECTED
SOME OTHER WAY

Chairman

Chairman recommendation

Alaska State Legislature

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

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

DRAFT

Letter of Intent

Passage of HB 373 reflects the Legislature's recognition that provisions contained in AS 08.92 restrict the availability of live entertainment in the State of Alaska, while providing no corresponding consumer protection.

The Legislature expresses its intent to allow municipalities to establish their own regulations in governing live entertainment as a matter of local option and urges municipalities to consider the protection of the consumer as its primary goal.

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game

Andre Marrou
Representative

District 5

Kenai — Sterling
Soldotna — Anchor Point
Homer — Port Graham
Seldovia — English Bay
Kachemak — Nikolaevsk
Kasilof — Halibut Cove
Ninilchik — Clam Gulch

Fenbruary 25, 1986

To: Mitch Abbod, Chairman Senate State Affairs
From: Andre Marrou, Representative

Subject: Hb 373; Letter of Intent

The Legislative intent of HB 373, "An Act Repealing the Regulation of Concert Promoters", is to allow more avenues of live entertainment in Alaska. The current law is too restrictive and does far more to limit live entertainment than it does to protect consumers, as indicated in witness testimony before your committee.

It is also the Legislative intent to allow each municipality to set their own rules governing live entertainment. As pointed out in the committee dialouge on February 20, many municipalities already regulate these events because most of them are conducted on city property.

During Session: P. O. Box V, Juneau, Alaska 99811, (907) 465-2719 During Interim: Box 1572, Homer, Alaska 99603, (907) 235-8200

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

DATE: February 21, 1986

TO: ~~Senate Finance Committee~~ Senator Mitch Abbott
Senate State Affairs

FROM: Nancy Dunn, Director
Division of Occupational Licensing
Department of Commerce & Economic Development

SUBJECT: Explanation of the Fiscal Note for HB 373

Please accept the following information in support of our April 23, 1985 fiscal note to HB 373, an act repealing the regulations of concert promoters. This should clear up any discrepancies concerning the cost of licensing concert promoters.

We have developed a zero fiscal note for HB 373 because of the small percentage of time and resources dedicated to this licensing area. The cost of licensing concert promoters is largely reflected in the amount of time the licensing examiner dedicates to this function. Historically, less than 1% of the assigned examiner's time is spent on this area while about 99% of her time is dedicated to other licensing responsibilities. Even with the repeal of concert promoter licensing, the licensing examiner who provided its support would be needed by the division to continue the responsibilities that absorb 99% of her time. We could not reflect the elimination of this 1% cost when, in fact, that cost will still be realized by the department in the continued funding of her salary and benefits.

I think that an explanation of costs assigned to the concert promoters area may be helpful. The original estimate of $21,000 is inaccurate; the costs assigned to that area will be in the range of $500 to $1,000.

Last session when the Legislature was deliberating HB 78, an act authorizing the department to set licensing fees by regulation, the division was asked to quickly provide an illustration of how the cost of each board or licensing area might be determined. The formula used at that time equally distributed the administrative salary and contractual costs of FY 84 to all licensing areas. This resulted in nonboard areas, like concert promoters, being assessed a very heavy share of the division costs in relation to the very small number of licensees in that area.

Since the passage of HB 78, we have done a more extensive analysis of board costs. In fact, this process is still continuing. We have found that the previous formula for determining board cost placed an unfair burden on nonboard licensing areas, especially ones like concert promoters that involve a very small number of licensees.

Now, based on distributing costs in part on the percentage of licensees, the cost of licensing all concert promoters is likely to be in the neighborhood of $500 to $1,000. For the 11 current licensees, this would mean fees in the range of $46 to $92 annually.

In summary, the $21,000 cost figure previously suggested by the division is no longer valid, and the department does support the passage of this legislation with a zero fiscal note.

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STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 373

Title: Repealing the regulation of Concert Promoters

Sponsor: Rep. Marrou

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.

Program Category Affected: Consumer Protection

BRU, Program or Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE	[.1]	[.1]	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Because of the required documents that must be submitted for licensing, the time of one staff person has been a necessity in only a minimal amount. The person assigned also has the responsibility of licensing construction contractors and geologists.

(See continuation attached)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144

Division: Occupational Licensing Date: April 23, 1985

Approved by Commissioner: Loren H. Lounsbury Date: 4/24/85

Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

HB 373 Analysis, continued

The statute as written requires posting of a cash deposit or bond in the amount of $5,000.00. This account must be reconciled by an individual other than the person posting the account. At present, there are five licensees which are subject to biennial license renewal, two occurring in FY '85, and three in FY '86.

Department of Commerce & Economic Development / POSITION PAPER

HB 373: "An Act repealing the regulation of concert promoters."

The Department of Commerce and Economic Development, Division of Occupational Licensing, supports House Bill No. 373 repealing the regulation of concert promoters.

AS 08.92.030 requires bonding to protect the public in the event of concert cancellations. Bonding in the amount of $5,000 or the alternatives provided in the statute (cash deposit in the amount of $5,000 or establishment of an escrow account containing 50% of advance ticket sales) provide at least some protection against losses incurred by the public as a result of cancelled concerts.

However, if claims against the bond exceed the limits of the bond, the court determines and orders which claimants will receive proceeds of the bond. There is no guarantee that all claimants will receive full compensation.

In addition, complications are encountered when the escrow account consisting of 50% of advance ticket sales is used. Advance ticket sales under control of the promoter could represent a very small portion of the financial investment of ticket holders.

Currently, there are two complaints on file with the Division of Occupational Licensing. One involved unlicensed activity which was promptly resolved, and the other, currently being handled by the Department of Law, involves an incident in which a licensee failed to provide refunds for a concert not held.

There were only twelve licensed concert promoters in Alaska as of the end of January 1986. Because the number of concert promoters subject to licensure are few, as evidenced by the small number of licensees, the department does not view a rewrite of AS 08.92 as a priority.

Based on the relatively small amount of licensing activity in the area of concert promotion and weakness of the statutes, the department supports repeal of AS 08.92.

Nancy Dunn, Director
Division of Occupational Licensing

Date: 1/31/86

Loren H. Lounsbury, Commissioner

Date: 2/3/86

lt4678t

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game

Andre Marrou
Representative

District 5

Kenai — Sterling
Soldotna — Anchor Point
Homer — Port Graham
Seldovia — English Bay
Kachemak — Nikolaevsk
Kasilof — Halibut Cove
Nmilchik — Clam Gulch

January 17, 1986

To: Mitch Abood; Chairman Senate C & RA
From: Andre Marrou

Subject: HB 373, Deregulation of Concert Promoters

HB 373 was introduced to alleviate a glaring and ludicrous application of the law. As of this month, there are 7 licensed concert promoters in the state of Alaska. The Department of Commerce and Economic Development estimates that the annual cost of regulating this occupation is $21,000.

Last may, HB 78 was signed into law (Ch. 37, SLA 85) which gave the Department the authority to adjust occupational license fees by regulation. This would allow the State to recoup more of the cost of administering the programs[1]. The Division of Occupational Licensing has not yet revised the annual license fee for concert promoters but estimates that the fee might be around the $400 to $500 range.

This higher fee will probably result in fewer than 7 licensed concert promoters in the State. Thus, in the name of "consumer protection", we will have made it virtually impossible to promote religious concerts or stage performances legally. However, the demand for quality entertainment will not diminish. It will otherwise most likely be provided by those very people whom we seek to protect the public from-- that is, people willing to break the law to provide this service.

On a broader, more philosophical perspective, occupational licensing just doesn't work as it is intended to. In fact, what really happens is just the thing we were trying to avoid in the first place-- higher prices and poorer service. Anything that limits competition will have this effect. The best way to protect the consumer is to maximize competition and to encourage promoters to stand upon their reputations as professionals. As Milton Friedman, Nobel Laureate in 1977 so eloquently states:

> "Perfection is not of this world. There will always be shoddy products, quacks, con artists. But on the whole, market competition, when it is permitted to work, protects the consumer better than do the alternative government mechanisms which have been increasingly superimposed on the market."[2]

[1] See Governor's transmittal letter page 65, House Journal

[2] Free To Choose; by Milton Friedman, 1979, page 222.

During Session: Pouch V, Juneau, Alaska 99811, (907) 465-2719 During Interim: Box 1572, Homer, Alaska 99603, (907) 235-8200

From what I have been able to learn, this law is a knee-jerk reaction to a promotion sponsored by the Anchorage Jaycees in which somebody absconded with the money. This has happened twice again since the law has been in effect, which underlines the fact that it doesn't work.

There are currently 14 members of the current Legislature who voted on both sides of the original law. Perhaps they could be contacted for more information.

Passing this bill would provide for more entertainment opportunities as well as saving the State about $20,000 yearly. I urge its passage.

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game

District 5

Kenai	Sterling
Soldotna	Anchor Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilchik	Clam Gulch

Andre Marrou
Representative

January 17, 1986

To: Mitch Abood; Chairman Senate C & RA
From: Andre Marrou

Subject: HB 373, Deregulation of Concert Promoters

HB 373 was introduced to alleviate a glaring and ludicrous application of the law. As of this month, there are 7 licensed concert promoters in the state of Alaska. The Department of Commerce and Economic Development estimates that the annual cost of regulating this occupation is $21,000.

Last may, HB 78 was signed into law (Ch. 37, SLA 85) which gave the Department the authority to adjust occupational license fees by regulation. This would allow the State to recoup more of the cost of administering the programs[1]. The Division of Occupational Licensing has not yet revised the annual license fee for concert promoters but estimates that the fee might be around the $400 to $500 range.

This higher fee will probably result in fewer than 7 licensed concert promoters in the State. Thus, in the name of "consumer protection", we will have made it virtually impossible to promote religious concerts or stage performances legally. However, the demand for quality entertainment will not diminish. It will otherwise most likely be provided by those very people whom we seek to protect the public from-- that is, people willing to break the law to provide this service.

On a broader, more philosophical perspective, occupational licensing just doesn't work as it is intended to. In fact, what really happens is just the thing we were trying to avoid in the first place-- higher prices and poorer service. Anything that limits competition will have this effect. The best way to protect the consumer is to maximize competition and to encourage promoters to stand upon their reputations as professionals. As Milton Friedman, Nobel Laureate in 1977 so eloquently states:

> "Perfection is not of this world. There will always be shoddy products, quacks, con artists. But on the whole, market competition, when it is permitted to work, protects the consumer better than do the alternative government mechanisms which have been increasingly superimposed on the market."[2]

[1] See Governor's transmittal letter page 65, House Journal

[2] Free To Choose; by Milton Friedman, 1979, page 222.

During Session: Pouch V, Juneau, Alaska 99811, (907) 465-2719 During Interim: Box 1572, Homer, Alaska 99603, (907) 235-8200

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Passing this bill would provide for more entertainment opportunities as well as saving the State about $20,000 yearly. I urge its passage.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 373

Title: Repealing the regulation of Concert Promoters

Sponsor: Rep. Marrou

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.

Program Category Affected: Consumer Protection

BRU, Program or Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE	[.1]	[.1]	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Because of the required documents that must be submitted for licensing, the time of one staff person has been a necessity in only a minimal amount. The person assigned also has the responsibility of licensing construction contractors and geologists.

(See continuation attached)

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144

Division: Occupational Licensing Date: April 23, 1985

Approved by Commissioner: Loren H. Lounsbury Date: 4/24/85

Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

HB 373 Analysis, continued

The statute as written requires posting of a cash deposit or bond in the amount of $5,000.00. This account must be reconciled by an individual other than the person posting the account. At present, there are five licensees which are subject to biennial license renewal, two occurring in FY '85, and three in FY '86.

HB

402

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

April 24, 1986

MEMORANDUM

TO: Representative Terry Martin

FROM: Carol Hart, Secretary CH

RE: Submarine Ballot

David Teal asked that I send you the attached legislation on Submarine Ballot Act.

This is contained in Suggested State Legislation, 1986, Volume 45, published by the Council of State Governments.

CH

Attachment

Submarine Ballot Act

Four to five million qualified American voters live in other countries and must often cope with complex obstacles in order to exercise their right to vote. In some cases, such as Navy personnel stationed on nuclear submarines that remain submerged for sixty to ninety days at a time, these obstacles can prevent voting entirely.

Many states are unable or unwilling to alter primary dates in order to print absentee general election ballots soon enough to accommodate overseas voters. An alternative that promotes enfranchisement is the "submarine ballot," a special ballot that can be mailed up to ninety days in advance of the election to voters who apply that early and can certify they expect not to be able to vote in the usual absentee manner. The ballot does not have all the candidates' names, only titles of offices and as many names or measures as can qualify before the printing deadline. The absentee voter marks the ballot by writing in a name or expressing a party preference for each office.

This draft bill combines 1984 Washington and Connecticut legislation and incorporates minor changes suggested by the U.S. Department of Defense's Federal Voting Assistance Program.

(Title, enacting clause, etc.)

Section 1. [*Short Title.*] This act may be cited as the Submarine Ballot Act.

Section 2. [*Providing Absentee Ballots.*]

(a) As provided in this section, the county election officer shall provide special absentee ballots to be used for state primary or state general elections. A special absentee ballot shall only be provided to a voter who completes an application stating that:

(1) The voter believes that she or he will be residing or stationed or working outside the continental United States.

(2) The voter believes that she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

Section 3. [*Application for Absentee Ballot.*]

(a) The application for a special absentee ballot may not be filed earlier than [ninety] days prior to the applicable state primary or general election.

(b) The application for an overseas ballot shall be the federal application permitted under [cite appropriate act] or in the form of an affidavit subscribed and sworn to before an officer authorized to administer oaths, and shall provide substantially as follows:

To the Town Clerk of the Town of [town, state] I, the undersigned, swear that the following statements are true:

(1) I am a citizen of the United States.

(2) I have not at any time forfeited my right to become an elector and my electoral privileges because of conviction of a disfranchising crime or, in the event that I have so forfeited such rights and privileges, all fines in conjunction with such conviction have been paid, I have been discharged from any confinement, parole, or probation, as the case may be, relating to such conviction and I submit written proof thereof.

(3) I was born on [date], and on the day of the next federal election, I shall be at least eighteen years of age.

(4) I am a former resident of the above town, to which I am making this application, and resided at [street address] therein. I moved from such town to my present residence on [date]. I now reside in [town] at [street address] therein.

(5) I have a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or alternate form of identification.

(6) I hereby apply for an overseas ballot for the

( ) Primary
( ) General Election
( ) Special Election

to be held on [date]. I do not maintain a domicile in this state or in any other state or election district of any state or territory or any territory or possession of the United States. I have not voted and will not vote otherwise than by this ballot at such election for which I now apply for an overseas ballot. I am not eligible to vote in any other town in [state] or in any other state or election district of any state or territory or any territory or possession of the United States.

(7) The said ballot is to be mailed to me at [mailing address].

Dated at _____ this _____ day of _____ 19_____.

_____ (Signature of applicant)

Subscribed and sworn to before me this _____ day of _____, 19_____

_____ (Signature and title of officer administering oath)

(c) The oath to be administered in connection with any such application may be administered by any officer empowered to administer oaths under [cite appropriate act] or any officer empowered to administer oaths under the laws of any state or country or by any commissioned officer in the armed forces, or any consul, vice consul or deputy consul representing the United States in a foreign country, and shall be attested to by such officer over his signature and title or statement of rank. In addition, any such oath may be administered and attested by any two persons, one of whom shall be an American citizen, if taken in a foreign country.

Section 4. [*Contents of Ballot.*]

(a) The special absentee ballot shall list the titles of all offices contested at such election and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in a party preference, the name of any eligible candidate for each office, and vote on any measure.

(b) With any special absentee ballot issued under this section, the county election officer shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(c) Write-in votes on special absentee ballots shall be counted in the same manner provided by law for the counting of other write-in votes. The county election officer, shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots under [cite appropriate act].

Section 5. [*Validity of Ballot.*] A voter who requests a special absentee ballot under this act may also make application for an absentee ballot under [cite appropriate act] or a service absentee ballot under [cite appropriate act]. If the regular absentee or service absentee ballot is properly voted and returned, the special absentee ballot shall be deemed void and the county election officer shall reject it in whole when special absentee ballots are canvassed.

Section 6. [*Severability.*] [Insert severability clause.]

Section 7. [*Repealer.*] [Insert repealer clause.]

Section 8. [*Effective Date.*] [Insert effective date.]

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE

HOME
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ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
POUCH V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

MEMORANDUM

To: Senator Mitch Abood Chairman
Senate State Affairs Committee

From: Representative Terry Martin TM

Date: May 6, 1986

Subject: CS HB 402 Judiciary

"An Act relating to military and overseas voters."

Alaska's overseas and military voters need a simple process and adequate time to apply for and receive absentee ballots. This bill accomplishes both.

First, it backs up in statute procedures already established by the Division of Elections, which a) allow an absentee voter to send in one form to request absentee ballots for all state elections occurring in the following year; and, b) permit the voter to register to vote. All of these actions can be accomplished on one form, in one mailing.

Second, the bill allows a voter to request absentee ballots up to one year in advance of an election. Current law allows ballots to be requested no more than six months in advance, which means that if a voter desires an absentee ballot for both the primary and general elections, then the request can be made no more than three months before the primary, or else it will be more than six months before the general.

Third, the bill sets up a procedure so that absentee ballots can be mailed out to voters earlier, giving military and overseas voters enough time to apply for, receive and return their ballots so that their votes can be counted. As you may know, it is not unusual for overseas mail to require 15 days or more for delivery in one direction. Because of this unique circumstance, we recognize the need to provide overseas and military voters with a mechanism to receive their absentee ballots earlier than other voters.

Under existing law, it would be difficult for Division of Elections to have regular ballots ready for mailing 60 days before an election, especially a general election, since so much time is required to certify the primary election.

Therefore, HB 402 sets up a new system, similar to that used by Washington State and others.

A special absentee ballot will be prepared for each state general election. This ballot will show all ballot propositions or questions. The special ballot will contain party boxes and a blank line with a box, for each race, sort of like this:

☐ Democrat ☐ Republican ☐ Libertarian

_____ ☐

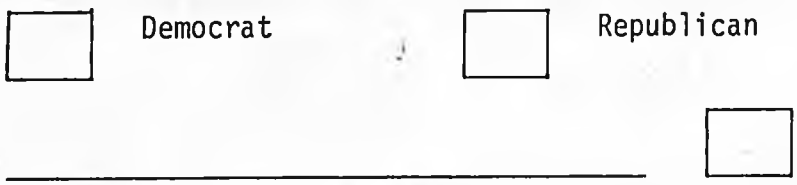
The absentee voter may then vote in one of two ways: 1) by marking one of the boxes, thereby voting for the candidate nominated by the party (the primary winner); or, 2) by writing in a candidate and checking the corresponding box. The Division of Elections will provide an enclosure with the special ballot which lists the names of all the qualified candidates that were in the primary race, as well as any candidates who qualify by petition to appear on the general election ballot.

When the regular ballots are prepared, Division of Elections will send one out to each voter who received a special absentee ballot. As this regular ballot will be complete, containing all the candidates' names, this ballot would be counted in preference to the special ballot if the regular ballot is received back in time to meet statutory deadlines. If the second ballot is not returned in time, the first (special) ballot would be counted.

The Division of Elections has given their support to this bill.

It is vital that you give careful consideration to this measure, in the interests of all Alaskan voters. I will be happy to provide additional information or to answer any questions.

A special absentee ballot will be prepared for each state general election. This ballot will show all ballot propositions or questions. The special ballot will contain party boxes and a blank line with a box, for each race, sort of like this:



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The Division of Elections has given their support to this bill, and you will note that the fiscal note is minimal.

It is vital that you give careful consideration to this measure, in the interests of all Alaskan voters. I will be happy to provide additional information or to answer any questions.

House Finance
April 15, 1986
Page 1

REP. TERRY MARTIN

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DURING SESSION
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PHONE 465-3783

Alaska House of Representatives

MEMORANDUM

To: Representative Al Adams, Chairman
House Finance Committee

From: Representative Terry Martin

Date: April 15, 1986

Subject: CS HB 402 Judiciary

"An Act relating to military and overseas voters."

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Alaska House of Representatives

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Senate State Affairs Committee

From: Representative Terry Martin TERRY M.

Date: May 6, 1986

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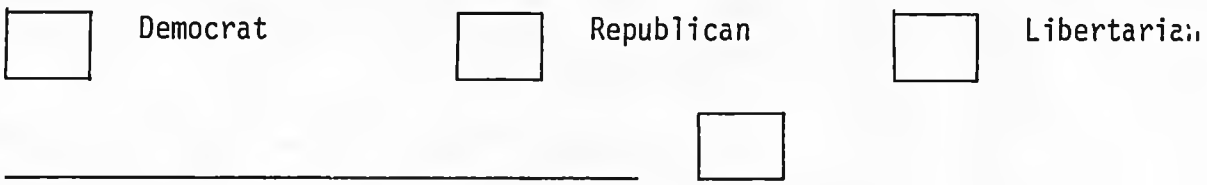

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The Division of Elections has given their support to this bill.

It is vital that you give careful consideration to this measure, in the interests of all Alaskan voters. I will be happy to provide additional information or to answer any questions.

HB

406

Deferred Compensation Overview

The Alaska Legislature now has before it HB-406, which proposes a change in Alaska statutes to clarify that Alaska based financial institutions may develop tax-exempt deferred compensation programs to be offered to public employees through their various employers. Alaska law presently does not prohibit such programs, but additional flexibility is needed in regard to the options of investing funds.

This pending legislation (HB-406) has been brought about by the interest of state Rep. Red Boucher and other lawmakers interested in allowing Alaska financial institutions to compete for Alaska public employee tax-deferred savings. Presently such Alaskan tax-deferred savings have only the option of insurance/annuity investments. This means Alaskan deferred wages must flow out-of-state to insurance company sponsored plans. Presently Frontier Alaska State Credit Union (formerly Alaska School Employees Credit Union) is prepared to offer such an alternative 'in-state' tax-deferred savings program.

The original offering of the program by Frontier Alaska State Credit Union has been to the Anchorage School District, with whom they have had a long relationship. The Anchorage School District tentatively has agreed to the program pending clarification of the law (HB-406).

Frontier Alaska's interest has also stemmed from the interest of employees and credit union members. In many instances these employees have come to the credit union seeking assitance in understanding the variety of insurance/annuity programs for which they are frequently solicited. Like in the case of IRAs, many of these members prefer a plan that is accessible to them at an institution they frequent regulary for a broad variety of financial services. 'Financial institution' deferred compensation programs (as opposed to insurance) are common in many other states.

THE LEGAL PROGRAM

The IRS code presently recognizes and permits financial institutions to develop such programs. The only legal problem is language in state law that has to do with the manner of investment of such funds. Alaska law governing deferred compensation was written in the early-1970s, and at the time only insurance and annuity investment could effectively compete for these programs. Since then deregulation has made financial institutions competitive for long-range investment deposits. An example of this change is the proliferation of IRAs and money market accounts offered by financial institutions in recent years. Viewed from an investment standpoint, IRAs are very similar to deferred compensation. Financial institutions, in fact, can offer greater security since their accounts qualify and are required to be insured by the FIDC and its credit union equivalent.

WHAT IS DEFERRED COMPENSATION?

Deferred compensation is a tax-exempt savings program approved under IRS code. Under this federal authority insurance companies and financial institutions are permitted to develop plans, and with the permission of school districts, municipal jurisdictions, and utility associations, offer these plans to public employees.

The IRS permits two kinds of plans, one through insurance companies and the other through financial institutions. The plans differ mostly only in that the federal government regulates insurance companies and financial institutions differently.

The plan being developed by Fronter Credit Union is a good example of how most plans work. From a functional point, the public employer provides the 'permission,' and therefore the formal relationship required under federal law. However, the plan operator does all the necessary work with the exception of payroll deductions. The payroll deduction is an essential feature, because technically the employee never receives the income, it is channeled to the deferred compensation program (hence the term 'deferred compensation').

The Frontier Credit Union Plan would:

(1) Permit employees to defer from taxes $7,500 yearly, or 25% of income, whichever is less.

(2) Provide safety of investment by federal insurance (National Credit Union Administration) up to $100,000 on each employee account. Accounts that might exceed $100,000 would be covered by additional federal insurance.

(3) Earnings rates would be set quarterly. Balances of accounts and other information would be immediately available on demand. There would also be no hidden charges. Earnings rates would be similar to those in IRAs (10.25% in May, 85 on Frontier accounts). In many respects the only thing different about handling IRAs, and deferred compensation plans, is that the deferred compensation plans must come through public employers and from regularly predetermined deduction of wages.

(4) Frontier plans no special charges or fees for initial set-up or administration.

Entirely Optional

In most jurisdictions municipal employers do not endorse any one kind of plan --or any particular plan. Generally the policy of public employers appears to be that of certifying a number of qualifying plans --both financial and insurance/annuity-- and leave the employee both the choice and responsibility of selecting their plan.

The Anchorage School District now recognizes many different plans and carriers. Frontier Alaska Credit Union will simply be another 'available option' to the employee, although we think it is one with the advantage of (1) local presence and access, and (2) insurability of the account.

It should be noted that there are exceptions where the employer does select and offer only one plan. This, of course, then places on the employer some obligation in monitoring the performance of the plan, and in many cases involves more work and expense on the part of the employer. It is because of this element of 'added obligation' inherent in certifying a sole deferred compensation carrier, that causes most jurisdictions to opt to the 'open policy.' This leaves the burden of choice to the employee and the burden of regulation to state and federal authorities.

State and Local Interest

There is a significant final benefit that has stirred legislative interest in broadening deferred compensation law. The beneficial economic by-product for the state and local areas is that 'savings' will flow to local financial institutions. These local (insured) deposits will then help underwrite the local investments of Alaska financial institutions and the loans of local borrowers. It is important to note that by their very authority deferred compensation deposits are very long term deposits, and tend to be cumulative --growing year-after-year without drawdown. Such a class of deposit would be very valuable to Alaska financial institutions of any type. Some lawmakers have referred to HB-406 as a 'local hire' money bill. While that may be an overstatement, nevertheless it is a fact that the considerable sums in Alaska, now invested in deferred compensation insurance programs, do go straight out of the state. In a sense the state economic structure is drained of these wages.

Persons of various philosophies can argue the finer points of such ideas. However, there is little doubt that access to deferred compensation deposits will greatly increase the ability of Alaska credit unions to underwrite consumer loans for their members. It is also important to note that credit unions are now the 'consumer level' banks in most of our communities.

A COMPETITIVE MARKET

The program being developed by Frontier Alaska Credit Union (the state's third largest credit union) is a pilot effort that others will follow. Alaska commercial banks will develop their program also, and undoubtedly will compete with insurance/annuity carriers for a share of the state employee market.

The Frontier program is simply the first, and therefore they have been an active participant with legislators in seeking clarification of the law by HB-406. This bill passed the House unanimously and is now in the Senate

Preliminary Interest

What Frontier Alaska State Credit Union is now seeking is a preliminary agreement by a number of municipal governments and school districts. Initially this would require only a letter, such as that issued by the Anchorage School District, indicating interest in participation at such time as the state law is amended.

Ultimately participation would require approval of a standard 'Master Agreement,' payroll deduction authorization, and the right to solicit among respective employee groups.

FINAL AGREEMENT

Final agreement would come on passage of HB-406, which will clarify state law so that deferred compensation deposits may be invested in the kinds of invstments that are common to financial institutions.

Tentative agreement by a number of Alaska municipal jurisdictions will be a valuable asset in securing speedy passage of HB-406 in the Senate. These agreements would also assist the program in getting started quickly after passage of the legislation, and in setting the standards for other deferred compensation programs by Alaska financial institutions.

Introduced: 4/29/85
Referred: State Affairs
and Finance

IN THE HOUSE BY BOUCHER AND TAYLOR

HOUSE BILL NO. 406

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to investment of funds from deferred compensation."

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

* Section 1. AS 39.45.010 is amended to read:

Sec. 39.45.010. AUTHORITY. The state or a political subdivision of the state may, by contract, agree with an employee to defer, in whole or in part, that employee's salary or wages. [IF INCLUDED IN THE CONTRACT TO DEFER PAYMENT OF SALARY OR WAGES, THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL PURCHASE A FIXED OR VARIABLE LIFE INSURANCE OR ANNUITY CONTRACT FOR THE PURPOSE OF FUNDING THE DEFERRED COMPENSATION PROGRAM PROVIDED FOR IN THIS CHAPTER, FOR THE EMPLOYEE.]

* Sec. 2. AS 39.45.030 is amended to read:

Sec. 39.45.030. INVESTMENT AUTHORITY. The administrator of the state or political subdivision deferred compensation program is authorized, subject to contracts with individual employees, to invest the funds held under a deferred compensation program in

(1) fixed and variable life insurance and annuity contracts;

(2) shares of or deposits in insured state or federal chartered credit unions in the state;

(3) shares of or deposits in insured state or federal chartered savings and loan associations in the state;

(4) deposits in insured mutual savings banks in the state;

COMMITTEE COPY

Engrossed

and

(5) deposits in insured state and national banks in the state.

* Sec. 3. AS 39.45.030 is amended by adding a new subsection to read:

(b) In this section, "insured" means insured by the federal government or an agency of the federal government.

COMMITTEE COPY

QC
5/8

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: HB 406
Title: "An Act relating to investment of funds . . . ."
Sponsor: Rep. Boucher
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Commerce & Econ. Dev.
Program Category Affected: Public Protection
GRU, Program or Subprogram(s) Affected: Banking, Securities and Corporations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Willis F. Kirkpatrick, Director Phone: 465-2521
Division: Banking, Securities and Corporations Date:

Approved by Commissioner: Loren H. Lounsbury Date: 5/6/85
Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

2282WB5685a

FRONTIER
ALASKA
STATE CREDIT UNION

MAIN OFFICE:
3800 EDE STREET
ANCHORAGE, AK 99503
563-3766

SOLDOTNA BRANCH:
P.O. BOX 3099
SOLDOTNA, AK 99669
262-7600

EAGLE RIVER BRANCH:
CENTERFIELD DRIVE
EAGLE RIVER, AK 99577
694-5444

CAMPUS BRANCH:
2801 PROVIDENCE DRIVE
ANCHORAGE, AK 99508
561-3151

DEFERRED COMPENSATION PLAN PROPOSAL

FROM

FRONTIER ALASKA STATE CREDIT UNION

Question Contact:

Mike Bradner
Anchorage: 349-7711 / 344-2455

Or:

Leslie Ellis
Manager
Frontier Alaska State Credit Union
Anchorage: 563-3766

January 15, 1985

Tom Freeman, Assistant Superintendent
Anchorage School District
Anchorage, Alaska

Dear Tom,

Frontier Alaska State Credit Union has instituted numerous programs over the past year in an attempt to improve relations with our core membership, employees of the Anchorage School District. Our best program has been to have monthly meetings at the credit union with representatives from the various schools and administrative departments. The credit union is looking for new services to offer its members and the Building Reps suggested that the credit union develop a tax shelter program. When we began to understand how much money was put into tax sheltered annuities, we developed a deferred compensation program.

Frontier Alaska State Credit Union is requesting that the Anchorage School District allow the credit union to offer a deferred compensation plan as specified in Section 457 of the Internal Revenue Code. The 457 plan is an alternative to the 403(b) annuity tax shelters offered by many insurance companies. Frontier believes the plan offers district employees the following advantages.

1. Significant Tax Savings. Employees may defer the lesser of 25% of gross income or $7,500. Extra deductions are available during the last three years of employment.

2. Absolute Safety. 457 plan deposits receive $100,000 federal insurance on each district employee's account. This is in addition to other insurance on existing accounts.

✓ Note: The Anchorage School District has tentitively agreed to participation at such time as state law is clarified. The Anchorage District policy is to permit all qualified plans to compete for employee participation. The letter and attached material provide discription re: how such a plan would be implemented.

3. 457 Plans Are Easy to Understand. Rates will be set quarterly. A 457 plan participant may come in the credit union at any time and get the balance in his or her account. There are no hidden charges.

4. Guaranteed Rates. Frontier intends to set the dividend rate quarterly. The rate should be about the same as the IRA rate. Because these will be long-term deposits, employees will earn a relatively high yield.

5. No Charges. Frontier will not charge a service fee or put a front or back end load charge on the plan. There is no early withdrawal penalty. The credit union wishes to reserve the right to set future fees because of changes in the tax code.

6. Deposits Stay Home. Deposits to these accounts will be used by the credit union to make loans to its members.

One disadvantage of a 457 plan compared to the annuities is that the 457 plan cannot be transferred to a district outside Alaska if an employee leaves Anchorage.

Frontier believes that a 457 plan is an attractive fringe benefit at virtually no inconvenience to the district. Existing payroll deduction forms can be used without modification. Frontier is willing to pay for any legal, training, or other charges necessary to implement the program. IRS regulations require that the employer approve any emergency withdrawals prior to retirement or termination of employment.

Enclosed you will find a copy of the proposed plan, a legal opinion on the plan and a copy of the regulation regarding federal insurance coverage.

We have contacted several educator-based credit unions outside who offer a 457 plan and they have reported that the plan is popular with district employees and imposes no additional burdens on their district personnel.

We hope for a favorable decision in this matter and look forward to working on this program with you. Please contact Leslie Ellis, our General Manager, at 563-3766 if you have any questions.

Sincerely,

Art Arians
President, Board of Directors

AA/jg

Encl.

DEFERRED COMPENSATION PLAN AND AGREEMENT

AGREED AND ENTERED INTO this _____ day of _____,

19___, between _____, the "Employer",

and _____, the "Participant".

1. Purpose. Employer desires to establish and Participant desires to participate in an "eligible deferred compensation plan" as defined in Section 457 of the Internal Revenue Code. Participant performs services for Employer either as an employee or independent contractor.

NOW THEREFORE, in consideration of the mutual agreement and covenant contained herein and for other valuable consideration, receipt of which is hereby acknowledged, it is mutually agreed and covenanted by and between Employer and Participant as follows:

2. Deferral of Compensation. Beginning with the first full pay period commencing after execution of this Plan and Agreement and for each pay period thereafter, Employer shall deduct from Participant's compensation as of the last business day of each pay period and shall credit on its books and records in Participant's Deferred Compensation Account ("Account"), the following amount $_____ ($25.00 minimum).

3. Change in Amount of Deferral. The amount of compensation to be deferred and not yet earned may be increased or decreased by the execution of a revised deferred compensation agreement provided that any such revision shall be effective only for compensation which will be earned during the calendar month next succeeding the month during which such revision is executed.

4. Investment of Deferred Compensation. All amounts of deferred compensation credited to the Participant's Account shall be invested in a deposit account of Frontier Alaska State Credit Union. All dividends and other distributions of the accounts shall automatically be reinvested in a deposit account and all earnings shall be credited to the Participant's Account.

Sample Employee Agreement:

✓

Note: While technically all deferred compensation programs are agreements between employee and employer, all administration with exception of payroll deduction is generally carried out by the plan operator.

5. Payments Under the Plan. (a) Upon the Participant's Separation from Service, as defined in Paragraph 11, Employer shall direct Frontier Alaska State Credit Union to pay Participant the value of Participant's Account in the manner specified in the Settlement Agreement. (b) Upon the occurrence of an Unforeseeable Emergency, as defined in Paragraph 11, Participant may submit an Unforseeable Emergency Withdrawal Request on such form supplied by Employer. The request will be approved by Employer for only the amount of payment, if any, as is consistent with the terms of this Plan and Agreement.

6. Distribution to Beneficiaries. If the Participant dies before the entire amount deferred is paid to the Participant, the Employer shall direct Frontier Alaska State Credit Union to pay the value of the Account to the Participant's beneficiary or beneficiaries in the manner and to the person(s) designated in the Designation of Beneficiary and Death Benefit Payment form. If no beneficiary has been designated in the Designation of Beneficiary and Death Benefit Payment form, Employer shall direct Frontier Alaska State Credit Union to liquidate and pay the entire amount of the Account to Participant's estate.

In the event of a distribution to beneficiaries, the entire amount deferred and not yet distributed must be paid to a beneficiary over -

(a) The life of the beneficiary (or any shorter period), if the beneficiary is the Participant's surviving spouse, or

(b) A period not in excess of fifteen years, if the beneficiary is not the Participant's surviving spouse.

7. Maximum Yearly Deferral. Except as in Paragraph 8, the maximum amount of Participant's compensation that may be deferred for a taxable year shall not exceed the lesser of:

(a) $7,500, or

(b) 33-1/3% of the Participant's includible compensation for the taxable year, reduced by any amount excludible from the Participant's gross income for the taxable year under Section 403(b) of the Internal Revenue Code on account of contributions made by the Employer.

A Participant's "includible compensation" for a taxable year includes only compensation from the Employer that is attributable to services performed for the Employer and that is includible in the Participant's gross income for the taxable year.

8. Limited Catch-Up. For one or more of the Participant's last three (3) taxable years ending before he attains normal retirement age under the Plan, the ceiling set forth in Paragraph 7 shall be the lesser of:

(a) $15,000.00, or

(b) The sum of -

(i) The Plan ceiling established for purposes of Paragraph 7 for the taxable year (determined without regard to this paragraph), plus

(ii) So much of the Plan ceiling established for Paragraph 7 for taxable years before the taxable year as has not theretofore been used under Paragraph 7 or this paragraph.

9. All of the terms and conditions of the Deferred Compensation Plan and Agreement contained on the reverse hereof, are incorporated herein and by this reference made a part hereof.

EMPLOYER:

By _____
(Signature Typed Name)

Title _____

PARTICIPANT:

_____
(Employee, Independent Contractor)
(Circle One)

DO YOU HAVE A 403b TAX DEFERRED ANNUITY ____ Yes ____ No

THIS AGREEMENT INCLUDES DEFERRALS FROM THE LIMITED CATCH-UP PROVISION - PARAGRAPH 8.

10. Timing of Deferral. Compensation will be deferred for any calendar month only if an agreement providing for such deferral has been entered into before the first day of such calendar month. Compensation may be deferred for the calendar month during which a prospective participant first becomes a Participant, if an agreement providing for such deferral is entered into on or before the first day on which the prospective Participant becomes a Participant.

11. Availability of Deferred Funds. In no event will any amount payable be paid or made available to a Participant or any beneficiaries before the Participant incurs a Separation from Service or an Unforseeable Emergency, which are defined as follows:

(a) Separation from Service shall be determined in the manner prescribed by the Internal Revenue Service Regulation Sections 1.457-2(h)(2) & (3).

(b) Unforseeable Emergency shall mean severe financial hardship to the Participant resulting from a sudden and unexpected illness or accident of the Participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the Participant, loss of Participant's property due to casualty, or other similar extraordinary and unforseeable circumstances arising as a result of events beyond the control of the Employee. The circumstances that will constitute an Unforseeable Emergency will depend upon the facts of each case, but, in any case, payment may not be made to the extent that such hardship is or may be relieved -

(i) through reimbursement of compensation by insurance or otherwise,

(ii) by liquidation of the participant's assets, to the extent the liquidation would not itself cause severe financial hardship,

(iii) by cessation of deferrals under the plan.

Examples of what are not considered to be Unforseeable Emergencies include the need to send a Participant's child to college or the desire to purchase a home.

It shall be the sole responsibility of the Employer to determine whether an Unforseeable Emergency exists.

12. Settlement Agreement. The Settlement Agreement provides for the time and manner in which the value of the Participant's Account is to be paid. The Participant must elect a payment commencement date prior to Separation from Service. Such an election can only be made by Participant completing and executing the "Payment Commencement Date" portion of the Settlement Agreement and delivering it to Employer prior to Separation from Service.

The Participant may make or change an election regarding the manner in which payments are to be made by completing and executing the "Manner of Payment" portion of the Settlement Agreement and delivering it to the Employer at any time prior to the payment commencement date. In no event shall an election regarding the manner of payments be allowed which will cause payments to be made beyond a date fifteen (15) years from the initial payment commencement date, and payments in any event must be made on at least an annual basis.

If the Participant fails to elect a payment commencement date prior to Separation from Service, the Employer shall cause payment to commence sixty (60) days after Separation from Service. If the Participant fails to elect the manner in which payments are to be made prior to the payment commencement date, payments shall be made in an amount equal to one-fifteenth (1/15th) of the value of the Account in fifteen (15) annual payments adjusted annually for any increase or decrease in the value of the Account. The "Payment Commencement Date" portion of the Settlement Agreement shall become effective when executed by both Participant and Employer. The "Manner of Payment" portion of the Settlement Agreement shall become effective when executed by both the Participant and Employer.

In the event the payment commencement date is changed prior to the Participant's Separation from Service or the manner of payment elected is changed prior to the payment commencement date, the latter date applicable to each respectively shall govern and shall apply to deferred compensation that had already been earned and deferred under the Employer's program of deferred compensation as well as compensation that shall be subsequently earned and deferred.

13. Distribution of Deferrals. Payments of amounts deferred will commence not later than THE LATER OF -

(a) Sixty (60) days after the close of the Plan year in which the Participant or former Participant attains (or would have attained) normal retirement age, defined as the later of age 55 or 8 years of service with the Employer, or

(b) Sixty (60) days after the close of the Plan year in which the Participant Separates from Service with the Employer.

14. Employer's Property. All amounts of compensation deferred under the Plan and Agreement, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall remain (until made available to the Participant or other beneficiary) solely the property and right of the Employer (without being restricted to the provisions of benefits under the Plan) subject only to the claims of the Employer's general creditors.

15. Employer Obligation to Participant. At any particular time, the value of the Account shall represent the sole obligation of Employer to Participant. With respect to Employer's obligation, Participant shall be a general (not secured) creditor.

16. Non-Assignment. Participant may not assign, anticipate, alienate, sell, transfer, pledge or in any way encumber any of the rights Participant may have hereunder and Employer shall reject and refuse to honor any such purported action with respect to such rights. This Plan and Agreement shall be binding on the assigns and successors of Employer and on the Personal Representative, Executor and Administrator of Participant. The interest of the Participant or any beneficiary designated by the Participant or in any obligation established by the Plan and Agreement shall not be subject to the claims of Participant's creditors or to legal process on behalf of Participant's creditors or be liable for the debts of any beneficiary.

17. Plan to Plan Transfers. If a Participant Separates from Service in order to accept employment with another employer within the state of Alaska that sponsors an "eligible deferred compensation plan" within the meaning of Section 457 of the Internal Revenue Code, and that employer's plan accepts transfers; the amount previously deferred shall automatically be transferred to such plan of the new employer, regardless of any other provision of this Plan and Agreement.

18. Acceptance of Deferrals From Another Plan. Amounts of compensation deferred by a Participant pursuant to another "eligible deferred compensation plan" within the meaning of the Internal Revenue Code, will be accepted by this Plan and Agreement. Such amounts shall be credited to the Participant's Account established pursuant to this Plan and Agreement and shall be subjected to all the terms and provisions of this Plan and Agreement.

19. Revocation. A Participant may revoke any and all deferred compensation Plan and Agreements previously executed by agreement in writing signed by the Participant and the Employer. Revocation of the Plan and Agreement will not accelerate payment of amounts deferred. Payment will occur only upon the happening of one of the specific events detailed in this Plan and Agreement.

20. Frontier Alaska State Credit Union is not a party of this Plan and Agreement. Any account established hereunder may be subject to rate schedules adopted by the credit union from time to time.

21. Compliance with Sction 457. This Plan and Agreement is intended to comply with and to be administered in a manner consistent with Section 457 of the Internal Revenue Code. The provisions of this Plan and Agreement shall be interpreted in accordance with this intent. If requested by the Employer, the Participant agrees to cooperate in correcting any inconsistency in the administration of the Plan and Agreement under Section 457 of the Internal Revenue Code.

ALASKA
PENSION
SERVICES

December 18, 1984

Mr. Robert Libbey
Assistant General Manager
Frontier Alaska State Credit Union
3500 Eide Street
Anchorage, AK 99503

Dear Mr. Libbey:

We have reviewed the document and related forms which you have presented to us, which are entitled "Deferred Compensation Plan and Agreement".

It is our opinion that this "Deferred Compensation Plan and Agreement" will qualify for use as an eligible State deferred compensation plan in accordance with Internal Revenue Code Section 457, assuming the parties to the plan and agreement are qualified in accordance with Section 457.

Sincerely,

R L Doss Jr.

Robert L. Doss, Jr.

26/RLD/llg

Note: Robert Doss is an attorney and CPA specializing in pension work

NATIONAL CREDIT UNION ADMINISTRATION
REGION VI

VI/JRP:jm
Charter No. 66157
July 10, 1984

Leslie Ellis, Manager
Frontier Alaska
State Credit Union
3500 Eide Street
Anchorage, Alaska 99503

Dear Mr. Ellis:

We are responding to your recent letter on the National Credit Union Administration Share Insurance coverage for deferred compensation plans.

Section 745.9-3 of the National Credit Union Administration Rules and Regulations provides that funds deposited by an employer pursuant to a deferred compensation plan shall be insured up to $100,000 as to the interest of each plan participant who is a member, separately from other accounts of the participant or employer.

A copy of the cited section of the regulation is enclosed for your reference.

Sincerely,

D. MICHAEL RILEY
Regional Director

Enclosure

2890 N. Main Street, Suite 101 Walnut Creek, California 94596 415-486-3490
San Francisco 415-556-6777

(b) Qualifying joint accounts. A joint account shall be deemed to exist, for purposes of insurance of accounts, only if each coowner has personally executed a joint account signature card and possesses withdrawal rights. The restrictions of this paragraph shall not apply to coowners of a time certificate of deposit or to any deposit obligations evidenced by a negotiable instrument, but such a deposit must in fact be jointly owned.

(c) Failure to qualify. An account owned jointly which does not qualify as a joint account for purposes of insurance of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and insured up to $100,000 in the aggregate.

(d) Same combination of individuals. All joint accounts owned by the same combination of individuals shall first be added together and insured up to $100,000 in the aggregate.

(e) Interest of each coowner. The interests of each coowner in all joint accounts owned by different combinations of individuals shall then be added together and insured up to $100,000 in the aggregate.

§745.9-1 Trust accounts.

All trust interests, for the same beneficiary, deposited and established pursuant to valid trust agreements created by the same settlor (grantor) shall be added together and insured up to $100,000 in the aggregate, separately from other deposit or share accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

§745.9-2 Keogh Accounts and Individual Retirement Accounts.

(a) The present vested ascertainable interest of a participant or designated beneficiary in a trust or custodial account maintained pursuant to a pension or profit-sharing plan described under §401(d) or §408(a) of the Internal Revenue Code shall be insured up to $100,000 separately from other deposits of the participant or designated beneficiary.

(b) Upon liquidation of the credit union, any insurance coverage payment shall be made by the Administrator to the trustee or custodian, or the successor trustee or custodian, unless otherwise directed in writing, by the plan participant or beneficiary.

§745.9-3 Deferred Compensation Accounts.

Funds deposited by an employer pursuant to a deferred compensation plan shall be insured up to $100,000 as to the interest of each plan participant who is a member, separately from other accounts of the participant or employer.

§745.10 Public unit accounts.

(a) Public funds invested in Federal credit unions and federally-insured state credit unions authorized to accept such investments shall be insured as follows:

(1) Each official custodian of funds of the United States lawfully investing the same in a federally-insured credit union shall be separately insured up to $100,000;

(2) Each official custodian of funds of any state of the United States or any county, municipality, or political subdivision thereof lawfully investing the same in a federally-insured credit union in the same state shall be separately insured up to $100,000;

(3) Each official custodian of funds of the District of Columbia lawfully investing the same in a federally-insured credit union in the District of Columbia shall be separately insured up to $100,000;

(4) Each official custodian of funds of the Commonwealth of Puerto Rico, the Panama Canal Zone, or any territory or possession of the United States, or any county, municipality, or political subdivision thereof lawfully investing the same in a federally-insured credit union in Puerto Rico, the Panama Canal Zone, or any such territory or possession, respectively, shall be separately insured up to $100,000;

(5) Each official custodian referred to in subsections (a)(2), (3), and (4) of this section lawfully investing such funds in a federally-

National Credit Union Administration Regs

Anchorage School District
AUTHORIZED PAYROLL DEDUCTION

SOCIAL SECURITY NUMBER	CD	NAME - Last First Middle

Check and sign all blocks where applicable.
To stop a deduction write the word DELETE in the amount.
PLEASE READ AND CHECK CAREFULLY.

	CARD CODE	Administrative Use Only		
		CODE	AMOUNT	LIMIT
1. TEACHER'S RETIREMENT REINSTATEMENT $ _____ per month	K	0203		
2. TEACHER RETIREMENT ARREARAGES $ _____ per month	K	0202		
3. PUBLIC EMPLOYMENT RETIREMENT REINSTATEMENT $ _____	K	0252		
4. SAVINGS BONDS $ _____ per pay period	K	0802		
5. UNITED WAY $ _____ per month $ _____ Annual Limit	K	0500		
6. TOTEM $ _____ per month	K	0465		
7. FOOD SERVICE ASSOCIATION DUES $ _____	K	0460		
8. PUPIL TRANSPORTATION TEAMSTER'S DUES $ _____ per month	K	0450		
9. TEAMSTER'S MAINTENANCE DUES $ _____ per month	K	0457		
10. ALASKA LABORER'S LOCAL 71 $ _____	K	0453		
11. ALASKA LABORER'S LOCAL 71 INITIATION FEE $ _____	K	0454		
12. ANCHORAGE PRINCIPAL ASSOCIATION $ _____ per month $ _____ Annual Limit	K	0410		
13. OTHER $ _____ _____ $ _____ _____				
14. CREDIT UNION $ _____ per month Account Number _____ I understand that all new accounts or changes must be processed at the Credit Union. This amount will replace all other established deductions. Account number must be present.	K	0700		
	J	Account Number _____		

CLERK

I hereby authorize the above deductions with the understanding that written notice is required FIFTEEN (15) days prior to payday to change a deduction.

Name _____

Location _____

Date _____

DISTRIBUTION: White - Personnel, Yellow - Payroll, Pink - Individual

ASD 5/81-20M Revised

PAY-001

Sample Payroll Deduction Form

ALASKA
PENSION
SERVICES

January 21, 1985

Mr. Robert Libbey
Assistant General Manager
Frontier Alaska State Credit Union
3500 Eide Street
Anchorage, AK 99503

Dear Bob:

Enclosed as we discussed is a draft of an Unforeseeable Emergency Withdrawal Request form that can be used with your proposed Deferred Compensation plan.

Let me know if you have any questions or comments regarding the form.

Sincerely,

Bob Doss

Robert L. Doss, Jr.

27/RLD/llg

Note:

Robert Doss is an Anchorage attorney and CPA specializing in pension work.

FORESEEABLE EMERGENCY WITHDRAWAL REQUEST

Employer:_____ Daytime Phone:_____
Name of Participant_____ Home Phone:_____
Address:_____ Social Security No.:_____
_____
City State Zip

I hereby request that amounts deferred for me under the Deferred Compensation Plan and Agreement be paid to me in the amount and manner and at the time indicated below.

This request is made as a result of the following circumstances:_____
_____
_____
_____
_____
_____
(Please attach additional pages if more space is necessary.)

I certify that funds are not or will not be available to meet this emergency either:

(i) through reimbursement of compensation by insurance or otherwise,

(ii) by liquidation of any assets I may have without causing severe financial hardship or

(iii) by cessation of deferrals under the Plan.

AMOUNT OF PAYMENT REQUESTED:_____

MANNER OF PAYMENT REQUESTED (select one):

__ _____equal payments for _____years.
(_____Annual_____Semiannual_____Quarterly_____Monthly)
__ _____% of Account each year for_____year(s), then the balance of the Account in_____equal payments for_____year(s).
__ Lump Sum
__ Other:_____.

(If the amounts accumulated by the Participant as of the Payment Commencement Date total less than $2,000.00, or if monthly payments would be less than $25.00, the Employer will specify a lump sum or an accelerated payment schedule.)

PAYMENT COMMENCEMENT DATE REQUESTED:_____

I agree to provide whatever additional information the Employer may deem reasonably necessary to make a determination regarding this request.

PARTICIPANT:

_____

DATE_____

ACTION BY EMPLOYER:

_____Request APPROVED

_____Request DENIED

By_____

Title_____

Date_____

Sample Emergency Withdrawal Form

(4) act as an appeals board, hold hearings at the request of an employer, employee, surviving spouse, or a beneficiary on decisions made by the administrator that relate to the deferred compensation program for state employees, and submit its findings to the administrator;

(5) prescribe the policies for the proper operation of the deferred compensation program for state employees and take other action that it considers necessary to carry out the intent and purpose of the program.

(b) In this section "administrator" means the administrator of the deferred compensation program for state employees. (§ 38 ch 146 SLA 1980)

Sec. 39.45.030. Investment authority. The administrator of the state or political subdivision deferred compensation program is authorized, subject to contracts with individual employees, to invest the funds held under a deferred compensation program in fixed and variable life insurance and annuity contracts. (§ 1 ch 40 SLA 1973)

Sec. 39.45.040. Additional benefits. The deferred compensation program established under this chapter exists and serves in addition to any existing retirement, pension, or benefit system established by the state or its political subdivisions and may not effect a reduction in benefits receivable under an existing system. (§ 1 ch 40 SLA 1973)

Revisor's notes. — In ch. 40, SLA 1973, this section contained the phrase "may not affect a reduction." That appears to involve a typographical error, and "affect" has been changed to "effect" here.

Sec. 39.45.050. Tax deferred investments. The administrator of a deferred compensation program under this chapter shall invest only in contracts that allow for deferment of the state and federal income tax until benefits are receivable under the program and shall make appropriate withholding adjustments in each participating employee's payroll. (§ 1 ch 40 SLA 1973)

Sec. 39.45.060. Definition. In this chapter "employee" means a person, whether appointed, elected or under contract, who provides services for the state or a political subdivision of the state for which compensation is given. (§ 1 ch 40 SLA 1973)

Chapter 50. Conflict of Interest.

Section
10. Findings and purpose
20. Report of financial and business interests
25. Notification to candidates for legislature
30. Contents of statements
35. Exemptions
40. Blind trusts
50. Administration and inspection
60. Penalty for wilful violation of disclosure requirements
70. Failure to report by department, divi-

✓ CURRENT STATE LAW IN PROCESS OF CHANGE

Introduced: 4/29/85
Referred: State Affairs
and Finance

IN THE HOUSE BY BOUCHER

HOUSE BILL NO. 406

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to investment of funds from deferred compensation."

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

* Section 1. AS 39.45.010 is amended to read:

Sec. 39.45.010. AUTHORITY. The state or a political subdivision of the state may, by contract, agree with an employee to defer, in whole or in part, that employee's salary or wages. [IF INCLUDED IN THE CONTRACT TO DEFER PAYMENT OF SALARY OR WAGES, THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL PURCHASE A FIXED OR VARIABLE LIFE INSURANCE OR ANNUITY CONTRACT FOR THE PURPOSE OF FUNDING THE DEFERRED COMPENSATION PROGRAM PROVIDED FOR IN THIS CHAPTER, FOR THE EMPLOYEE.]

* Sec. 2. AS 39.45.030 is amended to read:

Sec. 39.45.030. INVESTMENT AUTHORITY. The administrator of the state or political subdivision deferred compensation program is authorized, subject to contracts with individual employees, to invest the funds held under a deferred compensation program in

(1) fixed and variable life insurance and annuity contracts;

(2) shares of or deposits in insured state or federal chartered credit unions in the state;

(3) shares of or deposits in insured state or federal chartered savings and loan associations in the state;

(4) deposits in insured mutual savings banks in the state;

and

(5) deposits in insured state and national banks in the state.

* Sec. 3. AS 39.45.030 is amended by adding a new subsection to read:

(b) In this section, "insured" means insured by the federal government or an agency of the federal government.

HB

454

Cramer
4/2/86

Original sponsor: Larson/Legislative Salaries

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 454 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to compensation of state officers; establishing a commission on compensation of state officers; and providing for an effective date."

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

* Section 1. AS 24.10.100 is amended to read:

Sec. 24.10.100. [ANNUAL] SALARY OF LEGISLATORS. The monthly [ANNUAL] salary for each member of the legislature is equal to Step A, Range 10 of the salary schedule in AS 39.27.011(a) for Juneau [$46,800]. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 2. AS 24.10 is amended by adding a new section to read:

Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) A member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate

(1) during a legislative session if the legislator is not living in the legislator's place of permanent residence during the session; and

(2) while on ~~committee business for an interim committee of~~ leg business on legislative bus the legislature, in a place that is not the legislator's place of permanent residence.

3. add dol leg

(c) A legislator is entitled to receive per diem at the long-term rate

(1) during a legislative session if the legislator is living in the legislator's place of permanent residence during the session; and

(2) while engaged in committee business for an interim committee of the legislature at the legislator's place of permanent residence. 3, same wordage

(d) In this section

(1) "long-term rate" means the long-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160.

* Sec. 3. AS 39 is amended by adding a new chapter to read:

CHAPTER 23. STATE OFFICERS COMPENSATION COMMISSION.

Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The State Officers Compensation Commission is established. The commission is composed of seven members appointed by the governor subject to confirmation by a majority of the legislature in joint session. Members serve for staggered terms of four years. Commission membership shall include at least one business executive, one representative of a nonpartisan voters' organization, one person with experience in public administration and one representative of a labor organization. A vacancy shall be filled for the balance of the unexpired term. A commission member may serve no more than two complete consecutive terms.

(b) The commission shall elect a member to chair its meetings.

A majority of the commission members constitutes a quorum to transact business. The affirmative vote of four members is required to approve the commission's recommendations on compensation.

(c) The commission shall meet at least every other year at the call of the chair. Notice of a meeting shall be mailed to each member at least 15 days before the date scheduled for the meeting.

(d) The commission shall hold a public hearing to discuss its findings and recommendations before submitting its final report to the legislature.

(e) The commission shall be established in the Office of the Governor.

Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE. A member of the commission may not be employed by the state, including the University of Alaska, serve as a member of another state board, commission, or authority, or hold elective state or municipal office during membership on the commission.

Sec. 39.23.220. COMPENSATION. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

Sec. 39.23.230. STAFF. (a) The commission may contract for professional services and may employ staff as it considers necessary.

(b) If requested by the commission, the director of personnel in the Department of Administration shall serve as secretary to the commission.

Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission shall review the salaries, benefits, and allowances of members of the legislature and submit a report on its findings at least once every two years, but not more frequently than every year.

(b) The commission shall submit its preliminary findings and

beach new legislature

recommendations by November 15. The commission shall give reasonable public notice of its preliminary findings and recommendations, solicit public comments, and give due regard to the public comments, before submitting a final report under (c) of this section.

(c) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation, benefits, and allowances for legislators.

(d) The commission may submit to the legislature amendments to the report submitted under (c) of this section.

(e) A commission member who does not concur in the proposed or final recommendations may attach written objections to the commission's report of its findings and recommendations.

(f) If requested by the legislature, the commission shall review the compensation, benefits, and allowances of other state officers and report its recommendations to the legislature.

Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION. The commission shall, upon transmitting its final recommendations to the legislature, file the recommendations in the office of the lieutenant governor, and upon the recommendations becoming effective the commission shall certify the copy of the recommendations on file in the office of the lieutenant governor.

Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of the legislature that the commission determine an equitable rate and form of compensation, benefits, and allowances for legislators.

Sec. 39.23.270. ADMINISTRATIVE PROCEDURE ACT. The regulation-making provisions of the Administrative Procedure Act (AS 44.62) do not apply to proceedings of the commission.

Sec. 39.23.400. DEFINITION. In this chapter "commission" means the State Officers Compensation Commission.

* Sec. 4. AS 39.23.240(c) is amended to read:

(c) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation, benefits, and allowances for state officers. A recommendation has the force of law and becomes effective 30 days after the report is submitted to the legislature.

* Sec. 5. AS 24.10 is amended by adding a new section to read:

Sec. 24.10.101. COMPENSATION OF LEGISLATORS. The State Officers Compensation Commission shall set the compensation of legislators under AS 39.23.

* Sec. 6. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the initial members appointed to the commission shall serve a one-year term, two members shall serve two-year terms, two members shall serve three-year terms, and two members shall serve four-year terms.

* Sec. 7. Notwithstanding the time limit imposed by AS 39.23.240, enacted by sec. 3 and amended by sec. 4 of this Act, the commission shall submit its first final report to the legislature by January 10, 1987.

* Sec. 8. AS 39.23.250, as enacted by sec. 3 of this Act, and sec. 4 of this Act take effect on the effective date of an amendment to the Constitution of the State of Alaska creating a State Officers Compensation Commission.

* Sec. 9. AS 39.23.200 - 39.23.240 and 39.23.260 - 39.23.400, as enacted by sec. 3 of this Act, and secs. 6 and 7 of this Act take effect immediately in accordance with AS 01.10.070(c).

* Sec. 10. Sections 1 and 2 of this Act take effect January 19, 1987.

* Sec. 11. AS 24.10.100 and 24.10.105 are repealed and sec. 5 of this Act takes effect on the effective date of recommendations of the State Officer's Compensation Commission under AS 39.23.240(c) as amended by sec. 4 of this Act, setting the compensation of legislators.

Cramer
4/7/86

Original sponsor: Larson/Legislative Salaries

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 454 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to compensation of state officers; establishing a commission on compensation of state officers; and providing for an effective date."

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

* Section 1. AS 24.10.100 is amended to read:

Sec. 24.10.100. [ANNUAL] SALARY OF LEGISLATORS. The <u>monthly</u> [ANNUAL] salary for each member of the legislature is <u>equal to Step A, Range 10 of the salary schedule in AS 39.27.011(a) for Juneau</u> [$46,800]. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 2. AS 24.10 is amended by adding a new section to read:

Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) A member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate

(1) during a legislative session if the legislator is not living in the legislator's place of permanent residence during the session; and

(2) while on committee business or other legislative business in a place that is not the legislator's place of permanent residence.

(c) A legislator is entitled to receive per diem at the long-term rate

(1) during a legislative session if the legislator is living in the legislator's place of permanent residence during the session; and

(2) while engaged in committee business or other legislative business at the legislator's place of permanent residence.

(d) In this section

(1) "long-term rate" means the long-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160.

* Sec. 3. AS 24.10.120 is amended to read:

Sec. 24.10.120. METHOD OF PAYMENT. Salaries<u>, per diem,</u> and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer. <u>The legislative fiscal officer shall, by January 31 of each year, file with the legislature's fiscal office a report of all vouchers approved for payment under this section during the preceding calendar year. The report shall provide, by legislator, the date of each voucher, the amount paid, and the basis for approval for payment. The report is a public record.</u>

* Sec. 4. AS 39 is amended by adding a new chapter to read:

CHAPTER 23. STATE OFFICERS COMPENSATION COMMISSION.

Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The State Officers Compensation Commission is established. The commission is composed of seven members appointed by the governor subject to

confirmation by a majority of the legislature in joint session. Members serve for staggered terms of four years. Commission membership shall include at least one business executive, one representative of a nonpartisan voters' organization, one person with experience in public administration and one representative of a labor organization. A vacancy shall be filled for the balance of the unexpired term. A commission member may serve no more than two complete consecutive terms.

(b) The commission shall elect a member to chair its meetings. A majority of the commission members constitutes a quorum to transact business. The affirmative vote of four members is required to approve the commission's recommendations on compensation.

(c) The commission shall meet every other year at the call of the chair. Notice of a meeting shall be mailed to each member at least 15 days before the date scheduled for the meeting.

(d) The commission shall hold a public hearing to discuss its findings and recommendations before submitting its final report to the legislature.

(e) The commission shall be established in the Office of the Governor.

Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE. A member of the commission may not be employed by the state, including the University of Alaska, serve as a member of another state board, commission, or authority, or hold elective state or municipal office during membership on the commission.

Sec. 39.23.220. COMPENSATION. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

Sec. 39.23.230. STAFF. (a) If requested by the commission, the

Legislative Affairs Agency shall provide staff for the commission.

(b) If requested by the commission, the director of personnel in the Department of Administration shall serve as secretary to the commission.

Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission shall review the salaries, benefits, and allowances of members of the legislature and submit a report on its findings at least once every two years, but not more frequently than every year.

(b) The commission shall review the compensation, benefits, and allowances of the governor, lieutenant governor, justices and judges of the court system, and the heads of the principal departments and shall report its recommendations to the legislature.

(c) The commission shall submit its preliminary findings and recommendations for the compensation of state officers by November 15. The commission shall give reasonable public notice of its preliminary findings and recommendations, solicit public comments, and give due regard to the public comments, before submitting a final report under (d) of this section.

(d) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation, benefits, and allowances for legislators.

(e) The commission may submit to the legislature amendments to the report submitted under (d) of this section.

(f) A commission member who does not concur in the proposed or final recommendations may attach written objections to the commission's report of its findings and recommendations.

Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION. The commission shall, upon transmitting its final recommendations for the compensation of legislators to the legislature, file the

recommendations in the office of the lieutenant governor. When the recommendations become effective, the commission shall certify the copy of the recommendations on file in the office of the lieutenant governor.

Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of the legislature that the commission determine an equitable rate and form of compensation, benefits, and allowances for legislators.

Sec. 39.23.270. ADMINISTRATIVE PROCEDURE ACT. The regulation-making provisions of the Administrative Procedure Act (AS 44.62) do not apply to proceedings of the commission.

Sec. 39.23.400. DEFINITION. In this chapter "commission" means the State Officers Compensation Commission.

* Sec. 5. AS 39.23.240(d) is amended to read:

(d) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation, benefits, and allowances for legislators. <u>A recommendation has the force of law and becomes effective 30 days after the report is submitted to the legislature.</u>

* Sec. 6. AS 24.10 is amended by adding a new section to read:

Sec. 24.10.101. COMPENSATION OF LEGISLATORS. The State Officers Compensation Commission shall set the compensation of legislators under AS 39.23.

* Sec. 7. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the initial members appointed to the commission shall serve a one-year term, two members shall serve two-year terms, two members shall serve three-year terms, and two members shall serve four-year terms.

* Sec. 8. Notwithstanding the time limit imposed by AS 39.23.240, enacted by sec. 4 and amended by sec. 5 of this Act, the commission shall submit its first final report to the legislature by January 10, 1987.

* Sec. 9. AS 39.23.250, as enacted by sec. 4 of this Act, and sec. 5 of this Act take effect on the effective date of an amendment to the Constitution of the State of Alaska creating a State Officers Compensation Commission.

* Sec. 10. AS 39.23.200 - 39.23.240 and 39.23.260 - 39.23.400, as enacted by sec. 4 of this Act, and secs. 7 and 8 of this Act take effect immediately in accordance with AS 01.10.070(c).

* Sec. 11. Sections 1 - 3 of this Act take effect January 19, 1987.

* Sec. 12. AS 24.10.100 and 24.10.105 are repealed and sec. 6 of this Act takes effect on the effective date of recommendations of the State Officer's Compensation Commission under AS 39.23.240(d) as amended by sec. 5 of this Act, setting the compensation of legislators.

Cramer
3/19/86

Original sponsor: Larson/Legislative Salaries

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 454 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to compensation of state officers; establishing a commission on compensation of state officers; and providing for an effective date."

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

* Section 1. AS 39 is amended by adding a new chapter to read:

CHAPTER 23. STATE OFFICERS COMPENSATION COMMISSION.

Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The State Officers Compensation Commission is established. The commission is composed of seven members appointed by the governor subject to confirmation by a majority of the legislature in joint session. Members serve for staggered terms of four years. Commission membership shall include at least one business executive, one representative of a nonpartisan voters' organization, one person with experience in public administration and one representative of a labor organization. A vacancy shall be filled for the balance of the unexpired term.

(b) The commission shall annually elect a member to chair its meetings. A majority of the commission members constitutes a quorum to transact business. The affirmative vote of four members is required to approve the commission's recommendations on compensation.

(c) The commission shall meet at the call of the chair. Notice of a meeting shall be mailed to each member at least 15 days before the date scheduled for the meeting.

(d) The commission shall hold a public hearing to discuss its findings and recommendations before submitting its final report to the

legislature.

(e) The commission shall be established in the Office of the Governor.

Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE. A member of the commission may not be employed by the state, including the University of Alaska, serve as a member of another state board, commission, or authority, or hold elective state or municipal office during membership on the commission.

Sec. 39.23.220. COMPENSATION. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

Sec. 39.23.230. STAFF. (a) The commission may contract for professional services and may employ staff as it considers necessary.

(b) If requested by the commission, the director of personnel in the Department of Administration shall serve as secretary to the commission.

Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission shall review the salaries, benefits, and allowances of members of the legislature and submit a report on its findings at least once every two years, but not more frequently than every year.

(b) The commission shall submit its preliminary findings and recommendations by November 15. The commission shall give reasonable public notice of its preliminary findings and recommendations, solicit public comments, and give due regard to the public comments, before submitting a final report under (c) of this section.

(c) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation, benefits, and allowances for legislators during the first 10 days of a legislative session.

(d) The commission may submit to the legislature amendments to the report submitted under (c) of this section.

(e) A commission member who does not concur in the proposed or final recommendations may attach written objections to the commission's report of its findings and recommendations.

(f) If requested by the legislature, the commission shall review the compensation, benefits, and allowances of other state officers and report its recommendations to the legislature.

Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION. The commission shall, upon transmitting its final recommendations to the legislature, file the recommendations in the office of the lieutenant governor, and upon the recommendations becoming effective the commission shall certify the copy of the recommendations on file in the office of the lieutenant governor.

Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of the legislature that the commission determine an equitable rate and form of compensation, benefits, and allowances for legislators.

Sec. 39.23.270. ADMINISTRATIVE PROCEDURE ACT. The regulation-making provisions of the Administrative Procedure Act (AS 44.62) do not apply to proceedings of the commission.

Sec. 39.23.400. DEFINITION. In this chapter "commission" means the State Officers Compensation Commission.

* Sec. 2. AS 39.23.240(c) is amended to read:

(c) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation, benefits, and allowances for state officers during the first 10 days of a legislative session. <u>A recommendation has the force of law and becomes effective on the first day of the next regular legislative session.</u>

* Sec. 3. AS 24.10.100 is repealed and reenacted to read:

Sec. 24.10.100. COMPENSATION OF LEGISLATORS. The State Officers Compensation Commission shall set the compensation of legislators under this chapter.

* Sec. 4. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the initial members appointed to the commission shall serve a one-year term, two members shall serve two-year terms, two members shall serve three-year terms, and two members shall serve four-year terms.

* Sec. 5. Notwithstanding sec. 3 of this Act, the salary established for legislators in AS 24.10.100, as that section existed immediately before the effective date of this section, shall remain in effect until the commission has recommended a change in the salary of legislators in accordance with AS 39.23.

* Sec. 6. Notwithstanding the time limit imposed by AS 39.23.240, enacted by sec. 1 and amended by sec. 2 of this Act, the commission shall submit its first final report to the legislature by January 10, 1987.

* Sec. 7. AS 39.23.250, as enacted by sec. 1 of this Act, and secs. 2, 3, and 5 of this Act take effect on the effective date of an amendment to the Constitution of the State of Alaska creating a State Officers Compensation Commission.

* Sec. 8. AS 39.23.200 - 39.23.240 and 39.23.260 - 39.23.400, as enacted by sec. 1 of this Act, and secs. 4 and 6 of this Act take effect immediately in accordance with AS 01.10.070(c).

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/10/86

REQUEST

Bill/Resolution No.: CSHB 454 (Fin) No 1
Title: State Officers Compensation Commission

Sponsor: Larson by request
Requestor: House Finance Committee
Date of Request: 2/10/86

FISCAL DETAIL

Agency Affected: Administration
BRU: Personnel

Components:

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE		0				

FUNDING : (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS :

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS : Attach a separate page if necessary

If the Personnel Director is requested to attend Commission meetings, travel will be paid for out of the Commission 's budget.

APA

Prepared by: Al Adams, Chair — Phone: 465-3706
Division: House Finance Committee — Date: 2/10/86

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/10/86

REQUEST

Bill/Resolution No.: CSHB 454 (FIN)
Title: State Officers' Compensation Commission

Sponsor: Larson by request
Requestor: House Finance Committee
Date of Request: 2/10/86

FISCAL DETAIL

Agency Affected: Governor's Office
BRU:

Components: Salary Commission

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		49.5	--	--	--	--
TRAVEL		32.0	--	--	--	--
CONTRACTUAL		15.0	--	--	--	--
SUPPLIES		0	--	--	--	--
EQUIPMENT		0	--	--	--	--
LAND & STRUCTURES		0	--	--	--	--
GRANTS, CLAIMS		0	--	--	--	--
MISCELLANEOUS		0	--	--	--	--
TOTAL OPERATING		96.5	--	--	--	--
CAPITAL		0	--	--	--	--
REVENUE		0	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		96.5	--	--	--	--
FEDERAL FUNDS		0	--	--	--	--
OTHER		0	--	--	--	--
TOTAL		96.5	--	--	--	--

POSITIONS :

FULL-TIME			--	--	--	--
PART-TIME			--	--	--	--
TEMPORARY		1	--	--	--	--

ANALYSIS : Attach a separate page if necessary

see attached

Prepared by: Al Adams, Chair (APA)
Division: House Finance Committee
Phone: 465-3706
Date: 2/10/86

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

CSHB 454 (FIN)
FY 87 Costs:

Personal Services

One range 19A x 12 months	=	$40,236
Benefits for a temporary employee at 23%	=	9,254
		$49,490

Travel

8 travelers (members + staff) x 4 trips x $1000/trip (average plane fare + per diem costs)	=	$32,000

It is assumed teleconferencing will be used when appropriate and that the travel costs of the Personnel Director will be paid for out of these funds.

Contractual

Secretarial Services	=	$10,000
Printing + other misc. services	=	$ 5,000
		$15,000

It is assumed office space will be provided by the Legislative Affairs Agency.

Supplies and Equipment

No funds provided -0-

It is assumed that Legislative Affairs Agency can supply these items as needed.

Land and Structures

No funds provided -0-

Grants and Claims

No funds provided -0-

Miscellaneous

No funds provided -0-

TOTAL COST = $96,490

Future Costs:

There will be future fiscal impact. However, the cost depends on how often the Commission meets, if it decides to retain staff, how often it decides to report to the Legislature, etcetera. Therefore, no estimates are made in this fiscal note.

DRAFT

DRAFT LETTER OF INTENT
BY V. Fischer

April 3, 1986

LETTER OF INTENT - SCS CSHB 454 (SA)
BY THE SENATE STATE AFFAIRS COMMITTEE

It is the intent of the Senate State Affairs Committee in adopting the SCS for CSHB454 (SA) that Sections 1, 2, and 3 of the bill comply with the intitiative relating to the compensation for state legislators. These sections are included in HB 454 to bring into one measure related matters pertaining to compensation of state officers.

Some drafting changes were made to conform language of the proposed legislation to existing statutes and to correct errors; e.g., Section 1 of the bill v. Section 2 of the intitiative.

A minor change is made in compensation of legislators performing official duties while the legislature is not in session. The initiative provides that acutal expenses be reimbursed in lieu of per diem. The bill provides that per diem be paid, as was the practice at the time when the salary of legislators was the same as that set forth in Section 2 of the initiative. Provision of per diem, regardless of where official duties are performed, will eliminate disincentives to carrying out legislative work, to economizing on expenses, and to using low cost modes of travel and accomodations. The purpose of these revisions in the per diem language is to assure that legislators will be properly compensated for the performance of their constitutional duties and to avoid excessive individual expenses.

Both Sections 3 of the initiative and HB 454 provide for a report covering legislator's compensation to be made by the legislative fiscal officer. Under the initiative, the report is to be filed with the Office of Management and Budget in the Governor's Office. The Committee believes that such filing would be transgressing on the seperation of power between the legislative and executive branches. Therefore, SCS CSHB 454 (SA) provides that the report be filed with the executive director of the Legislative Affairs Agency. The basic purpose of the initiative -- providing a report available to the public -- is maintained under this minor change.

Legislators Fiscal Officer

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ *1031 W 4th AVENUE*
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ *1st NATIONAL CENTER*
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

☐ *POUCH K - STATE CAPITOL*
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

April 3, 1986

Honorable Vic Fischer
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: Proposed amendments to legislative pay raise
Our file: 663-86-0431

Dear Senator Fischer:

You requested our advice concerning amendments to the material contained in the legislative pay raise initiative. You propose to include the wording of the initiative as amended in two instances in a bill which would also include the provisions of HB 48 and HB 454. You are concerned that these amendments will be considered to conflict with the provisions of the legislative pay raise initiative. In which case the pay raise question will be put to the voters.

You propose to amend sec. 24.15.010(d) of the initiative measure, which provides:

> (d) When the legislature is not in session, instead of receiving per diem a legislator is entitled to be reimbursed for actual expenses incurred while he is on committee business for an interim committee of the legislature in a place which is not his place of permanent residence.

The second amendment proposes the substitution of the legislative fiscal officer as the custodian of expense voucher reports in the second to the last sentence of proposed sec. 24.-15.040. Under the initiative, the office of management and budget is the custodian of voucher reports. The section as amended reads as follows:

> The Legislative fiscal officer shall, by January 31 of each calendar year, file with the legislature's fiscal office [OFFICE OF MANAGEMENT AND BUDGET] a report of all vouchers approved for payment pursuant to this section during the preceding

> calendar year. The report shall provide, by legislator, the date of each voucher, the amount paid and the basis for approval for payment.

You asked if the filing of legislative pay vouchers with executive officers presented separation of powers problems. We believe the filing required by the initiative measure does not cause a separation of powers problem. All vouchers presenting claims against the state treasury are paid centrally. The Department of Administration accounts for the general fund and the Department of Revenue retains and invests it. Presently, all legislative pay vouchers are on file with the division of finance in the Department of Administration. The amendment requires a report which totals by legislator the amount of public money received in compensation for legislative service. There is no barrier to removal of the initiative from the ballot if the amendment you adopt requires the legislative fiscal officer to collect vouchers and issue the report.

We find it difficult to say that the legislature is powerless to enact other effective means of compensating for expenses incurred while on legislative business or making public the amount of compensation claimed by each legislator. The legislature has broad power to change an initiative by an enactment covering the same subject as the initiated measure. Warren v. Boucher, 543 P.2d 731 (Alaska 1975). This power differs little from the legislature's power of amendment afforded after enactment of an initiative. In Warren, the court stated:

> Upon reflection we have concluded that the legislature's discretion in this matter is reasonably broad. If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means of systems which are fairly comparable, the substantial similarity exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative.

543 P.2d at 736. We understand your concern about the poor public policy expressed in subsection (b) concerning reimbursement of actual expenses. The definition of "actual" expenses would be

difficult and controversial. This method for reimbursing expenses may lead to artificial inflation of expense accounts. It would also be a disincentive for legislators to economize and use low cost modes of travel and accommodations. The insertion of a reimbursement provision which applies the short-term per diem rate to travel and other expenses incurred for legislative business conducted during the interim is within the discretion of the legislature. It is a close question whether this amendment would prevent the initiative from appearing on the ballot. From the tone used in Boucher, we presume that the court would generally defer to the judgment of the legislature so long as the same general purpose of the initiative is retained. We perceive that purpose to be to return legislative pay to the levels that existed before July 1983. To impose a more limiting purpose would do injustice to the full scope of law making powers accorded to the legislature under article II of the Alaska Constitution.

You have also asked whether the sections enacting the initiative measure are compatible with the provisions of HB 454. Under HB 454, the future pay raises for the legislature and other appointed executive officers would be set by a salary commission. Any pay increases announced by the salary commission would amount to an amendment of the initiative. Because the salary commission would be exercising a delegated lawmaking power, the changes would probably be within the legislature's discretionary power to amend initiative within two years after adoption. See Alaska Const. art. XI, sec. 6 (initiative may be amended at any time).

We urge you to create a good record to support your subcommittee's intent concerning any amendments adopted. The legislative history will prove invaluable in defending any actions brought to contest the lieutenant governor's decision concerning placement on the 1986 primary election ballot.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: James L. Baldwin
James L. Baldwin
Assistant Attorney General

JLB/pjg

Alaska State Legislature

House of Representatives

House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

EXPLANATION OF CSHB 454 (Jud)

CSHB 454 is an act relating to the compensation of state officers and establishing a commission on compensation of state officers.

I. The State Officers Compensation Commission, established in the Office of the Governor, is:

A. a seven member commission serving staggered four year terms;
B. appointed by the governor subject to confirmation by a majority of the legislature in joint session;
C. made up of at least:
   1. one business executive,
   2. one representative of a non-partisan voters' organization,
   3. one public administrator,
   4. one labor organization representative.
D. not to have on it any employees of the state, including the University of Alaska, members of state boards, commissions, or authorities, or elected state or municipal officers.

II. The duties of the commission:

A. review salaries, benefits and allowances of legislators, the governor, lieutenant governor, members of the judiciary and heads of principal executive departments;
B. determine an equitable rate and form of compensation and benefits and allowances for state officers;
C. submit a report of its findings and recommendations at least once every two years, but not more frequently than every year;
D. submit preliminary findings and recommendations by November 15;
E. after giving public notice of the preliminary findings and recommendations, soliciting public comments, and giving due regard to public comments, submit its final report during the first 10 days of a legislative session;

1. amendments to the final report and recommendations may be submitted by the commission;
2. commission members who disagree with the proposed or final report and recommendations may submit written objections.

F. file its final recommendations in the lieutenant governor's office upon transmitting those recommendations to the legislature.

III. Final recommendations of the commission:

A. have the force of law and become effective on the first day of the next regular legislative session after submission unless rejected by a concurrent resolution adopted by 2/3 of the members in each house.

B. do not have the effect of reducing compensation and benefits of:
1. a member of the judiciary who is on the bench on the effective date of the commission's recommendations; and
2. the governor and lieutenant governor who are in office on the effective date of the recommendation unless consistent with a general law applicable to all other salaried officers of the state;

C. may reduce the compensation and benefits for a person who became a member of the judiciary or became governor or lieutenant governor after the effective date of the recommendation.

IV. The effective dates of the various provisions of the bill are as follows:

A. immediate effective date:
1. all provisions of the bill relating to the establishment and organization of the commission and providing for its compensation review, report, and recommendations;
2. the standard provisions for the first time appointments of the commission (Sec. 12);
3. the provisions that, notwithstanding the requirement that final reports of the commission be submitted during the first 10 days of a legislative session, the first report the new commission submits must be submitted by January 10, 1987;

B. effective on the effective date of a state constitutional amendment creating a State Officers Compensation Commission [CSHJR 54 (Jud)] i.e., 30 days after certification of election returns:
1. the requirements regarding filing and certification of commission final recommendations in the lieutenant governor's

office;

2. all other provisions of the bill which provide that the commission sets the compensation of all state officers;
3. Section 13, which provides that all salaries in effect for state officers prior to the effective date of the constitutional amendment shall remain in effect until the commission has made its first final report on January 10, 1987, and the recommendation has taken effect on the first day of the 1987 legislative session (January 19, 1987).
   a. If CSHB 48 (Jud), relating to the compensation of legislators, passes and becomes law, the salary of legislators will be a Step A, Range 22 ($4,095) until January 19, 1987 (the first day of the Fifteenth Legislature). On January 19, 1987, the new commission set salary will take effect.
   b. If CSHB 48 (Jud) passes and becomes law and the constitutional amendment in CSHJR 54 (Jud) fails, legislators will receive their present salaries until the first day of the Fifteenth Legislature. At that time, their salaries will be dropped to a Step A, Range 10 ($1,845).

V. Repealers

A. 22.05.140 (c) - relates to geographic cost of living adjustments for supreme court justices.

B. 22.10.190 (c) - relates to geographic cost of living adjustments for superior court judges.

C. 22.15.220 (d) - relates to geographic cost of living adjustments for district court judges.

D. 39.20.080 (c) - provides that the salaries of heads of principal executive departments of the state may not be reduced during their tenure in office. (See new AS 39.23.250 (a)).

E. 39.23.200 (e) - is the provision in this bill setting up the commission in the office of the governor. After passage of the constitutional amendment the commission has a life of its own and exists independently of any state office or agency and this initial provision is no longer necessary.

Cramer ✓

AMENDMENT #3

By Uehling

Offered in the HOUSE

TO: CSHB 454(Fin)

Page 6, line 19, delete "by January 10, 1987." and insert:

"on the first day of the First Session of the Fifteenth Legislature."

2/12/86

Cramer ✓

A M E N D M E N T

Offered in the HOUSE

By Uehling

TO: CSHB 454 (Finance)

Page 1, line 6, after "compensation of" insert "elected"

Page 1, line 7, after "compensation of" insert "elected"

Page 1, line 11, after "ARTICLE 1.", insert "ELECTED"

Page 1, line 12, after "The" insert "Elected"

Page 2, line 19, after "the governor" insert "and"

Page 2, line 19, after "lieutenant governor" to line 20 delete:
", members of the judiciary, and the head of each principal department"

Page 3, line 1, after "allowances for" insert "elected"

Page 3, line 8, delete "JUDICIARY,"

Page 3, line 10 after "may not" through "recommendation; or" on line 12, delete all material.

Page 3, line 14, delete "except incumbent members of the judiciary,"

Page 3, line 19,

Delete: "members of the judiciary or"

Insert: "the"

Page 4, line 1, after "allowances for" insert "elected"

Page 4, line 6, after "means the" insert "Elected"

Page 4, lines 8 - 9, delete all material.

Page 4, line 10, delete "(3)" and insert "(2)"

Page 4, line 11, before "lieutenant governor" insert "and"

Page 4, line 11, after "lieutenant governor" insert "." and delete all material through line 12.

Page 4, line 16, after "allowances for" insert "elected"

Page 4, line 21 through page 5, line 7, delete all material.

Renumber remaining bill sections accordingly.

Page 5, line 9, after "The" insert "Elected"

Page 5, line 13, after "The" insert "Elected"

Page 5, line 17, after "The" insert "Elected"

Page 5, line 22, after "the" insert "Elected"

Page 5, line 28 through page 6, line 2, delete all material.

Renumber remaining bill sections accordingly.

Page 6, line 7 through "20.080," in line 13, delete all material and insert:

"* Sec. 8. Notwithstanding secs. 3 - 6 and 10 of this Act, the salary established for legislators in AS 24.10.100, the governor in AS 39.20.010, and the lieutenant governor in AS 39.20.030,"

Page 6, lines 20 and 21

Delete "AS 22.05.140(c); AS 22.10.190(c); AS 22.15.220(d);"

Page 6, line 23, delete "2 - 11, 13, and 15" and insert "2 - 6, 8, and 10"

Page 6, lines 24, after "creating" delete "a" and insert "an Elected"

Page 6, line 27, delete "12 and 14" and insert "7 and 9"

AMENDMENT #1

OFFERED IN THE HOUSE: BY: Pettyjohn

To: CS (Fin) HOUSE BILL No. 454

SENATE BILL No. _____

PAGE: 2 LINE: 24

delete: November

insert: October

A M E N D M E N T

Offered in the HOUSE

By Uehling

TO: CSHJR 54(Fin)

Page 1, line 6, after "establishing" delete "a" and insert "an elected"

Page 1, line 11, after "14." insert "ELECTED"

Page 1, lines 11, after "The" insert "elected"

Page 1, line 16, after "the governor," insert "and"

Page 1, line 16, after "lieutenant governor" through line 17 delete all material

Page 1, line 28, after "29." insert "ELECTED"

Page 1, line 29, after "creating the" insert "elected"

Page 2, line 1, after "members of the" insert "elected"

Page 2, line 3, after "of the" insert "elected"

AMENDMENT #

OFFERED IN THE HOUSE: BY: Pettyjohn

TO: CS (Fin) HOUSE BILL No. HJR 54

SENATE BILL No. _____

PAGE: 1 LINE: 23

delete: two-thirds

insert a majority

ALASKA HOUSE OF REPRESENTATIVES

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ALASKA HOUSE OF REPRESENTATIVES

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4

Sec. 22.05.130. Restrictions. A supreme court justice while holding office may not practice law, nor engage in the conduct of any other profession, vocation or business for profit or compensation, which conduct would interfere with the performance of the judicial duties of the justice, nor may a justice hold office in a political party, or hold any other office or position of profit under the United States, the state or its political subdivisions. A supreme court justice filing for another elective public office other than delegate to a constitutional convention of this state or the United States forfeits the judicial position. (§ 13 ch 50 SLA 1959; am § 1 ch 30 SLA 1971; am § 7 ch 12 SLA 1980)

Effect of amendments. — The 1980 amendment deleted a comma following "the state" near the end of the first sentence, and inserted "other than delegate to a constitutional convention of this state or the United States" in the second sentence.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

NOTES TO DECISIONS

Quoted in Begich v. Jefferson, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Sec. 22.05.140. Compensation. (a) The monthly salary of each justice is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(b) No salary warrant may be issued to a justice of the supreme court until the justice has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the justice for opinion or decision has been uncompleted or undecided by the justice for a period of more than six months.

(c) In addition to annual salary, each justice is entitled to receive a geographic cost-of-living adjustment, based on the location of the primary office assignment, equal to 3.5 percent of his annual salary times the number of pay step increases provided under AS 39.27.020 for a state employee working in the same election district in those districts for which AS 39.27.020 specified zero-to-five pay step increases. In an election district for which AS 39.27.020 specifies more than five pay steps, the number of pay step increases under this section is limited to five. Any retirement benefits to which a justice may be entitled shall be computed only on the annual salary. (§ 14 ch 50 SLA 1959; am § 4 ch 115 SLA 1965; am § 2 ch 83 SLA 1967; am § 1 ch 101 SLA 1969; am § 1 ch 193 SLA 1970; am § 1 ch 34 SLA 1974; am § 1 ch 205 SLA 1975; am § 2 ch 148 SLA 1976; am § 3 ch 263 SLA 1976; am § 4 ch 80 SLA 1978; am §§ 3, 18 ch 3 SLA 1980; am §§ 53, 54 ch 59 SLA 1982).

Effect of amendments. The 1978 amendment added subsection (c).

Section 3, ch. 3, SLA 1980 retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary of the chief justice and of each associate justice is $65,000, payable monthly in 12 equal installments" for the former provisions, which read: "The chief justice and each associate justice are entitled to receive annual compensation prescribed in accordance with AS 39.23. Compensation of the chief justice or of an associate justice may not be diminished during his term of office, unless by general law applying to all salaried officers of the state." Section 18 of ch. 3, retroactive to January 1, 1980, in subsection (a), substituted "The monthly salary of the chief justice and of each associate justice is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska" for the provisions substituted by § 3 of ch. 3.

The 1982 amendment, effective May 28, 1982, deleted "the chief justice and of" preceding "each" and deleted "associate" preceding "justice" in subsection (a) and in the first sentence of subsection (c). The amendment also, in subsection (c), substituted "a" for "the chief justice or an associate" in the last sentence of that subsection.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

Legislative history reports. — For report on ch. 83, SLA 1967 (HB 141), see 1967 House Journal, pp. 339-340.

Sec. 22.05.150. Administrative director. The chief justice of the supreme court shall, with the approval of the supreme court, appoint an administrative director to serve at the pleasure of the supreme court and to supervise the administrative operations of the judicial system. (§ 15 ch 50 SLA 1959; am § 31 ch 32 SLA 1971)

Sec. 22.05.160. Recording districts.
Repealed by § 4 ch 118 SLA 1976.

Cross references. — As to the duty of the Department of Natural Resources to administer and maintain the recording system, see AS 44.37.020(b). As to recording, generally, see AS 44.37.025.

Editor's note. — The repealed section derived from § 26(3), ch. 184, SLA 1959; § 3, ch. 24, SLA 1966.

Chapter 07. The Court of Appeals.

Section		Section	
10.	Establishment	60.	Approval or rejection
20.	Jurisdiction	70.	Vacancies
30.	Review by supreme court	80.	Restrictions
40.	Qualifications of judges	90.	Compensation
50.	Oath of office	100.	Process

Editor's notes. — Section 33, ch. 12, SLA 1980 provides: "Notwithstanding the effective date of this Act [March 22, 1980], operations of the court of appeals shall begin on a date determined by the supreme court after all judges of the court of appeals have taken office." Pursuant to § 33, ch. 12, SLA 1980, operations of the court of appeals began on September 18, 1980. See Sup. Ct. Order No. 430 (Sept. 18, 1980).

Section 34, ch. 12, SLA 1980 provides: "Cases pending in the supreme court on the date on which the operations of the court of appeals begin which have been heard by or submitted to the supreme court on the briefs shall be retained by the

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Sec. 22.07.090. Compensation. (a) The monthly salary of a judge of the court of appeals is equal to Step E, Range 29 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The compensation of a judge may not be diminished during the term of office, unless by general law applying to all salaried officers of the state.

(b) A salary warrant may not be issued to a judge of the court of appeals until the judge has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months. (§ 1 ch 12 SLA 1980)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 22.07.100. Process. Process of the court of appeals shall be in the name of the State of Alaska, signed by the clerk of the court or the deputy clerk, dated when issued, sealed with the seal of court, and made returnable according to rule prescribed by the supreme court. (§ 1 ch 12 SLA 1980)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Chapter 10. The Superior Court.

Section		Section	
10.	Establishment of superior court	120.	Number of judges
20.	Jurisdiction	130.	Appointment and duties of presiding judges
30.	Where actions are to be brought	140.	Chief justice may assign superior court judges
40.	Change of venue	150.	Approval or rejection
50.	General powers and sessions	160.	[Repealed]
60.	Effect of adjournment	170.	Impeachment
70.	[Repealed]	180.	Restrictions
80.	Process	190.	Compensation
90.	Qualifications of judges		
100.	Vacancies		
110.	Oath of office		

Sec. 22.10.010. Establishment of superior court. There shall be one superior court for the state. The court shall consist of four districts bounded as follows:

First District: the area within election districts numbered one to six, both inclusive, as said districts are described in art. XIV of the state constitution on March 19, 1959;

Second District: the area within election districts numbered 21 to 24, both inclusive, and those areas of election districts 18 and 20 within the boundaries of the North Slope Borough, as said districts are described in art. XIV of the state constitution on March 19, 1959;

of the judicial branch or exercising judicial power but rather is exercising certain executive powers of control vested in the regents over the state's sole institution of higher learning. This, the judge may not do pursuant to Alaska Const., art. IV, § 14. December 27, 1976, Op. Att'y Gen.

NOTES TO DECISIONS

Cited in Begich v. Jefferson, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Collateral references. — Propriety and permissibility of judge engaging in the practice of law. 89 ALR2d 886.

Sec. 22.10.190. Compensation. (a) The monthly salary for each superior court judge is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(b) No salary warrant may be issued to a superior court judge until the judge has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months.

(c) In addition to annual salary, a superior court judge is entitled to receive a geographic cost-of-living adjustment, based on the location of the judge's primary office assignment, equal to 3.5 per cent of his annual salary times the number of pay step increases provided under AS 39.27.020 for a state employee working in the same election district in those districts for which AS 39.27.020 specifies zero-to-five pay step increases. In an election district for which AS 39.27.020 specifies more than five pay steps, the number of pay step increases under this section is limited to five. Any retirement benefits to which a superior court judge may be entitled shall be computed only on the annual salary. (§ 30 ch 50 SLA 1959; am § 5 ch 115 SLA 1965; am § 4 ch 83 SLA 1967; am § 2 ch 101 SLA 1969; am § 2 ch 193 SLA 1970; am § 2 ch 34 SLA 1974; am § 2 ch 205 SLA 1975; am § 3 ch 148 SLA 1976; am § 4 ch 263 SLA 1976; am § 5 ch 80 SLA 1978; am §§ 4, 19 ch 3 SLA 1980)

Effect of amendments. — The 1978 amendment added subsection (c).

Section 4, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary for each superior court judge is $57,500, payable monthly in 12 equal installments" for the former provisions, which read: "Each superior court judge is entitled to receive annual compensation prescribed in accordance with AS 39.23. The compensation of a judge may not be diminished during his term of office, unless by general law applying to all salaried officers of the state." Section 19 of ch. 3, retroactive to January 1, 1980, in subsection (a), substituted "The monthly salary for each superior court judge is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for

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Editor's notes. — The repealed section derived from § 15, ch. 184, SLA 1959.

Sec. 22.15.210. Restrictions. (a) A district judge while holding office may not practice law, nor engage in the conduct of any other profession, vocation or business for profit or compensation, which conduct would interfere with the performance of the judicial duties of the judge, nor may a judge hold office in a political party, or hold any other office or position of profit under the United States, the state or its political subdivisions, except that, with the approval of the chief justice of the Alaska Supreme Court, a district judge may be appointed deputy clerk of the superior court and may hold the office of United States magistrate. A district judge who files for another elective public office other than delegate to a constitutional convention of this state or the United States forfeits the judicial position.

(b) A magistrate, while holding office, may not hold office in a political party. A magistrate may hold any other office or position of profit under the United States, the state or its political subdivisions, or engage in the conduct of any profession or business which does not interfere with the performance of the judicial duties of the magistrate or require that the magistrate repeatedly disqualify himself or herself from judicial service because of a conflict of interest caused thereby. (§ 16 ch 184 SLA 1959; am § 2 ch 5 SLA 1960; am § 3 ch 24 SLA 1966; am § 3 ch 30 SLA 1971; am § 14 ch 12 SLA 1980)

Effect of amendments. — The 1980 amendment deleted commas following "a district judge" and "while holding office" at the beginning of subsection (a), substituted "a district judge" for "the district judge" near the end of the first sentence in subsection (a), and inserted "other than delegate to a constitutional convention of this state or the United States" preceding "forfeits his judicial position" in the second sentence of subsection (a).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Legislative history reports. — For report on ch. 30, SLA 1971 (FCCS HCSSB 64), see 1971 House Journal, p. 226.

NOTES TO DECISIONS

Quoted in Begich v. Jefferson, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Sec. 22.15.220. Compensation. (a) The monthly salary for each district judge is equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(b) Each magistrate shall receive annual compensation to be determined by the supreme court. Salary increases shall be determined on

the basis of percentage of pay increase the legislature provides for state employees in the classified service. The base salary of a magistrate shall be increased by a percentage equal to three and one-half per cent times the number of step increases provided under AS 39.27.020 that a state employee would receive working in the same election district. A magistrate's annual compensation may be payable, at the option of the magistrate, either monthly in 12 equal installments or semi-monthly in 24 equal installments.

(c) No salary warrant may be issued to a district judge or magistrate until the judge or magistrate has filed with the state officer designated to issue salary warrants, an affidavit that no matter referred to the judge or magistrate for opinion or decision has been uncompleted or undecided by the judge or magistrate for a period of more than six months.

(d) In addition to annual salary, a district court judge is entitled to receive a geographic cost-of-living adjustment, based on the location of his primary office assignment, equal to 3.5 per cent of the judge's annual salary times the number of pay step increases provided under AS 39.27.020 for a state employee working in the same election district in those districts for which AS 39.27.020 specifies zero-to-five pay step increases. In an election district for which AS 39.27.020 specifies more than five pay steps, the number of pay step increases under this section is limited to five. Any retirement benefits to which a district court judge may be entitled shall be computed only on the annual salary. (§ 17 ch 184 SLA 1959; am § 1 ch 66 SLA 1962; am § 1 ch 64 SLA 1963; am § 3 ch 24 SLA 1966; am § 1 ch 137 SLA 1966; am § 5 ch 83 SLA 1967; am § 3 ch 101 SLA 1969; am § 3 ch 193 SLA 1970; am § 1 ch 78 SLA 1971; am § 1 ch 188 SLA 1972; am §§ 3, 4 ch 34 SLA 1974; am § 3 ch 205 SLA 1975; am §§ 4, 5 ch 148 SLA 1976; am § 1 ch 196 SLA 1976; am § 5 ch 263 SLA 1976; am § 6 ch 80 SLA 1978; am §§ 5, 20 ch 3 SLA 1980)

Revisor's notes. — Subsection (b) of AS 22.15.220 was amended by both § 5, ch. 148, SLA 1976, and § 1, ch. 196, SLA 1976. Since the two amendments appear to be inconsistent, and ch. 148 is superseded by ch. 196, only the later enactment has been given effect here.

Cross references. — See Rule 34, Rules Governing Administration of All Courts.

Effect of amendments. — The 1978 amendment added subsection (d).

Section 5, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary for each district judge is $49,000, payable monthly in 12 equal installments" for the former provisions, which read: "Each district judge is entitled to receive annual compensation prescribed in accordance with AS 39.23. The compensation of a judge may not be diminished during his term of office, unless by general law applying to all salaried officers of the state." Section 20 of ch. 3, retroactive to January 1, 1980, substituted "The monthly salary for each district judge is equal to Step C, Range 26 of the salary schedule in AS 39.29.011(a) for Juneau, Alaska" for the provisions substituted by § 5 of ch. 3.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

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Article 3. Compensation of Legislators.

Section
100. Annual salary of legislators
110. Additional allowances
120. Method of payment
130. Legislative transportation

Sec. 24.10.100. Annual salary of legislators. The annual salary for each member of the legislature is $46,800. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office. (§ 2 ch 26 SLA 1961; am § 1 ch 149 SLA 1966; am § 9 ch 193 SLA 1970; am § 6 ch 148 SLA 1976; am § 7 ch 263 SLA 1976; am §§ 14, 28 ch 3 SLA 1980; am § 2 ch 83 SLA 1983; am § 1 ch 87 SLA 1985)

Revisor's notes. — Formerly AS 24.15.020. Renumbered in 1985.

Effect of amendments. — The 1983 amendment substituted "Range 22" for "Range 10" in the first sentence.

The 1985 amendment, effective July 16, 1985, in the first sentence substituted "annual" for "monthly" and "$46,800" for "equal to Step A, Range 22 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska."

Editor's notes. — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected, effective October 14, 1976.

Opinions of attorney general. — It is impossible for a newly appointed member of the legislature to receive salary until he is sworn in as a member of the legislature pursuant to AS 24.05.170. 1959 Op. Att'y Gen., No. 20.

Collateral references. — 72 Am. Jur. 2d, States, Territories, and Dependencies, § 56.

81A C.J.S., States, § 46.

Per diem compensation of members and officers of legislature, 1 ALR 286.

Illegal election or appointment as affecting right to salary, 7 ALR 1682.

Sec. 24.10.110. Additional allowances. In addition, each member of the legislature is entitled to an annual allowance prescribed in accordance with AS 39.23 for postage, stationery, stenographic services and other expenses. (§ 3 ch 26 SLA 1961; am § 1 ch 8 SLA 1970; am § 10 ch 193 SLA 1970; am § 8 ch 263 SLA 1976)

Revisor's notes. — Formerly AS 24.15.030. Renumbered in 1985.

Editor's notes. — AS 39.23, referred to in this section, was repealed by sec. 37, ch. 3, SLA 1980.

Sec. 24.10.120. Method of payment. Salaries and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer. (§ 4 ch 26 SLA 1961; am § 3 ch 83 SLA 1983)

Revisor's notes. — Formerly AS 24.15.040. Renumbered in 1985.

Effect of amendments. — The 1983 amendment deleted "per diem" following "Salaries" at the beginning of the section.

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Alaska Statutes

Title 39. Public Officers and Employees.

Chapter

05. Qualifications, Appointment, and Tenure (§§ 39.05.055, 39.05.060)
20. Compensation and Allowances (§§ 39.20.010, 39.20.030, 39.20.245, 39.20.310)
25. State Personnel Act (§§ 39.25.110, 39.25.120)
27. Pay Plan for State Employees (§ 39.27.011)
35. Public Employees' Retirement System of Alaska (§§ 39.35.155, 39.35.157)
50. Conflict of Interest (§§ 39.50.145, 39.50.150, 39.50.200)

Chapter 05. Qualifications, Appointment, and Tenure.

Section

55. Staggered initial terms
60. Appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions

Sec. 39.05.055. Staggered initial terms. The terms of the initially appointed members of a board, commission, council or other multi-member body that will have a continuing existence shall be set by the governor as follows:

(1) in the case of three-member boards, for one, two and three years;

(2) in the case of four-member boards, for one, two, three and four years;

(3) in the case of five-member boards, for one, two, three, four and five years;

(4) in the case of six-member boards, two members serve for one year, two for two years, and two for three years;

(5) in the case of seven-member boards, two members serve for one year, two for two years, and three for three years;

(6) in the case of eight-member boards, two members serve for one year, two for two years, two for three years, and two for four years;

(7) in the case of nine-member boards, three members serve for one year, three for two years, and three for three years;

(8) in the case of 10-member boards, two members serve for one year, two for two years, two for three years, two for four years, and two for five years. (§ 55 ch 21 SLA 1985)

Effective dates. — Section 70, ch. 21, SLA 1985, makes this section effective May 10, 1985, in accordance with AS 01.10.070(c).

Sec. 39.05.060. Appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions. (a) Each member of the following shall be a citizen of the United States:

(1) Local Boundary Commission;

(2) Alcoholic Beverage Control Board;

(3) Employment Security Advisory Council;

(4) Alaska State Housing Authority;

(5) Board of Fisheries;

(6) Board of Tourism;

(7) *[Repealed, § 72 ch 59 SLA 1982.]*

(8) *[Repealed, § 36 ch 124 SLA 1975.]*

(9) the Governor's Commission on the Involvement of Young People in Government;

(10) Board of Game.

(b) The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. Appointments are subject to confirmation by a majority of the members of the legislature in joint session.

(c) *[Repealed, § 56 ch 21 SLA 1985.]*

(d) A vacancy occurring during a term of office is filled in the same manner as the original appointment is made and for the balance of the unexpired term. Each member holds office at the pleasure of the governor notwithstanding the member's term. (§ 6 ch 64 SLA 1959; am § 2 ch 34 SLA 1960; am § 2 ch 89 SLA 1964; am § 2 ch 90 SLA 1967; am § 10 ch 96 SLA 1967; am § 1 ch 107 SLA 1969; am § 30 ch 46 SLA 1970; am § 2 ch 121 SLA 1971; am § 36 ch 124 SLA 1975; am §§ 34-36 ch 206 SLA 1975; am § 72 ch 59 SLA 1982; am §§ 56, 57 ch 21 SLA 1985)

Effect of amendments. — The 1985 amendment, effective May 10, 1985, repealed subsection (c), concerning initial appointments of board or commission members, and deleted "Initial terms date from February 1 before appointment." at the beginning of subsection (d).

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Article
1. Salaries (§§ 3
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Section
50. Exclusive compensation
60. Exclusion of governor and lieutenant governor from personnel laws
70. Subsequent legislation relating to AS 39.20.050 and 39.20.060
80. Salary of executive department head and deputy
90. Salaries and expenses

Sec. 39.20.010. Monthly salary of governor. The monthly salary of the governor is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 39 SLA 1959; am § 1 ch 115 SLA 1965; am § 4 ch 101 SLA 1969; am § 4 ch 193 SLA 1970; am § 5 ch 34 SLA 1974; am § 7 ch 148 SLA 1976; am § 9 ch 263 SLA 1976; am § 6 ch 3 SLA 1980; am § 21 ch 3 SLA 1980)

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 5, 360-413.
67 C.J.S., Officers, § 218 et seq.

Sec. 39.20.020. Date of entitlement of governor's salary. The governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the governor. (§ 2 ch 39 SLA 1959)

Sec. 39.20.030. Monthly salary of lieutenant governor. The monthly salary of the lieutenant governor is equal to Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 40 SLA 1959; am § 2 ch 115 SLA 1965; am § 1 ch 123 SLA 1967; am § 5 ch 101 SLA 1969; am § 5 ch 193 SLA 1970; am § 6 ch 34 SLA 1974; am § 8 ch 148 SLA 1976; am § 10 ch 263 SLA 1976; am § 7 ch 3 SLA 1980; am § 22 ch 3 SLA 1980)

Revisor's notes. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Sec. 39.20.040. Date of entitlement of lieutenant governor's salary. The lieutenant governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the lieutenant governor. (§ 2 ch 40 SLA 1959)

Revisor's notes. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Sec. 39.20.050. Exclusive compensation. The compensation fixed by law for the governor and lieutenant governor is in full for all services rendered by each of them in any official capacity or employment whatsoever during their respective terms of office, and shall be paid throughout their respective terms of office unless the office becomes vacant. (§ 1 ch 160 SLA 1960)

Revisor's notes. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Sec. 39.20.060. Exclusion of governor and lieutenant governor from personnel laws. Notwithstanding the provisions of any other law, the governor and lieutenant governor are not considered employees of the state for the purpose of state personnel laws relating to hours of employment, annual leave, sick leave, overtime, compensatory time, and travel allowances. Nothing in this section shall be construed to deprive the governor and lieutenant governor of the right to participate in the state retirement system or in state group insurance plans. (§ 2 ch 160 SLA 1960)

Revisor's notes. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Sec. 39.20.070. Subsequent legislation relating to AS 39.20.050 and 39.20.060. AS 39.20.050 and 39.20.060 are not superseded or modified by any subsequent legislation except to the extent that the legislation does so expressly. (§ 3 ch 160 SLA 1960)

Sec. 39.20.080. Salary of executive department head and deputy. (a) The monthly salary of the head of each principal executive department of the state is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(b) The monthly salary of a deputy head of a principal executive department of the state is not less than Step A nor more than Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(c) Except as provided by a general law applicable to all officers of the state, the compensation of the head of each principal executive department of the state may not be reduced during the executive's tenure in office. (§ 1 ch 105 SLA 1959; am § 1 ch 128 SLA 1962; am § 3 ch 115 SLA 1965; am § 1 ch 156 SLA 1966; am § 2 ch 123 SLA 1967; am § 6 ch 101 SLA 1969; am § 6 ch 193 SLA 1970; am § 37 ch 71 SLA 1972; am § 7 ch 34 SLA 1974; am § 9 ch 148 SLA 1976; am § 11 ch 263 SLA 1976; am §§ 8, 9, 15, 23, 24 ch 3 SLA 1980)

Effect of amendments. — Section 8, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary of the head of each principal executive department of the state is $57,500, payable monthly in 12 equal installments" for the former provisions, which read: "The annual salary of the head of each principal executive department of the state shall be prescribed in accordance with AS 39.23."

Section 23 of ch. 3, retroactive to January 1, 1980, substituted "The monthly salary of the head of each principal executive department of the state is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska" for the material substituted by § 8 of ch. 3.

Section 9, ch. 3, SLA 1980, retroactive to

January 1, 1979, in subsection (b), substituted "The annual salary of a deputy head of a principal executive department of the state is $52,500, payable monthly in 12 equal installments" for the former provisions, which read: "The salary of the deputy head of each principal executive department of the state shall be prescribed in accordance with AS 39.23." Section 24 of ch. 3, retroactive to January 1, 1980, substituted "The monthly salary of a deputy head of a principal executive department of the state is not less than Step A nor more than Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska" for the material substituted by § 9 of ch. 3.

Section 15, ch. 3, SLA 1980, added subsection (c).

Editor's notes. — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

Sec. 39.20.090. Salaries and expenses. The salaries and expenses of officers, boards, commissions, and bureaus established by the laws of the state shall be paid from appropriations made for that purpose, as other expenses of the state are paid. (§ 11-3-8 ACLA 1949)

Sec. 39.20.100. Fees, mileage or compensation. [Repealed, § 75 ch 59 SLA 1982.]

Article 2. Travel Regulations.

Section

110. Per diem allowance
120. Allowable expenses
130. Mileage allowance
140. Travel costs and travel outside the state
150. Advances and recovery
160. Regulations
170. Construction of AS 39.20.110 — 39.20.170
180. Transportation and per diem expenses for members of boards, commissions, etc.
185. State employees who are members of certain boards
190. Definitions

Sec. 39.20.110. Per diem allowance. Officials and employees of the state agencies, while traveling on official business and away from their designated post of duty, shall be allowed, instead of their actual expenses for subsistence and all fees or tips, a per diem allowance to be prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160, and in consultation with the head of the agency concerned. (§ 4 ch 60 SLA 1957; am § 1 ch 99 SLA 1960; am § 1 ch 105 SLA 1970; am § 10 ch 47 SLA 1974)

NOTES TO DECISIONS

Cited in Laborers & Hod Carriers Local 341 v. Groothuis, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 808 (1972).

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 389, 390.

67 C.J.S., Officers, § 225.

Per diem compensation, 1 ALR 276.

Power to appropriate public money for

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

M E M O R A N D U M February 12, 1986

SUBJECT: CSHB 454 (Finance)
(State Officers Compensation Commission)

TO: Representative Rick Uehling

FROM: Teresa B. Cramer TBC
Legislative Counsel

You have asked for an explanation of when the first final report of the State Officers Compensation Commission would take effect assuming that CS HJR 54 (Finance) and CSHB 454 (Finance) are enacted into law.

Section 2 of the bill amends AS 39.23.240(c) (which is enacted by section 1 of the bill) by adding the following language.

> A recommendation has the force of law and becomes effective on the first day of the next regular legislative session unless rejected by a concurrent resolution adopted by two-thirds of the members in each house of the legislature.

Section 14 of the bill enacts temporary law which requires the commission to submit its first final report to the legislature by January 10, 1987.

The First Session of the Fifteenth Legislature will begin after that date. Therefore, the first final report will take effect on the first day of the Fifteenth Legislature, which will be January 19, the third Monday of that month.

If I may be of further assistance, please advise.

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Alaska Statutes

Title 39. Public Officers and Employees.

Chapter

05. Qualifications, Appointment, and Tenure (§§ 39.05.055, 39.05.-060)
20. Compensation and Allowances (§§ 39.20.010, 39.20.030, 39.20.-245, 39.20.310)
25. State Personnel Act (§§ 39.25.110, 39.25.120)
27. Pay Plan for State Employees (§ 39.27.011)
35. Public Employees' Retirement System of Alaska (§§ 39.35.155, 39.35.157)
50. Conflict of Interest (§§ 39.50.145, 39.50.150, 39.50.200)

Chapter 05. Qualifications, Appointment, and Tenure.

Section

55. Staggered initial terms
60. Appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions

Sec. 39.05.055. Staggered initial terms. The terms of the initially appointed members of a board, commission, council or other multi-member body that will have a continuing existence shall be set by the governor as follows:

(1) in the case of three-member boards, for one, two and three years;

(2) in the case of four-member boards, for one, two, three and four years;

(3) in the case of five-member boards, for one, two, three, four and five years;

(4) in the case of six-member boards, two members serve for one year, two for two years, and two for three years;

(5) in the case of seven-member boards, two members serve for one year, two for two years, and three for three years;

(6) in the case of eight-member boards, two members serve for one year, two for two years, two for three years, and two for four years;

(7) in the case of nine-member boards, three members serve for one year, three for two years, and three for three years;

(8) in the case of 10-member boards, two members serve for one year, two for two years, two for three years, two for four years, and two for five years. (§ 55 ch 21 SLA 1985)

Effective dates. — Section 70, ch. 21, SLA 1985, makes this section effective May 10, 1985, in accordance with AS 01.10.070(c).

Sec. 39.05.060. Appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions. (a) Each member of the following shall be a citizen of the United States:

(1) Local Boundary Commission;

(2) Alcoholic Beverage Control Board;

(3) Employment Security Advisory Council;

(4) Alaska State Housing Authority;

(5) Board of Fisheries;

(6) Board of Tourism;

(7) *[Repealed, § 72 ch 59 SLA 1982.]*

(8) *[Repealed, § 36 ch 124 SLA 1975.]*

(9) the Governor's Commission on the Involvement of Young People in Government;

(10) Board of Game.

(b) The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. Appointments are subject to confirmation by a majority of the members of the legislature in joint session.

(c) *[Repealed, § 56 ch 21 SLA 1985.]*

(d) A vacancy occurring during a term of office is filled in the same manner as the original appointment is made and for the balance of the unexpired term. Each member holds office at the pleasure of the governor notwithstanding the member's term. (§ 6 ch 64 SLA 1959; am § 2 ch 34 SLA 1960; am § 2 ch 89 SLA 1964; am § 2 ch 90 SLA 1967; am § 10 ch 96 SLA 1967; am § 1 ch 107 SLA 1969; am § 30 ch 46 SLA 1970; am § 2 ch 121 SLA 1971; am § 36 ch 124 SLA 1975; am §§ 34-36 ch 206 SLA 1975; am § 72 ch 59 SLA 1982; am §§ 56, 57 ch 21 SLA 1985)

Effect of amendments. — The 1985 amendment, effective May 10, 1985, repealed subsection (c), concerning initial appointments of board or commission members, and deleted "Initial terms date from February 1 before appointment." at the beginning of subsection (d).

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Article
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50. Exclusive compensation
60. Exclusion of governor and lieutenant governor from personnel laws
70. Subsequent legislation relating to AS 39.20.050 and 39.20.060
80. Salary of executive department head and deputy
90. Salaries and expenses

Sec. 39.20.010. Monthly salary of governor. The monthly salary of the governor is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 39 SLA 1959; am § 1 ch 115 SLA 1965; am § 4 ch 101 SLA 1969; am § 4 ch 193 SLA 1970; am § 5 ch 34 SLA 1974; am § 7 ch 148 SLA 1976; am § 9 ch 263 SLA 1976; am § 6 ch 3 SLA 1980; am § 21 ch 3 SLA 1980)

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 5, 360-413.
67 C.J.S., Officers, § 218 et seq.

Sec. 39.20.020. Date of entitlement of governor's salary. The governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the governor. (§ 2 ch 39 SLA 1959)

Sec. 39.20.030. Monthly salary of lieutenant governor. The monthly salary of the lieutenant governor is equal to Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 40 SLA 1959; am § 2 ch 115 SLA 1965; am § 1 ch 123 SLA 1967; am § 5 ch 101 SLA 1969; am § 5 ch 193 SLA 1970; am § 6 ch 34 SLA 1974; am § 8 ch 148 SLA 1976; am § 10 ch 263 SLA 1976; am § 7 ch 3 SLA 1980; am § 22 ch 3 SLA 1980)

Revisor's notes. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Sec. 39.20.040. Date of entitlement of lieutenant governor's salary. The lieutenant governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the lieutenant governor. (§ 2 ch 40 SLA 1959)

Revisor's notes. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Sec. 39.20.050. Exclusive compensation. The compensation fixed by law for the governor and lieutenant governor is in full for all services rendered by each of them in any official capacity or employment whatsoever during their respective terms of office, and shall be paid throughout their respective terms of office unless the office becomes vacant. (§ 1 ch 160 SLA 1960)

Revisor's notes. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Sec. 39.20.060. Exclusion of governor and lieutenant governor from personnel laws. Notwithstanding the provisions of any other law, the governor and lieutenant governor are not considered employees of the state for the purpose of state personnel laws relating to hours of employment, annual leave, sick leave, overtime, compensatory time, and travel allowances. Nothing in this section shall be construed to deprive the governor and lieutenant governor of the right to participate in the state retirement system or in state group insurance plans. (§ 2 ch 160 SLA 1960)

Revisor's notes. — In this section "secretary of state" has been changed to "lieutenant governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Sec. 39.20.070. Subsequent legislation relating to AS 39.20.050 and 39.20.060. AS 39.20.050 and 39.20.060 are not superseded or modified by any subsequent legislation except to the extent that the legislation does so expressly. (§ 3 ch 160 SLA 1960)

Sec. 39.20.080. Salary of executive department head and deputy. (a) The monthly salary of the head of each principal executive department of the state is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(b) The monthly salary of a deputy head of a principal executive department of the state is not less than Step A nor more than Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(c) Except as provided by a general law applicable to all officers of the state, the compensation of the head of each principal executive department of the state may not be reduced during the executive's tenure in office. (§ 1 ch 105 SLA 1959; am § 1 ch 128 SLA 1962; am § 3 ch 115 SLA 1965; am § 1 ch 156 SLA 1966; am § 2 ch 123 SLA 1967; am § 6 ch 101 SLA 1969; am § 6 ch 193 SLA 1970; am § 37 ch 71 SLA 1972; am § 7 ch 34 SLA 1974; am § 9 ch 148 SLA 1976; am § 11 ch 263 SLA 1976; am §§ 8, 9, 15, 23, 24 ch 3 SLA 1980)

Effect of amendments. — Section 8, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary of the head of each principal executive department of the state is $57,500, payable monthly in 12 equal installments" for the former provisions, which read: "The annual salary of the head of each principal executive department of the state shall be prescribed in accordance with AS 39.23."

Section 23 of ch. 3, retroactive to January 1, 1980, substituted "The monthly salary of the head of each principal executive department of the state is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska" for the material substituted by § 8 of ch. 3.

Section 9, ch. 3, SLA 1980, retroactive to

January 1, 1979, in subsection (b), substituted "The annual salary of a deputy head of a principal executive department of the state is $52,500, payable monthly in 12 equal installments" for the former provisions, which read: "The salary of the deputy head of each principal executive department of the state shall be prescribed in accordance with AS 39.23." Section 24 of ch. 3, retroactive to January 1, 1980, substituted "The monthly salary of a deputy head of a principal executive department of the state is not less than Step A nor more than Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska" for the material substituted by § 9 of ch. 3.

Section 15, ch. 3, SLA 1980, added subsection (c).

Editor's notes. — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

Sec. 39.20.090. Salaries and expenses. The salaries and expenses of officers, boards, commissions, and bureaus established by the laws of the state shall be paid from appropriations made for that purpose, as other expenses of the state are paid. (§ 11-3-8 ACLA 1949)

Sec. 39.20.100. Fees, mileage or compensation. [Repealed, § 75 ch 59 SLA 1982.]

Article 2. Travel Regulations.

Section
110. Per diem allowance
120. Allowable expenses
130. Mileage allowance
140. Travel costs and travel outside the state
150. Advances and recovery
160. Regulations
170. Construction of AS 39.20.110 — 39.20.170
180. Transportation and per diem expenses for members of boards, commissions, etc.
185. State employees who are members of certain boards
190. Definitions

Sec. 39.20.110. Per diem allowance. Officials and employees of the state agencies, while traveling on official business and away from their designated post of duty, shall be allowed, instead of their actual expenses for subsistence and all fees or tips, a per diem allowance to be prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160, and in consultation with the head of the agency concerned. (§ 4 ch 60 SLA 1957; am § 1 ch 99 SLA 1960; am § 1 ch 105 SLA 1970; am § 10 ch 47 SLA 1974)

NOTES TO DECISIONS

Cited in Laborers & Hod Carriers Local 341 v. Groothuis, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 808 (1972).

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 389, 390.

67 C.J.S., Officers, § 225.
Per diem compensation, 1 ALR 276.
Power to appropriate public money for

HB

601

Introduced: 2/14/86
Referred: State Affairs
and Finance

IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 601

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act abolishing inactive boards, councils, commissions, and centers."

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

* Section 1. AS 44.99.001 is amended to read:

Sec. 44.99.001. ADMINISTRATION OF HIGHWAY SAFETY PROGRAM. The governor may contract and do all other things necessary on behalf of this state under 23 U.S.C. sec. 401 -- 404 (Highway Safety Act of 1966), and may cooperate with interested persons and agencies to effectuate the purposes of that Act. The governor may designate a person to serve as the governor's highway safety representative; however, the governor is the official in this state having the ultimate responsibility for dealing with the federal government with respect to programs and activities under the Federal Highway Safety Act of 1966. The governor shall coordinate the activities relating to highway safety of state departments, agencies, and subdivisions [AND OF THE GOVERNOR'S COMMISSION ON TRANSPORTATION SAFETY ESTABLISHED IN AS 44.19.190].

* Sec. 2. AS 44.19.064 -- 44.19.072; 44.19.131 -- 44.19.140; 44.19.190 -- 44.19.192; AS 44.27.050(5); AS 44.33.020(23); 44.33.190 -- 44.33.230; 44.33.401 -- 44.33.430; AS 44.47.160 -- 44.47.190; AS 44.66.010(a)(9); and AS 46.12 are repealed.

COMMITTEE COPY

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 14, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III sec. 18, of the Alaska Constitution, I am transmitting a bill abolishing seven non-functional boards, councils, commissions, and centers. The repealers in sec. 2 are the heart of this bill and sec. 1 makes an amendment to correspond with one of the repeals.

Two years ago, the Office of the Governor conducted an inventory of all state boards and commissions. Several of these entities were determined to be nonfunctional, and the following require legislative action to repeal statutes: (1) Alaska International Development Commission (AS 44.-19.064 -- 44.19.072); (2) Governor's Commission on the Administration of Justice (AS 44.119.110 -- 44.19.122), which is dealt with separately in HB 183 introduced last year at my request; (3) Commission on the Conference of the Law of the Sea (AS 44.19.131 -- 44.19.140); (4) Governor's Commission on Transportation Safety (AS 44.19.190 -- 44.19.192); (5) Tourism Advisory Board (AS 44.33.190 -- 44.33.230); (6) Advisory Council on Cultural Facili[illegible] (AS 44.33.401 -- 44.33.430); (7) Rural Development Co[illegible] (AS 44.47.160 -- 44.47.190); and (8) the Alaska E[illegible] Center (AS 46.12).

All of these entities are considered nonfunctional for one or more of the following reasons:

1. their function has been absorbed by another entity;

2. they have lacked funding by legislative appropriations more than two years in a row;

3. the specific need for which they were established no longer exists.

Despite their dormant status, these entities all continue to exist on the pages of the Alaska Statutes. The purpose of this bill is to officially abolish these entities and repeal the statutes governing their operation. The cultural facilities development fund, AS 44.33.401 -- 44.33.417, which was to be handled by the Advisory Council on Cultural Facilities, is also repealed, as are references to the council in AS 44.27.050(5), and to the fund in AS 44.33.020(23). No money has ever been appropriated to the fund, and no grants have ever been awarded from it. In addition, a reference to the Rural Development Council in AS 44.66.010(a)(9) is repealed.

I urge your prompt and favorable action on this measure, to clean up the statutes and to clear up public confusion about these entities.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST SB 601 #1

Bill/Resolution No.: _____

Title: Abolishing inactive boards, councils, commissions, and centers

Sponsor: Governor Sheffield

Requestor: Harold Brown, Attorney General

Date of Request: _____

FISCAL DETAIL

Agency Affected: Community and Regional

BRU: N/A

Components: N/A

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

The Rural Development Council --AS44.47.160--44.47.190-- was not funded in the FY 85 Budget, and is defunct.

Prepared by: Jennifer Fate Phone: 465-4700

Division: Commissioner's Office Date: 1/6/86

Approved by Commissioner: Emil Notti Date: 1/6/86

Agency: Community and Regional Affairs

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST HB 601 #2

Bill/Resolution No. : _____

Title : An Act Abolishing Inactive Boards, Councils, Commissions, and Centers

Sponsor : Governor

Requestor : _____

Date of Request : _____

FISCAL DETAIL

Agency Affected : DOT&PF

BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Abolishment of the Governor's Commission on Transportation Safety will not affect the Department of Transportation and Public Facilities.

Prepared by : Susan K. Fleischhauer, Legislative Liaison Phone : 465-3900

Division : Office of the Commissioner Date : 1-3-86

Approved by Commissioner : R. J. Knapp Date : 1-3-86

Agency : Transportation and Public Facilities

Distribution (by Agency preparing fiscal note) :

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST HB 601 #3

Bill/Resolution No. : _____
Title : Abolishing inactive boards, councils, and commissions.

Sponsor : Rules Committee
Requestor : Governor
Date of Request : 1-2-86

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Highway Safety

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : T. Michael Lewis
Phone : 465-4374
Division : Highway Safety Planning Agency
Date : 1/2/86

Approved by Commissioner : for Lewis
Date : 1-2-86
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST HB 601 #4

Bill/Resolution No. : 377-024-086
Title : An Act abolishing inactive boards, councils, commissions and centers.
Sponsor : _____
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept. Comm. & Econ. Dev.
BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS : NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : _____ Phone : 465-2505
Division : Grace O'Brien - Div. of Admin. Serv. Date : 12-30-85

Approved by Commissioner : _____ Date : _____
Agency : Commerce & Economic Development

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 601
Title : An act abolishing inactive boards, councils, commissions, and centers.

Sponsor : Rules Committee
Requestor : Governor
Date of Request : _____

FISCAL DETAIL

Agency Affected : _____
BRU : Local Government Assistance

Components : Training Development

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Doug Griffin, Deputy Director Phone : 465-4750
Division : Municipal & Regional Assistance Date : 03/17/86

Approved by Commissioner : Emil Notti Date : _____
Agency : Community & Regional Affairs

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 601
Title : Abolishing Boards and Commissions.

Sponsor : Governor
Requestor : House Finance Committee
Date of Request : 4/12/86

FISCAL DETAIL

Agency Affected : Department of Public Safety
~~Bmx~~: Dept.Comm.Reg.Affairs, DOT&PF and Dept.Commerce & Economic Development

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER		-0-	-0-	-0-	-0-	-0-
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

None of these Boards have received any funding recently, so there is no savings from passage of this bill.

AP

Prepared by : Representative Al Adams - Chairman
Division : House Finance Committee
Phone : 465-3706
Date : 4/12/86

Approved by Commissioner : _____ Date : _____
Agency : _____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

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

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 17, 1986

377-024-86

The Honorable Katie Hurley
Chair, House State Affairs
Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: HB 601 (Abolishing inactive state entities)

Dear Representative Hurley:

At the hearing last week on this bill, your committee requested more information about the inactive entities which would be formally abolished by the repeal of their respective authorizing statutes in section 2 of the bill. On March 11, I provided your staff a February 20, 1985 letter to you from Carol Derfner, former special assistant to the governor for Boards and Commissions concerning HB 122, the predecessor of HB 601. A copy of that letter is also enclosed with this letter. It provides some specific information on six of the seven entities dealt with in HB 601 along with information on the Governor's Commission on the Administration of Justice which is dealt with separately in HB 183.

The Alaska Energy Center (AS 46.12) is the one additional entity that would be formally abolished by HB 601 but which was not mentioned in the February, 1985 letter because it was not included in HB 122. The center was established in 1980 and disbanded in 1982 and has not been funded since. The Department of Commerce and Economic Development, which had responsibility for the wind-down of the center, has recommended that AS 46.12 be repealed now that the last residual court case related to it has been decided by the Alaska Supreme Court. Zerbetz v. Alaska Energy Center, 708 P.2d 1270 (Alaska 1985), concerning the employment contract of the former executive director of the short-lived center, was, for the most part, resolved by the Alaska Supreme Court's May 10, 1985 decision. The center has not been funded since 1980 and the remainder of that appropriation was transferred to the Department of Commerce and Economic Development in 1981 "to be used only to complete projects to pay overhead expenses" (sec. 20, ch. 82, SLA 1981).

A summary of all seven entities which would be formally abolished by sec. 2 of HB 601, along with the statutes to be repealed and the reasons, follows:

(1) Alaska International Development Commission.
- AS 44.19.131 -- AS 44.19.072.
- Functions absorbed by Department of Commerce and Economic Development, Department of Natural Resources and Governor's Office.
- No appropriation since at least FY 1975.

(2) Commission of the Conference of the Law of the Sea.
- AS 44.19.131 -- AS 44.19.140.
- Functions absorbed by Department of Fish and Game and Governor's Office.
- No appropriation since FY 1981.

(3) Governor's Commission of Transportation Safety.
- AS 44.19.190 -- AS 44.19.192 (and mentioned in AS 44.99.001).
- Functions absorbed by Department of Public Safety.
- Never funded since creation in FY 1982.

(4) Tourism Advisory Board.
- AS 44.33.190 -- AS 44.33.230.
- Functions absorbed by Department of Commerce and Economic Development, Department of Natural Resources and Governor's Office.
- No appropriation since at least FY 1981.

(5) Advisory Council of Cultural Facilities.
- AS 44.33.401 -- AS 44.33.430.
- Function accomplished.
- No appropriation since FY 1980.

(6) Rural Development Council.
- AS 44.47.160 -- AS 44.47.190.
- Functions absorbed by Department of Community and Regional Affairs and Governor's Office.
- No appropriation since FY 1982.

(7) Alaska Energy Center.
- AS 46.12
- Functions absorbed by Department of Commerce and Economic Development, Department of Community and Regional Affairs.
- No appropriation since FY 1980.

The reason for the repeal of the statutes creating the defunct entities is to eliminate confusion and to conform the codified Alaska statutes with the reality established by the lack of appropriation by the legislature. According to the inventory conducted by the Governor's Office in 1983 there were 124 Boards and Commissions "on the books." Passage of this bill is a necessary step in the effort to weed out those unnecessary and unfunded entities whose functions have either been absorbed by other agencies or accomplished.

Please let me know if I can provide further information or assistance concerning this bill.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Peter B. Froehlich
Assistant Attorney General

HMB:PBF:cck

Enclosure

cc w/o enc.:

Hon. Loren Lounsbury, Commissioner
Dept. of Commerce & Economic Development

Hon. Emil Notti, Commissioner
Dept. of Community & Regional Affairs

Hon. Richard Knapp, Commissioner
Dept. of Transportation and Public Facilities

Hon. Robert Sundberg, Commissioner
Dept. of Public Safety

Barbara Dale, Special Assistant for
Boards & Commissions
Office of the Governor

bcc: Art Peterson
Legislation/Regulations Attorney
Dept. of Law

February 20, 1985

The Honorable Katie Hurley
Chair, House State Affairs
Committee
Alaska House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Hurley:

Pursuant to your request of February 7, requesting background information on the inactive boards and commissions listed in House Bill No. 122, I have prepared information which the Committee may find helpful.

Because there is confusion in the public's mind as to the existence of these boards and commissions, many people still continue to apply for them. By abolishing the boards which are inactive, the Legislature will assist in clearing up the confusion.

Basic information about the seven boards mentioned in this bill follows.

The bill abolishes the following boards, councils, and commissions by repealing the statutes governing their operation: Alaska International Development Commission, Governor's Commission on the Administration of Justice, Commission on the Conference of the Law of the Sea, Governor's Commission on Transportation Safety, Tourism Advisory Board, Advisory Council on Cultural Facilities, and the Rural Development Council. These entities, although still in existence on paper, have not been active or functioning for some time. They are considered nonfunctional for one or more of the following reasons:

1. their function has been absorbed by another entity;

2. they have lacked funding by legislative appropriations more than two years in a row;

3. the specific need for which they were established no longer exists.

Specific information regarding the seven boards is presented below.

GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE
AS 18.65.250; AS 44.19.110-122

When the Law Enforcement Assistance Administration was eliminated at the federal level in 1980 or 1981, the principal source of funding for the Commission and its programs was gone. Following that, the Legislature defunded the Criminal Justice Planning Agency, which was the Commission's planning arm. *IN HB 183

The Commission still has a function under the security and privacy regulations pertaining to the criminal justice information systems (6 AAC). The Commission is also empowered to approve all secondary interim user applications. Because of the Commission's dormant status, the Attorney General has informally assumed this responsibility by virtue of his position as ex-officio chair of the Commission. A separate proposed bill regarding the Commission confers these powers to the Attorney General.

A Criminal Justice Working Group, or COG, as it is called, was formed in the fall of 1983 to examine specific criminal justice system problems and devise resolutions and plans. The Attorney General heads this group, which includes representation from all agencies dealing with criminal justice.

ADVISORY COUNCIL ON CULTURAL FACILITIES
AS 44.27.050(5); AS 44.33.020(23); AS 44.33.401-430

The Advisory Council on Cultural Facilities was created by Chapter 62, SLA 1979, to establish criteria, by regulation, for the purpose of construction or development of cultural facilities under AS 43.18.500, etc. The five-member Council was housed under the Department of Commerce and Economic Development, and was appointed by Governor Hammond from a list provided to him for that purpose by the State Council on the Arts.

The Department of Commerce and Economic Development stated that the Council performed much in-depth research and provided the Department with written documentation regarding their findings. However, the Council recommended to the Administration that approximately $110 million be set aside in a revolving fund for the development and construction of cultural facilities. Neither the Legislature or the Administration implemented that recommendation.

It was stated by the contact agency (DCED) that the terms of the members of the Council were allowed to expire because the Council had presented its findings, there were no funds with which to implement them, and there was no real need for

the Council's activities without the funding of the revolving fund. Additionally, the recommendations made by the Council eventually became the responsibility of each community, who would maintain and operate whatever capital project was decided upon by the community and funded by the Legislature.

ALASKA INTERNATIONAL DEVELOPMENT COMMISSION
AS 44.19.064-072

The Alaska International Development Commission was created in the Office of the Governor in 1959. It was amended by the 1961 and 1963 Legislatures. The statute defines its duties as primarily involving planning in the development and use of water, minerals, power, and forest resources near the border of Alaska and Canada.

The Boards and Commissions Office has no documentation on this Board. Research reflects that the Board was dormant and not "on the books" at the beginning of former Governor Jay Hammond's tenure in 1974, nor since then.

The Alaska International Development Commission is not to be confused with the Alaska International Trade Commission, created by former Governor Hammond by Administrative Orders 57 and 66 in 1979 and 1981, respectively. The Alaska International Trade Commission is also dormant, having been replaced in function by the multi-faceted Office of International Trade with the Department of Commerce and Economic Development.

If you desire information regarding the Development Commission, the only source which may have information is the State Archives. Any information or reports emanating from the Development Commission would now be considered property of that office.

COMMISSION ON THE CONFERENCE OF THE LAW OF THE SEA
AS 44.19.131-140

The Commission on the Conference of the Law of the Sea was created October 4, 1972, by AS 44.19.134 to aid the State in developing positions on the Law of the Sea Conference with specific regard to the State's uses of marine resources. The Commission was strictly an advisory board to the Governor and the Legislature.

The Commission is currently dormant because of the shift of Alaska into the Exclusive Economic Zone (EEZ).

The Extended Jurisdiction Office of the Alaska Department of Fish and Game monitors the Law of the Sea so that information can be had when matters arise at the federal level. However, ADFG considers the board dormant. No funds were expended for its operation in FY 83, FY 84, or FY 85.

RURAL DEVELOPMENT COUNCIL
AS 44.47.160-190; AS 44.66.010(a)(9)

The Rural Development Council, created on July 2, 1980, was established to promote rural Alaska's economic development and to recommend policies to the Governor and the Legislature in this regard. The Council was defunded in 1982 during the previous Administration.

By its creating authority, the Council was advisory in nature. Its duties have been picked up by other entities since its deactivation three years ago -- the Department of Community and Regional Affairs, the Governor's Special Staff Assistant for Rural Development, and additional public input vehicles created by both the Legislature and the Executive Branch specifically to facilitate communications with rural Alaska.

TOURISM ADVISORY BOARD
AS 44.33.190-230

The Tourism Advisory Board has not functioned for at least four and one-half years, and there are no members attached to it, as their terms have expired.

Small industry and community development outreach is being handled internally by the staff of the Division of Tourism in the Department of Commerce and Economic Development. Additionally, the Division has institutionalized a relationship with the Alaska Visitors' Association. State officials from the Governor's Office, the Division of Parks within the Department of Natural Resources, and the Division of Tourism sit on the board of the Alaska Visitors' Association.

GOVERNOR'S COMMISSION ON TRANSPORTATION SAFETY
AS 44.99.001; AS 44.19.190-192

This board, created by AS 44.19.190, on January 15, 1982, was never activated. Governor Hammond vetoed the legislation when it passed both houses; however, the Legislature overrode his veto. A fiscal note, which was attached to the original bill, got lost in the shuffle and there were no funds attached to the new Commission. Consequently, the prior Administration took no action to activate the Commission.

The Commissioner of the Department of Public Safety in the previous Administration took no position on the bill when it was before the Legislature because it removed the Highway Safety Planning Agency from the Department and placed it in the Governor's Office.

The Department of Public Safety states that the charges of the Commission are being picked up by other offices within the Department and does not feel there is a need for this Commission.

If you have additional questions, please contact me at 465-3651. I have enclosed relevant pages from the November 1982 Boards and Commission Book in order to advise you of previous memberships.

Sincerely,

Carol A. Derfner
Special Staff Assistant
to the Governor

Enclosures

CAD:JH:kk CAROL

LAW OF THE SEA, COMMISSION ON THE CONFERENCE OF THE
(AS 44.19.131) 4 public members appointed by the Governor with a member of the House of Representatives, a member of the Senate and an executive director; 6-year overlapping terms.

MEMBERS	REPLACING	APPT.	TERM
Mr. Jeffrey R. Stephan Box 2917 Kodiak, Alaska 99615	Thomas A. Casey	80/12/03	86/09/01
Mr. Philip A. Daniel Box 75 Ninilchik, Alaska 99639	Reappointed	80/12/03	86/09/01
Mr. Robert M. Thorstenson Box 683 Petersburg, AK 99833	Robert Hartig	80/12/03	82/09/01
VACANT	Daniel J. O'Hara	80/12/03	85/09/01
Senator Robert Mulcahy Alaska State Legislature Pouch V Juneau, Alaska 99822	Reappointed		
Rep. Eric Sutcliff Alaska State Legislature Pouch V Juneau, Alaska 99811	Fred Zharoff		

CONTACT AGENCY:
Department of Fish & Game
Juneau, AK 99811
Reva Lafavour (465-4100)

TRANSPORTATION SAFETY, GOVERNOR'S COMMISSION ON
(AS 44.19.190) consists of 15 members: the attorney general, commissioners of Public Safety, DOT/PF, and H&SS; one superior or district court judge experienced in adjudication of traffic cases; six legislative members (at least one from each house); four public members selected by Governor, based on geographic representation and population distribution.

MEMBERS	REPLACING	APPT.	TERM

TOURISM ADVISORY BOARD
(AS 44.33.190) 11 members; 9 public chosen by the Governor with representatives from the House of Representatives and Senate; 3-year term; serve at the pleasure of the Governor.

MEMBERS	REPLACING	APPT.	TERM
Mr. Leonard Laurance Box 6018 Ketchikan, Alaska 99901	Reappointed	82/02/05	85/01/31
Mr. Ross Wood 313 E St., Suite 5 Anchorage, Alaska 99501	Reappointed	82/02/05	85/01/31
Mr. Paul Smith Golden Bear Motel Tok, Alaska 99780	Reappointed	81/02/02	83/01/31
Mr. George Charles 1426 E. 26th Anchorage, Alaska 99504	Reappointed	81/02/05	83/01/31
Ms. Hazel Heath Box 676 Homer, Alaska 99603 (Chairman)	Reappointed	81/02/02	83/01/31
Ms. Dorothy Urbach P. O. Box 277 Seward, AK 99664	Reappointed	82/04/02	85/01/31
Cecelia Kleinkauf 4201 McInnes Road Anchorage, Alaska 99504	Reappointed	81/02/03	84/01/31
Ms. Laurie Herman 4839-4 Bryn Mayr Court Anchorage, AK 99504	Reappointed	81/07/31	84/01/31
Ms. Donna Davidson P. O. Box 80335 Fairbanks, Alaska 99708	Reappointed	81/03/31	84/01/31
Senator M. E. Dankworth Alaska State Senator Pouch V Juneau, Alaska 99811	Brad Bradley		
Don Dickey, Director Division of Tourism Pouch E Juneau, Alaska 99811 (Executive Director)			

TOURISM ADVISORY BOARD (cont.)

MEMBERS	REPLACING	APPT.	TERM
James Eide, Director Division of Marine Highways Pouch R Juneau, Alaska 99811			
Ms. Dolores Moulton Information & Education Dept. of Fish and Game Juneau, Alaska 99811			
Mr. W. Chip Dennerlein Director Division of Parks 232 E. 4th Anchorage, Alaska 99501	Terry McWilliams		
VACANT Legislative Appointment	Jim Duncan	78/06/23	

CONTACT AGENCY:
Commerce & Economic Development
Division of Tourism (465-2010)
Pouch E
Juneau, AK 99811

CULTURAL FACILITIES, ADVISORY COUNCIL ON
(AS. 44.33.400) Department of Commerce and Economic Development; consists of five members appointed by the Governor from a list of candidates provided for that purpose by the State Council on the Arts; overlapping three-year terms.

MEMBERS	REPLACING	APPT.	TERM
Ms. Mary E. Binkley P. O. Box G College, Alaska 99708		79/09/27	82/09/26
VACANT	Jane Stewart	81/11/25	84/09/26
Ms. Lois R. Hermansen 2979 Glacier Street Anchorage, Alaska 99504	Reappointed	80/11/13	83/09/26
Ms. Joy Morgan Box 56 Hope, AK 99605	Carol Derfner	82/04/02	84/09/26
Mr. Allan P. Gregg P. O. Box 2078 Wrangell, Alaska 99929		79/09/27	82/09/26

CONTACT AGENCY:
Commerce & Economic Development
Pouch D
Juneau, AK 99811
William Paulick (465-2020)

RURAL DEVELOPMENT COUNC
(AS 44.47.130) 16 members; 6 rural residents and chairperson appointed by the Governor, a member of each house of the Legislature, commissioners of Transportation and Public Facilities, Commerce and Economic Development, Community and Regional Affairs, and the Director of the Division of Policy Development and Planning. Meet at least four times a year.

MEMBERS	REPLACING	APPT.	TERM.
Mr. Vern Wiggins Special Assistant to the Secretary U.S. Department of the Interior P.O. Box 120 Anchorage, Alaska 99501 (Ex Officio)	Jerry Gilliland		
Mr. Roger E. Willis FmHA Business and Industry and Community Programs Palmer Business Plaza P.O. Box 1289 Palmer, Alaska 99645 (Ex Officio)	Frank Muncy		
Mr. Dave Dougherty Principal Regional Official, HEW 6058 Arcade Plaza Building 1321 Second Avenue Seattle, Washington 98101 (Ex Officio)	Bernard Kelly		
Commissioner Robert Ward Department of Transportation and Public Facilities Pouch Z Juneau, Alaska 99811			
Commissioner Lee McAnerney (Mr. Richard Aks, Designee) Dept. of Community & Regional Affairs Pouch B Juneau, Alaska 99811			
Commissioner Charles Webber Dept. of Commerce & Economic Development Pouch D Juneau, Alaska 99811			
Mrs. Caroline Powell Box 158 Yakutat, Alaska 99684 (Chair)			

RURAL DEVELOPMENT COUNCIL (Cont.)

MEMBERS	REPLACING	APPT.	TERM.
Mr. Thomas Able Box 56 Craig, Alaska 99921			
Mr. Caleb Pungowiyi Box 948 Nome, Alaska 99762			
Mr. Ralph Anderson Box 801 Barrow, Alaska 99723			
Mr. Herb Smelcer Drawer G Copper Center, Alaska 99573			
VACANT	Freeman A. Roberts		
VACANT Alaska State Legislature	George Hohman		
Rep. Bob Bettisworth Alaska State Legislature Pouch V Juneau, Alaska 99811	Jim Duncan	81/07/15	
Mr. Jim Souby Division of Policy Development & Planning	Marie Matsuno		
Mr. Michael L. Jennings 1255 Hayes Avenue Fairbanks, AK 99701 (Rural Resident)	VACANT	82/04/16	

CONTACT AGENCY:
Dept. of Community & Regional Affairs
Rural Development Council (465-4872)
Pouch B
Juneau, AK 99811

HB

606

HB 606 BRIEFING AND BACKGROUND

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Offered: 5/5/86
Referred: Rules

Original sponsors: Hanley, Adams, Ringstad, et al

IN THE HOUSE BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 606 (Finance) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to art in public places; and providing for an effective date."

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

* Section 1. AS 35.27.020(c) is amended to read:

(c) <u>One-half</u> [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL SCHOOL FACILITY, AT LEAST ONE-HALF] of one percent of the construction cost of a building or facility approved for construction by the legislature <u>shall</u> [AFTER SEPTEMBER 1, 1977, WILL] be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

* Sec. 2. AS 35.27.020(g) is amended to read:

(g) <u>Each selection committee established under AS 35.27.021</u> [THE ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON THE ARTS] shall <u>require</u> [ENCOURAGE] the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works.

* Sec. 3. AS 35.27.020 is amended by adding a new subsection to read:

(h) A rural school building or facility is exempt from the requirements of this chapter unless inclusion of works of art in the design and construction of the building or facility is specifically authorized by the school board. In this subsection "rural" means a community with a population of 4,500 or less.

* Sec. 4. AS 35.27 is amended by adding a new section to read:

Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes a work of art for a public school shall be selected by a majority vote of a committee, with the approval of the school board. The committee shall be composed of the architect, the project manager administering the facility construction, two representatives from the school district, and three members of the public who reside in the community where the school is located. At least one member of the public shall be knowledgeable in the arts. The president of the school board or a designee shall provide reasonable public notice that public member seats on the committee are available. The representatives from the school district, and members of the public shall be selected by the president of the school board or a designee.

(b) Except as provided in (a) of this section, an artist who executes a work of art for public buildings and facilities shall be selected by a majority vote of a committee convened by the project manager administering the facility construction. The committee shall be composed of the architect, the project manager, a designee of the Alaska State Council on the Arts, a designee of the principal user of the public building or facility, and three members of the public who reside in the community where the building is located. At least one member of the public shall be knowledgeable in the arts. The members of the public shall be selected by the project manager after reasonable public notice that public member seats on the committee are available.

(c) All meetings of the selection committee under (a) or (b) of this section are subject to the public meeting and notice requirements under AS 44.62.310.

* Sec. 5. AS 44.27.060(b) is amended to read:

(b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one-half of one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of AS 35.27 and the exemption is because

(1) the estimated construction cost of the building or facility is less than $250,000; or

(2) the building or facility is not designed for substantial public use.

* Sec. 6. AS 44.27.060 is amended by adding a new subsection to read:

(e) A work of art shall be identified by a permanent plaque installed on or near the work of art. The plaque must contain the name or title of the work of art, the name of the artist, and the year of completion.

* Sec. 7. AS 35.27.020(e) and (f) are repealed.

* Sec. 8. This Act does not apply to the construction of a building or facility approved by the legislature before July 1, 1986.

* Sec. 9. This Act takes effect July 1, 1986.

MEMORANDUM

TO: Representative Alyce Hanley
FROM: Scott Sutherland, Staff
DATE: May 7, 1986

RE: Sectional Analysis- CSHB 606 (Finance) am, "An Act relating to Art in public places; and providing for an effective date."

Pursuant to your request I have prepared this sectional analysis of CSHB 606 (Finance) am, referenced above.

SECTION 1

Section 1 amends AS 35.27.020(c):

Sec. 35.27.020(c) ART REQUIREMENTS FOR PUBLIC BUILDINGS AND FACILITIES-- Would bring publicly funded art projects required by this section to a funding level of one half percent of construction costs. Currently, construction of state buildings and facilities other than rural schools require expenditure of at least one percent and rural schools currently require the expenditure of at least one half percent.

SECTION 2

Section 2 amends AS 35.27.020(g):

Sec. 35.27.020(g) ART REQUIREMENTS FOR PUBLIC BUILDINGS AND FACILITIES-- Change is necessary to reflect establishment of art project selection by the committee created in section 3, rather than the current method of artist selection by DOT and the State Art Council. Requires use of state cultural resources and artists to create art in this program. Current statutes mandate that the use of Alaskan artists and cultural resources shall be encouraged.

SECTION 3

Section 3 amends AS 35.27.020 by adding a new subsection:

Sec. 35.27.020(h) Exempts rural school buildings or facilities from percent for arts requirements unless specifically authorized by the school board. "Rural" is defined as communities with populations of 4,500 or less. Current statutes mandate 1/2% expenditure.

SECTION 4

Section 4 adds a new section to AS 35.27:

Sec. 35.27.021. SELECTION OF ART.-- (a) Requires that selection of artists be chosen by an artist selection committee and that artist selected shall be approved by the school board. Committee shall include the architect, the project manager, as well as two representatives from school district, and three members of public who reside in local community who are selected by school board president or designee . At least one of the public members must be knowledgeable in the arts.

(b) Except for (a), artists for projects in other public buildings and facilities shall be chosen by committee. Committee would include the architect, project manager, a designee of the principal user, a designee of the State Council on the Arts, and three members of the public who reside in local community. One public member must be knowledgeable in the arts. The public members are selected by project manager after reaonable public notice that seats are available.

(c) All artist selection committee meetings are subject to open meetings rules.

SECTION 5

Section 5 amends AS 44.27.060(b):

Sec. 44.27.060(b) ART IN PUBLIC PLACES FUND-- This change instructs deposit into the art in public places fund one half of one percent of the construction cost of a building or facility exempt from the requirements of the provisions of the Art Works in Public Buildings chapter (AS.35.27), because construction cost is less than $250,000 or the facility is not designed for substantial public use. Currently one percent of construction cost is deposited in this account.

SECTION 6

Section 6 adds a new subsection to AS 44.27.060:

Sec. 44.27.060(e) Mandates addition of a plaque to all works of art executed under this chapter. Plaque includes name of art, name of artist, and year of completion.

SECTION 7

Section 7 repeals two current subsections of AS. 35.27.020:

Sec. 35.27.020 (e) and (f) are repealed.

SECTION 8

Section 8 exempts projects appproved for construction prior to July 1, 1986 from these changes.

SECTION 9

Section 9 provides for July 1, 1986 effective date.

Introduced: 2/14/86
Referred: State Affairs
and Finance

BY HANLEY,ADAMS,RINGSTAD,
PETTYJOHN,LARSON,PEARCE,
COLLINS,JENKINS,PHILLIPS,
MARROU AND TAYLOR

IN THE HOUSE

HOUSE BILL NO. 606

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to art in public places."

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

* Section 1. AS 35.27.020(c) is amended to read:

(c) At [LEAST ONE PERCENT OR, IN THE CASE OF A RURAL SCHOOL FACILITY, AT] least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977, will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

* Sec. 2. AS 35.27.020(g) is amended to read:

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in [THESE ART] works <u>of art under this section</u> and <u>shall select</u> [THE SELECTION OF] Alaska resident artists for the commission of these art works.

* Sec. 3. AS 44.27.060(b) is amended to read:

(b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund <u>one-half of</u> one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of AS 35.27 and the exemption is because

(1) the estimated construction cost of the building or

facility is less than $250,000; or

(2) the building or facility is not designed for substantial public use.

MEMORANDUM

TO: Representative Alyce Hanley
FROM: Scott Sutherland, Staff
DATE: February 12, 1986

RE: Sectional Analysis- HB 606, "An Act relating to Art in public places."

Pursuant to your request I have prepared this sectional analysis of HB 606, referenced above.

SECTION 1

Section 1 of this bill amends AS 35.27.020(c):

Sec. 35.27.020(c) ART REQUIREMENTS FOR PUBLIC BUILDINGS AND FACILITIES-- This change brings all publicly funded art projects required by this section to the funding level now required in the case of a rural school facility, at least one half of one percent of the construction cost. Currently, construction of state buildings and facilities other than rural schools are required to spend at least one percent of total construction cost on public art projects.

SECTION 2

Section 2 of the bill amends AS 35.27.020(g):

Sec. 35.27.020(g) ART REQUIREMENTS FOR PUBLIC BUILDINGS AND FACILITIES-- This change would require the selection of Alaskan resident artists for commission of art works covered in the Alaska % for Art program. Currently the selection of Alaskan artists is only encouraged in statute.

SECTION 3

Section 3 of the bill amends AS 44.27.060(b):

Sec. 44.27.060(b) ART IN PUBLIC PLACES FUND-- This change instructs deposit into the art in public places fund one half of one percent of the construction cost of a building or facility exempt from the requirements of the provisions of the Art Works in Public Buildings chapter (AS.35.27), because construction cost is less than $250,000 or the facility is not designed for substantial public use. Currently one percent of construction cost is deposited in this account.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : House Bill 606
Title : An Act Relating to Art in Public Places

Sponsor : Hanley
Requestor : Hanley
Date of Request : 3-11-86

FISCAL DETAIL

Agency Affected : DOT&PF and D.O.E.
BRU : Design and Construction and the Alaska State Council on the Arts
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

The passage of this bill would provide additional funds to the construction budget. See further comments on the attached Statement of Analysis.

Prepared by : Rod Wilson
Division : Engineering & Operations
Phone : 465-2960
Date : 3-17-86

Approved by Commissioner : M.O. Knapp
Agency : DOT&PF
Date : 3/25

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

D.O.T./P.F.

STATEMENT OF ANALYSIS RE:
An Act Relating to Art in Public Places

FISCAL NOTE PREPARATION FOR:
House Bill 606
3/25/86

Specific monetary impacts associated with this bill:

Based on an assumption that eligible facility construction within the Department was to remain at its present $35 million level the bill would shift $175,000 from the Artworks program back to the facility construction funds. Similarly, if eligible construction funding was to drop to say $20 million dollars the shift would be reduced to $100,000.

On a statewide basis, and assuming that all other eligible construction costs (including "non-rural" school construction) total $150 million; the anticipated shift from Artwork funding to construction funding would yield $750,000.

The bill will not reduce administrative costs as associated with the program. These costs are fixed costs (representing media advertising, accounting, inspection, selection costs, management, etc.) and remain fairly constant irregardless of the value of the Artwork. As a percentage of the value of the artwork, administrative costs will actually increase.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 606
Title : ...art in public places...

Sponsor : Hanley, et.al.
Requestor : State Affairs
Date of Request : April 7, 1986

FISCAL DETAIL

Agency Affected : Department of Education
BRU : Boards and Commissions

Components : State Council on the Arts

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		Ø	Ø	Ø	Ø	Ø
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		Ø	Ø	Ø	Ø	Ø

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill has no fiscal impact on this department.

Prepared by : Steve Hole
Division : Commissioner's Office
Phone : 465-2800
Date : April 7, 1986

Approved by Commissioner : Marshall L. Lind
Agency : Department of Education
Date : April 7, 1986

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

Dept. of Transportation & Public Facilities

Position Paper

BILL NO: House Bill 606

APPROVED: [signature] J. Knapp, Commissioner

TITLE: An Act Relating to Art in Public Places

DATE: 3/24/86

The reduction of artwork funds would provide additional funds to be expended on upgrading other elements within buildings or facilities. The provision stating "shall select Alaska resident artists" would substantially benefit Alaska artists.

Introduced: 4/3/86
Referred: State Affairs,
Health, Education& Social
Services and Finance

BY HANLEY, ADAMS, RINGSTAD, PETTYJOHN, LARSON, PEARCE, COLLINS, JENKINS, PHILLIPS, MARROU, TAYLOR, FURNACE, GRUENBERG, FRANK, NAVARRE AND BOUCHER

IN THE HOUSE

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 607

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to selecting and identifying art in public places."

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

* Section 1. AS 35.27 is amended by adding a new section to read:

Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes a work of art for a public school shall be selected by the superintendent of the school district in which the public school is to be built, with the approval of the school board. If the department finds in the best interest of the state that the selection by the superintendent of the artist to execute the work of art may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(b) Except as provided in (a) of this section, art projects for public buildings and facilities shall be selected by a majority vote of a committee convened by the project manager from the department. The committee shall be composed of the architect, the project manager from the department, a designee of the Alaska State Council on the Arts, a designee of the principal user of the public building or facility, and three lay members of the public. The department shall solicit volunteers in a local project area by public notice, and choose the lay members of the committee by lottery from the volunteers. Before consideration of specific art projects, the committee shall, after public notice, hold a hearing to receive public opinion

about potential art projects. The committee shall consider public opinion as expressed at the public hearing, but is not bound by it.

* Sec. 2. AS 44.27.060 is amended by adding a new subsection to read:

(e) A work of art that is to be made a permanent part of a building or facility owned or leased by the state shall be identified by a permanent plaque installed on or near the work of art. The plaque must contain the name or title of the work of art, the name of the artist, the year of completion, and the names of the members of the selection committee.

* Sec. 3. AS 35.27.020(e) and (f) are repealed.

MEMORANDUM

TO: Representative Alyce Hanley
FROM: Scott Sutherland, Staff
DATE: April 3, 1986

RE: Sectional Analysis- SSHB 607, "An Act relating to selecting and identifying art in public places."

Pursuant to your request I have prepared this sectional analysis of SSHB 607, referenced above.

SECTION 1

Section 1 of this bill creates a new section, 35.27.21:

Sec. 35.27.021 SELECTION OF ART -- This section requires art executed in public schools to be selected by the superintendent with approval of the school board. This is already in the statutes. It has been modified slightly at the request of Legislative Legal Services for clarification and grammar purposes only. The last section of the bill would repeal the current statute, AS 35.27.020(f).

This section also requires that except for the art projects in schools covered above, art projects in public buildings and facilities shall be selected by the majority vote of a seven member committee consisting of a DOT/PF project manager, the architect, a designee of the Alaska State Arts Council, a designee of the principal user, and three lay members of the public. Public members would be selected at random from a list of volunteers from the locality where art project is to be placed. The art project selection committee shall hold a public hearing to receive testimony on a potential art project. The art project selection committee is not bound by opinions expressed at the hearing .

SECTION 2

Section 2 of the bill amends AS 44.27.060:

Sec. 44.27.060 ART IN PUBLIC PLACES FUND-- This change would require the placement of a permanent plaque works of art installed under this program. The plaque must contain the name or title of the artwork,the artist's name, the year of completion, and the names of the committee members that selected the work. Currently the statute directs that the artist (not the work) is selected by the DOT/PF architect after consulting with the Alaska State Council on the Arts and the principal user. The last section of this bill repeals the current statute, AS 35.27.060(e).

SECTION 3

Section 3 of the bill repeals the current AS 35.27.020(e) and (f)

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 607
Title : ...selecting and identifying art in public places.

Sponsor : Hanley, et.al.
Requestor : State Affairs
Date of Request : April 7, 1986

FISCAL DETAIL

Agency Affected : Department of Education
BRU : Boards and Commissions

Components : State Council on the Arts

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		Ø	Ø	Ø	Ø	Ø
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		Ø	Ø	Ø	Ø	Ø

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill has no fiscal impact on this department.

Prepared by : Steve Hole
Division : Commissioner's Office
Phone : 465-2800
Date : April 7, 1986

Approved by Commissioner : Marshall L. Lind
Agency : Department of Education
Date : April 7, 1986

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : House Bill 607
Title : An Act Relating to Selecting and Identifying Art in Public Places
Sponsor : Hanley, Adams, Ringstad, etc.
Requestor : Hanley
Date of Request : 3-11-86

FISCAL DETAIL

Agency Affected : DOT&PF and DOE
BRU : Design and Construction
Alaska State Council on the Arts
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

SEE ATTACHED STATEMENT OF ANALYSIS

Prepared by : Rod Wilson
Division : Engineering & Operations
Phone : 465-2960
Date : 3-17-86

Approved by Commissioner : J. Knapp
Agency : DOT&PF
Date : 3/25/86

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

DOT/PF

STATEMENT OF ANALYSIS RE:
An Act Relating to Selecting and Identifying Art in Public Places

FISCAL NOTE PREPARATION FOR:
House Bill 607
3/25/86

Specific tasks required by the bill which are not presently carried out by the Department or the Alaska State Council on the Arts include:

(1) The solicitation and random selection of three lay members of the public at large.

(2) The holding of a public hearing to receive input and opinion about potential art projects.

(3) Identification of selection committee (through the use of a plaque) on all permanently mounted Artwork.

Anticipated Costs:

The predominant cost associated with items 1 and 2 above is that of media advertisement. The costs are expected to be minimal and should be funded from the administrative contingency presently provided to the Council. Costs for a public hearing should also be insignificant since many of the committee members are volunteers and Departmental costs could be borne by CIP funds. The plaque should be considered a support amenity and ancillary to the cost of the Artwork.

Language Changes:

A modification is needed at line 28, page 1, so as to enable the Department and the Council to better control administrative costs. In cases of projects which have relatively small Artwork budgets (say $2500 to $5000) and are also at very remote locations, the administrative costs can often greatly exceed the price of the Artwork. For such instances the public hearing portion of the bill should be modified to read "the committee or a selected contingency thereof". This would permit a smaller group, most likely the local community members and perhaps a Council representative, to hear the public testimony. Such evidence could then be summarized (or tape recorded) for review by the entire committee prior to making the Artwork selection. Substantial travel savings would result.

Additional language (following line 3, page 2) requiring Departmental review and approval of all Artwork agreements is needed to replace similar language within AS 35.27.020(e) which this bill would delete. The Letter of Understanding between the Department and the Council relies heavily on the Department's approval of the Artwork agreement as a method of "checks and balances". Dropping such approval requirements would result in extensive negotiations and a rewrite of a new agreement.

Associated Students University of Alaska

(907) 474-7355

UNIVERSITY OF ALASKA-FAIRBANKS
Fairbanks, Alaska 99775-0220

March 18, 1985

Representative Alyce Hanley
4007 Bentwood Circle
Anchorage, AK 99502

Dear Representative Hanley:

We applaud you and other co-sponsors in your attempt to provide for increased public involvement.

Attached is a copy of our ASUA Position statement that was passed by the Senate.

Thank you very much, we wholeheartedly support your efforts.

Sincerely,

Karl E. Thoennes III

Karl Thoennes III
Student Association President

ph

Enclosure

Associated Students University of Alaska

(907) 474-7355

U..IVERSITY OF ALASKA-FAIRBANKS
Fairbanks, Alaska 99775-0220

POSITION STATEMENT - 1% for Art Amendments

State Representative Alyce Hanley has sponsored two bills (H.B. 606, 607) in the State Legislature which would amend the "1% for Art" program in the following ways:

1. Art selection would be restricted to works done by Alaskan Artists.

2. "1% for Art" would become "0.5% for Art" - in other words, the appropriations would be reduced from 1% of the total construction budget to 0.5%.

3. Public hearings to review items selected by the selection committees would be required before the art is paid for or installed.

4. Plaques indicating who selected the art shall be installed on or near the work.

WHEREAS, a great deal of concern has been expressed among students regarding the lack of public input in the selection of major art installation on campus,

AND WHEREAS, expenditures of over one hundred thousand dollars are made with comparatively little public involvement,

AND WHEREAS, Representative Hanley's bills would provide for extensive public input and review of proposed art purchases,

AND Representative Hanley's bill would give preference to Alaskan artists in the selction process,

THEREFORE BE IT RESOLVED that the student association on the University of Alaska-Fairbanks campus strongly supports H.B. 606 and 607 as legislation long past due, and applauds Representative Hanley and the other co-sponsors in their attempt to provide for increased public involvement.

Karl Thoennes III
Student Association President
March 4, 1986

ROBERT F. WILLIAMS

4-4-86

APR 1986
RECEIVED

DEAR ALYCE,

I WAS PLEASED TO SEE THE ACTIONS YOU ARE PROPOSING WITH YOUR BILL ON THE ONE % FOR ARTS.

SINCE I GOT ON THE BOARD of REGENTS IT HAS BEEN AN ISSUE WITH ME TO SEE THAT THE ART FUNDS IF THEY MUST BE SPENT BE DONE IN A WAY THAT ADDS VALUE TO OUR STATE. MUCH of WHAT HAS BEEN DONE SEEMS TO HAVE MISSED THAT MARK.

I HAVE ENCLOSED A FEW THINGS I HAVE WRITTEN ON THIS SUBJECT. THE ARTISTS HAVE all BEEN AFTER my HIDE ON THIS — I'm SURE YOU HAVE GOTTEN SOME INPUT AS WELL.

HANG IN THERE AND LET ME KNOW IF I CAN HELP.

Bob Williams

cc [illegible] Egan Center Interpretive
FPC Exec Dir
file

Chevron

Chevron U.S.A. Inc.
P. O. Drawer F, Kenai, AK 99611

Robert F. Williams
Manager, Alaskan Refinery
Manufacturing Department

Statewide Office
of Facilities
Planning and Construction
APR 26 1985 Time
DIST.

4/22/85

Mr. Christopher K. Ahoy
Director Facilities Planning and Construction
3356 College Road
Fairbanks, Alaska 99701

Dear Chris,

I reviewed the April 5, 1985 memo regarding Art in Public Places - Student Residents. I am not an art critic and not qualified to comment on the piece selected. However, as a regent responsible for the use of State Funds, there are some comments I would like to present.

I believe that state funding, as much as possible, should be targeted toward multi-use projects. This becomes even more important in an atmosphere of declining revenues. With this concept in mind, I feel state-funded public art should also be targeted to enhance our tourism economy. We need to offer Alaska visitors a unique look at our history and culture. I believe our state funded, pulic-art is one way to make that happen.

The average visitor is not likely to be excited about (nor remember) "a contemporary design reflecting the progressiveness of the State of Alaska". However, a visit to the Egan Center in Anchorage opens the mind to things like the Northern Lights and the Aleut and Eskimo cultures as crafted by Hoover and Olanna. This art (to me) is contemporary in a traditional Alaskan way. I believe the Egan Center art offers an experience of great value to both our residents and to our visitors.

Art lovers may question my position because it overlooks the opportunity to enhance our minds through exposure to contemporary, modern art. They also may feel limitations on public art will suppress creativity in our artists. I am sensitive to those concerns. My visit to New York in late September, 1980 to visit the Piccaso Exhibit showed me the value of new expressions in art. However, if Piccaso were here today to design an Alaskan public-art item, I would request that he use an Alaskan theme or native materials, or not submit a design. We have been overlooking the opportunity to invest our public art funds in the revenue-generating tourism economy. Until we fulfill that priority, I feel people will have to be satisfied with The Last Nimbus, traveling Judy Chicago shows and private art funding to meet their modern art needs.

I apologize for using this specific opportunity to voice these broad concerns. Other citizens and legislators have expressed similar views, however no action has been taken. I believe that Regents, Administrators and Employees of the University system can demonstrate their sensitivity to declining revenues and maximum use of existing funds in many ways. Strategic planning for the multi-use of public art is a good place to start. I hope we will consider policy modifications that will help this new direction occur in the University.

Sincerely:

R. F. Williams

RFW:sa

cc: Dr. O'Dowd
Fellow Regents

ANCHORAGE
SCHOOL DISTRICT
4600 DeBarr Avenue
Pouch 6-614
Anchorage, Alaska 99502
[907] 333-9561

WEST ANCHORAGE HIGH SCHOOL
1700 Hillcrest Drive
Anchorage, Alaska 99517

April 7, 1986

Representative Alyce Hanley
1024 West 6th Avenue
Anchorage, Alaska 99501

Dear Representative Hanley:

I am writing this letter to let you know that I wholeheartedly support your plan to cut in half the amount spent on art for public buildings, that is set for its first hearing on April 11, 1986, before the House State Affairs Committee.

I appreciate your stand on this issue and truly hope that the members of the committee agree with you.

Sincerely,

Howard Hosken
Principal

HH/pp

State can't afford 1 percent program

Dear Editor:

For a state cost cutting measure, why don't they do away with the 1-percent-for-art policy until they can find someone to approve art that is worth spending thousands of dollars on? Very few of the projects that money has been spent on in the past are worth trashing. Besides paying "Outside" artists mega-bucks, we have to spend more to have it hauled away after not being accepted by the public. What is wrong with having art that looks like something or that you could recognize as being something specific? People, then, might be interested in coming to Alaska to see it as they now go to Europe to see the art treasures there. At least I think our legislators should seriously consider the bill introduced by Rep. Alyce Hanley as a step in the right direction.

Marian M. Hill
8300 Nadine St.

ANCH. TIMES
4-14-86

Art lacks artistry

Dear Editor:

I have just returned from Anchorage and enjoyed the beautiful snowcapped mountains, glaciers and surrounding areas.

During a tour of the Federal building it was a shock to see the glaring, ugly $80,000 modern art mural which adorns that building. It was depressing to see when there is so much natural beauty available for representation. Without a doubt there are many Alaskan artists who could have painted something in keeping with Alaska's beauty.

Also while on the subject of art, the $27,000 shoeshine stand and the $80,000 red mating spiders hanging from the ceiling at the airport are equally ugly.

Beauty is in the eye of the beholder, but surely the members of the Arts Council could have done better with taxpayers' money at half the price.

Perhaps they could visit the Sheraton Hotel to get an idea of true Alaskan artistry.

Alta Boling
LaConner, Wash.

Basics in the world of art

Dear Editor:

Gee, golly whiz. I'm certainly overjoyed that someone of Mr. Stephen Haycox's credentials finally dismissed "those legions who actually can't tolereate new and different ideas" with his "One Percent for Photography" letter to the editor.

I used to be ignorant about art, blame it on my middle-class background, I guess. For instance, I used to believe that to have the title "artist," one had to actually be able to draw (can you believe that?) or to be called "sculptor," one had to be able to carve a reasonably recognizable shape from stone, wood or clay, (how mundane!)

An innovative state like Alaska shouldn't be hampered by having to review an artist's qualifications (or lack of same) before allowing them to grab some of that "One Percent for the Arts" money. After all, it's a free country, isn't it? And what do those uncouth "legions" out there know about art, anyway?

Without the guidance of the educated elite, like Mr. Haycox, the "great unwashed" would likely never be exposed to innovative and refined works of art. The sculpture "Nimbus" comes to mind here, along with purple walruses, (Lewis Carroll could've used those.)

Possibly The Anchorage Times will sponsor the "Stephen Haycox Award" for those letter writers who so succinctly "put down" those legions who are threatened by anything but the commonplace.

Bill Anton
Mile 248.5, Parks Highway

Arts funding not immune from cuts

Dear Editor:

I would like to respond to the article in the Sunday Times April 6, referring to a legislative bill to cut art funding form 1 percent to one-half percent for public buildings, which upsets our former Arts Council director.

First of all, I feel this "mandatory funding" for art should be subject to budget cuts like everything else, considering our present economic problems.

Secondly, much of this so-called "art" is shoved down our throats with the idea that if you don't understand it, can't figure out what it is, or choke when you hear the price tag, than you are just an uneducated slob who is not enlightened enough to appreciate it. I believe "Absurd originality" seems to be the criteria for choice. I believe in being creative, but good taste and a touch of beauty should be in there somewhere too. Especially when its "our" money paying for it.

Thirdly, I take exception to Kuiper's comment that truck drivers are not qualified to be on the committee to choose works of art. I, for one, would like to see more truck drivers and a few garbagemen on the committee also.

At least they will know junk when they see it.

John Kiehn
2129 Sunrise

APRIL 10, 1984

How public art is chosen also important

To the Editor:

The Empire's editorial of February 2nd concerning "public art" was pretty much on the mark. For years, a stream of incomprehensible objects – all publicly financed and having nothing to do with any aspect of community identity – have been installed statewide. Judging them as art and disregarding their relationship within the communities, I think a few of the pieces have merit, others aren't bad, but many are bad. Perhaps in communities where chaos and meaninglessness are the order of the day, some of these works have found appropriate settings; but I believe that in cities and smaller towns which have a discernable history and an intimate relationship with it as well as the future, undecipherable works have a shaky position in the public's consciousness. It's clear that committees which are appointed to select art work should be fully aware of their community's sentiments towards public art and act with care regarding this trust. Not an easy task and one that takes some courage. Unfortunately, for some members, it's merely a means of exercising personal influence; and the criterion for justifying their decisions is the snobbery of a narrow current fashion.

The problems we are having with public art are not isolated local events. Recently, in New York – "birthplace" of most modern American artistic fashions – a similar popular revolt has been taking place. A rusted metal panel sculpture named "Tilted Arc," located in the center of Foley Square, was the focus of common objection. Numerous heated public hearings were held and testimony taken. In the end, it was removed, and as a result of this major controversy as well as a similar one in St. Louis and others cropping up nationwide, William J. Diamond, of the U.S. General Services Administration, the body that pays for these things, admitted that, "We're learning the lessons of the battle of Foley Square." As a result, GSA has been revising acceptance procedures of major art commissions to include public consultation before allowing contracts to proceed.

The piece recently installed at the airport has caused a steady abuse of an earnest and dedicated artist. I feel that the current public outrage is misdirected. After all, Paul was selected by a committee which evaluated many proposals. It's selection was done with full knowledge of what it was going to get – a contract was issued and the artist complied with the contract. The work is well crafted, and whether the public understands or not, it has some nice things happening in it. The play of shape, color, texture and light may be things worth encouraging in the public environment. However, if after a suitable period of time, the public still feels strongly that it should be removed, it probably should be given to an institution of art or sold to a private collector (it would be nice if the artist received a percentage of the sale). But, please, stop picking on the underpaid hard-working artist. The committee which selected the work is allowing the artist to take all the heat; it is they who should be called to task. Maybe it would be constructive if they took the time to issue a press release to defend and explain their selection to the public. The committee should spare us the charge of how "sophisticated" they thought we ought to be in Juneau, as was done by a committee member in the "Nimbus" fiasco.

A suggestion for one policy change on major future projects is the installation of a small plaque with the names of the committee members as well as those of the artists. This would allow all to share a bit in the accolades – or the wrath – but most of all, the responsibility.

Cordially,
Ed Way
214A W. Eighth St.
Juneau, 99801

JUNEAU EMPIRE
FEBRUARY 10, 1984

Ed Way is a noted Alaskan sculptor. His life size bronzework depicting two gold miners at work has been a popular addition to downtown Juneau. It is located in front of the cruiseship dock. He obviously is in support of HB 607.

LETTERS

JE 3/20

Bill would improve public art program

Sir:

I would like to urge those who are interested in constructively affecting the selection of art for the "1 percent for art in public places" program to express their opinions on a bill presently before the Alaska House of Representatives. HB-607 was initiated by Rep. Alyce Hanley of Anchorage, and a number of legislators from many areas of the state.

This bill makes some additions to the existing legislation that would positively affect the participation of the public in that program's art selection process:

1. Paragraph (b) requires that no less than three of the seven members of the Art Selection Committee be lay members of the public. This is not presently required. The other members would be an Alaska State Council on the Arts (ASC/A) representative, the facility architect, the facility project manager and a designee by the principal user of the public building.

This paragraph further stipulates that the lay members will be selected by lottery from a list of volunteers from the general public. This mechanism is intended to maximize the representation of the public without unduly encumbering the art selection process.

I personally favor this structure because it will also inhibit "stacking" of a committee for any purpose whatever.

Another feature of this paragraph is that it mandates public hearings concerning potential art projects. While it would be required to hear the public out, the Art Selection Committee would not be bound by it. This is fine as long as they also take responsibility for the selection.

2. Paragraph (c) requires that a plaque or permanent label be installed at each artwork giving the name of the artist, the title of the work of art (some pieces are in sore need of that) and the names of those on the Art Selection Committee.

I feel that this would do much to assign responsibility where it most needs to be placed when it comes to art that outrages the public, which pays for it.

I'd like to encourage members of the public who feel strongly about many of the pieces of art which are being placed around the state – 70 percent of which are done by out-of-state artists – to let your legislators know how you feel. More specifically, send a "public opinion message" (free) by calling 465-4648 and dictating a short civil telegram to the following legislators on the State Affairs Committee. Don't be parochial about it; send one to them all:

Katie Hurley, Chairperson.
Mike Navarre, V-Chairperson.
H.A. "Red" Boucher.
Bette Cato.
Virginia M. Collins.
Roger Jenkins.
M. Mike Miller.

If HB-607 gets out of State Affairs – and only public support will do it – the next two committee hurdles it'll have to negotiate will be H.E./S.S. and Finance. Then it would have to pass the full House, and then the Senate. There is little time left in this session. A show of public support will expedite this "no cost" bill.

Cordially,
Ed Way
214A W. Eighth St.
Juneau, 99801

Airport triptych a mystery

Dear Editor:

Ref: $40,000 triptych at airport.

Webster says a triptych is a set of three panels side by side bearing pictures, carvings or the like—"the like" is what I'm not familiar with!

Supposedly, in this case, 1) A long-legged fox with hooves (and big ears); 2) A rooster trying to lay an egg, sitting behind a red-headed camp robber with a half dozen wings; 3) Zebra fish? 4) Pot-bellied humpy; 5) Disgusted bear. Mr. Gentry sounds like an art professor I once had the University of Washington. "Can't give you an "A," Ken, or you would be as good as me!"

In a letter I once wrote about the "Drip Cloth" in the federal building, (still waiting for the art work to show) I suggested an Alaskan artist such as Fred Machetanz be commissioned to maybe do a triptych of his works.

Ken Krasselt
4950 Nottingham

An 'art' museum in Juneau's future?

Dear Editor:

I can just see it – many years from now the city of Juneau opens its own world class "art" museum and proudly displays a collection featuring some of the most bizarre examples ever crafted by man. Ardent connoisseurs rush from Paris, Frankfurt and Rome. No? How about Wrangell, Ketchikan or Petersburg?

Seriously though, which lapse of sanity was it that inspired our assembly members to entertain the illusion that any normal traveler who visits the Juneau Airport would ever be intoxicated anywhere near a level sufficient for sharing even their slightest amount of delirious amusement for this most recently acquired "magnum opus?"

Left speechless
Bob Croteau, Jr.
P.O. Box 2825
Juneau, 99803

P.S. A note to pilots: Don't let your prospective passengers catch you staring at this thing or you'll be departing Juneau for the friendly skies alone.

March 3, 1986
JUNEAU EMPIRE

Mr. Metcalfe is a former Democratic member of the State Legislature from Juneau.

Why not a 'Wall of Fame' for airport?

Dear Editor:

In re Mr. Steve Smith's letter of 5 February 1986, his comments about what he terms "non-representational art" fits conclusively with my earlier expressed comment about pseudo-intellectuals getting their joilies by terming such atrocities as our airport fiasco "art." It ain't.

Now I have a suggestion which will calm the storm and it would be a "Wall of Fame" featuring aircraft representing the history of aviation in Alaska. No place under the flag owes more to Orville and Wilbur than Alaska and I would also urge our city and borough assembly to commission Douglas-born Herb Bonnett to do the honors. Anyone who has seen his paintings of Grumman Gooses and PBYs will get my point here.

Then we should also have, on an adjoining wall, pictures of such early day luminaries in the Southeast Alaska aviation world as Shell Simmons, Alex Holden, Bob Ellis and Bud Bodding. All but Mr. Holden are still, blessedly, with us and as founders of what is now Alaska Airlines (although not responsible for current management) and deserve to be honored. Bodding, incidentally, is one of that long line of airline captains to have graduated from Juneau High School.

There is nothing new about this suggestion. Anchorage International Airport has paintings of famed Alaskan bush pilots (including Simmons and Ellis) hung on the walls of its terminal building. They have also had the good taste to not have "non-representational art" displayed unless one can count graffiti as same.

And, Mr. Smith, I moved to Alaska 44 years ago "to live in a place where everything is real and understandable" and that does not include eating "franchised burgers." Meet me at Taguchi's Tea House, where they display a painting by John Cameron Asp, another local boy who made good in the real world – of art that is.

Sincerely,
Vern Metcalfe
3333 Nowell Ave.
No. 208
Juneau, 99801

JUNEAU EMPIRE
FEBRUARY
10, 1986

LETTERS

Name offered for airport's artwork

Editor,

I notice by the story that Betsy Longenbaugh authored under the heading of "Taking flight with airport artwork" that the piece was "untitled." As the one who felt Nimbus was misnamed and should have been entitled, "Bow off of Ferry Grounded at Prince Rupert," I have figured out nomenclature for our latest trauma.

It should be entitled "Sunrise at Sheep Creek," since somewhere in the collage I note what appears to be faint sunlight plus any number of fingerlings. I'm checking with the proprietor of the Sheep Creek hatchery, Ladd Macaulay, to see if he might have lost some prior to turning them loose to fend for themselves.

I'm moved to paraphrase a Supreme Court justice and will by adding that "I can't define art but I know it when I see it." If some of our pseudo intellectuals would please resist getting their jollies by picking such pieces I will promise not to support a bill to repeal the 1 percent for art bit in public buildings.

Like the Nimbus creator, Mr. Gardinier also needs a plumb bob for his iron work. If we must keep this latest artistic folly on the airport premises might I suggest it be placed in the older part of the terminal. My visit on Jan. 18 showed no one but one passenger waiting. Sunrise on Sheep Creek might cut down on the boredom for the air taxi operators as well.

Sincerely,
Vern Metcalfe
3333 Nowell, No. 208
Juneau, 99801

JUNEAU EMPIRE 1-24-86

The following letters to the Editor of the Juneau Empire demonstrate a history of dissatisfaction with the Public Art program.

Letters Juneau Empire December 1984

Nimbus should be a monument

Dear Editor:

The weighty problems described in your Dec. 11 article, "Panel Ponders Nimbus Future," may be easily solved.

For all of the controversy generated over Nimbus, he, she or it may be exactly right and in the exact right place to serve a very useful purpose. After a little thought it becomes more clear.

Nimbus is an ideal monument to bureaucratic bumbling.

The monument should stand adjacent to State Capitol and office buildings to remind both legislators and administrative regulators to re-examine each action for at least a small content of practical common sense. With that objective in mind the general public will gain from the presence of Nimbus.

The saving in capital can be appreciable. We not only save the expense of removal and replacement, but we may also save by avoiding potential future paper Nimbuses from legislative and administrative activities.

The idea seems worth serious consideration. What do you think?

E.O. Bracken
Box 1098
Juneau, 99891

What to do with Nimbus

Editor's Note: The following letter to the editor was written before the state Department of Transportation began work to remove Nimbus.

Dear Editor:

Another year has passed and Nimbus still assumes it's vigilant posture of resembling the likeness of nothing. It seems like about a year ago or so there was some discussion in circulation concerning the removal and disposal of this repulsive piece of junk. If one must assume that such discussion will ultimately be conducted and concluded within the building of which this structure remains a feature, then it becomes quite easy to realize why nothing in this respect has developed.

I may be a dreamer but I guess that what I would most dearly love to see concerning this particular item is a well-insured, full dressed 18-wheeler maxed out with a load of steel and for some reason or the other, finding itself on the upper block of Main Street where it would unfortunately experience a total failure of brakes. The driver would of course jump to safety and receive only minor injuries or abrasions and bruises, God bless him, but not before steering the vehicle into a path of perfect alignment and certain collision with Nimbus.

Naturally, the driver's logical intention would be to prevent the occurrence of a much larger catastrophe. In order to achieve desirable results the rig would reach an optimum speed of 40 mph before crashing into the structure and completely shearing it from the premises of its foundation.

An early Sunday morning would be perfect timing, as no one would be in the area to sustain injury due to such an accident. This would no doubt waste a good Kenworth but the long overdue job of proper landscaping would finally become accomplished and who knows, the public may accept the wreckage as a monument.

Larry R. L
3310 Douglas High
Juneau, 9

Doonesbury BY GARRY TRUDEA

Rie Munoz, a longtime Alaskan artist indicated in a Letter to the Editor that she would prefer something more of a representational replacement done by an Alaskan artist to replace the abstract, NIMBUS, crafted in the Lower 48 by outside artist Robert Murray.

Bear statue gets a vote

Dear Editor:

Nimbus is gone. The governor's committee appointed to decide on a replacement has three proposals: (1) a statue of Governor Egan, (2) a war memorial, (3) a life-size bronze sculpture of an Alaska brown bear by Juneau artist R.T. Wallen.

I'm for the brown bear and here's why: The Court Plaza (where Nimbus stood) is an active location year-round. Summers it blossoms with the occasional band, guitar player or impromptu speaker. Now and again dance or exercise groups perform at the small plaza.

The bear sculpture, to be mounted on a wind-toppled spruce, will fit in perfectly with the up-beat spirit of the plaza. People will be able to sit on the windfall alongside the reposing bear, children will be able to pat the animal and touch the salmon held by the bear. Moreover, the bronze bear will add to the lively spirit of the plaza, and indeed, bring it even more life.

Copenhagen has numerous magnificent, heroic statues honoring royalty and statesmen as well as war memorials, but the only statue there that is known worldwide is the "Little Mermaid" statue perched on a rock near the harbor. It has captured the imagination of everyone. I think the Wallen bronze bear will also capture the imagination of Juneauites and visitors alike.

We have the opportunity to express our preference at a meeting to be held early in January. If you can't attend please write a letter with your opinion to Carol Dorner, Board of Commissions, in care of the Office of the Governor, Pouch A, Juneau, 99801.

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[illegible] Fourth St.
Juneau

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Nimbus shows weak selection

Dear Editor:

As the lonely dissenting member of the Alaska State Council on the Arts during the Nimbus days, I want to compliment you on your editorial of Dec. 21st.

My protest was against the method and the manner in which the artist was chosen and the elimination of ALL Alaskan artists by the clever phrase "an artist of national reputation." Although Alaska Indian Arts, Inc. has done many fine works of art, we were shut out as "we don't want totem poles" even though the door to the governor's office and the door to the IBM Building in Anchorage showed we could do more than fine totemic art.

The National Endowment convinced the council executive director that it would supply $20,000 if the state would match it. The Art Council was then conned into putting up $10,000 and the Public Works (the Court) the remaining $10,000. Three "nationally known" artists submitted slides of their works, all, almost the same kind of "hard to understand" stuff. Artists like Joe Principone (sp) and Joan Bugbee of Cordova have done great works.

Even when the 17 tons of steel were shipped, it was somehow lost in a Seattle warehouse, rather than have it arrive while the Legislature was still in session.

My last two years on the Council was one which placed Alaska Indian Arts, Inc. on the blacklist and we were written off as a principal grantee. Regulations, most of which didn't exist, were adjusted so that such things as "in kind" assistance could not be used, although it was plainly documented that Alaska Indian Arts, Inc. was being supplied facilities worth over $20,000 a year. Over 5,000 square feet of building, equipment, heat, light, etc. were supplied by this "in-kind" was disallowed.

As long as the elitist concept dominates the Arts Council and the present set-up for selecting the 1 percent public art recipient remains, you and the rest of us are not going to have truly Alaskan artworks.

Sincerely,
Carl W. Helmiller
Box 271
Haines, 99827

Mr. Helmiller, a former member of the State Council on the Arts is a respected magistrate and founder of Southeast Alaska Inc. a non-profit art organization set up to promote traditional Southeast Alaska Indian art forms and teach young Tlingit and Haida Indians the art techniques of their cultural past. The totem poles in the Governor's office and in the lobby of the Court Bldg. were carved by this group.

JUNEAU EMPIRE

Accountability in public art

Legislation proposed by Anchorage Rep. Alyce Hanley could do much to avoid the misunderstandings created by the state's Art in Public Places program.

Currently, 1 percent of the cost of a public building is set aside for artwork. It's a good idea, but needs a little fine-tuning.

Rep. Hanley's bill, which is co-sponsored by 10 other members of the House, may not be the most earth-shaking legislation to come along this year, but it surely would prevent the public from feeling like a victim of its own largesse. Time and again, people find themselves wondering how and why certain pieces of art are chosen for public buildings, be they airports, court buildings or other public areas. Often, a reason for that wonderment is the public is dealt out of the selection process.

What this bill does is mandate that no fewer than three members of the seven-member art selection committee be lay members of the public. It also mandates public hearings on the selection of an artist to do the work.

Further, it requires a plaque or permanent label be installed identifying the artist, the title of the work and the names of the members of the art selection committee.

This bill does two things:

- It involves the public in choosing which artwork it will buy to place at publicly funded buildings. Currently, the public is confronted by artwork – good, bad or indifferent – that is chosen for it, not by it. Then, if the public doesn't like it, certain members of the arts community feel obliged to provide lectures on why the public should like it. The result is many people are plain turned off by art – certainly not the intent of the public art program.
- Second, it provides accountability. Just as accountability is needed in the expenditure of all other public funds, it is needed in public art projects. Providing a plaque with the people responsible for the project provides that accountability.

This bill, HB 607, deserves the consideration of the Alaska Legislature as a means of getting a good program back on track and keeping it there.

3-28-86

Chart from USA TODAY
February 19, 1986

Among the 50 state governments, Alaska ranks first in per capita spending on the arts. The Alaska Legislature indirectly and directly appropriated over $8.00 per Alaskan for art in FY'86 through the 1% for Art program and other arts programs. This is 280% more than Massachusetts, the #2 ranked state spent. Alaska spent more than ten times the 50 state average of 79.6¢ per capita.

State arts grants up 25.2% in fiscal 1986

State legislative appropriations for the arts for fiscal year 1986 were up 25.2% over fiscal year 1985 — the highest increase since 1981 — a recent survey shows. Grants are used for research, awards and competitions, instruction, workshops and developing artists. Alaska ranked first in per capita support of the arts. Arts funding for fiscal year 1986, spending per capita and rank based on state legislative appropriations:

State	Appropriation	Per capita
Alabama	$1,100,000	27.6¢
Alaska	$4,000,700	800.1¢
Arizona	$1,010,200	33.1¢
Arkansas	$970,694	41.3¢
California	$11,692,000	45.6¢
Colorado	$940,622	29.6¢
Connecticut	$1,479,000	46.9¢
Delaware	$496,000	80.9¢
D.C.	$1,673,000[1]	266.5¢
Florida	$9,761,077	88.9¢
Georgia	$2,200,588	37.7¢
Hawaii	$2,237,297	215.3¢
Idaho	$137,600	13.7¢
Illinois	$7,462,701	64.8¢
Indiana	$1,830,576	33.3¢
Iowa	$522,593	18.0¢
Kansas	$589,711	24.2¢
Kentucky	$1,554,400	42.0¢
Louisiana	$1,397,646	31.3¢
Maine	$420,292	35.4¢
Maryland	$1,897,527	43.6¢
Massachusetts	$16,379,066[2]	282.5¢
Michigan	$10,291,500	113.4¢
Minnesota	$2,747,400	66.0¢
Mississippi	$490,354	18.9¢
Missouri	$6,904,051	137.9¢
Montana	$758,507	92.1¢
Nebraska	$599,844	37.4¢
Nevada	$174,270	19.1¢
New Hampshire	$323,000	33.1¢
New Jersey	$10,391,000	138.3¢
New Mexico	$713,500	50.1¢
New York	$44,078,900	248.5¢
North Carolina	$3,932,233	63.8¢
North Dakota	$248,195	36.2¢
Ohio	$7,509,753	69.8¢
Oklahoma	$1,821,462	55.2¢
Oregon	$445,965	16.7¢
Pennsylvania	$6,724,000	55.5¢
Rhode Island	$444,357	46.2¢
South Carolina	$2,602,010	76.6¢
South Dakota	$279,885	39.6¢
Tennessee	$3,615,800	76.7¢
Texas	$9,260,000	58.0¢
Utah	$1,568,200	96.1¢
Vermont	$245,500	46.3¢
Virginia	$1,947,865	34.6¢
Washington	$2,235,974	51.4¢
West Virginia	$2,117,238	103.5¢
Wisconsin	$1,154,200	24.2¢
Wyoming	$144,605	28.3¢
Total[3]	$193,573,859	—

A list of the newest state funded art creations in the Anchorage airport shows that most the money spent there went to non-Alaskan artists.

JAN 24, 1986

Saturday Sundry

By William J. Tobin

THE NEXT TIME YOU'RE OUT at the Anchorage International Airport, take a minute to look at the art work the state's "1 percent for art" program has paid for with public dollars. The sculpture hanging from the ceiling at the end of the refurbished B Concourse is the work of a Miami, Fla., artist, John Henry, and cost a nifty $80,000. Other artistic attractions in the domestic terminal and their price tags: An untitled prismatic sculpture by Charles Ross of New York City, $130,000; an oil painting, "Welcome to My World," by Alvin Amason, of Kodiak and California, $40,000; an untitled oil painting by Leon Anderson of Anchorage, $19,265; and a functional steel sculpture, "Shoeshine Shop," by Frank McGuire of Warrensville, Ohio, $27,000.

• • •

TOTAL $296,265

Ak Council of Arts

Giving Art a Bad Name

GEORGE F. WILL

The rising sun spreads a rug of light through St. Louis's Gateway Arch and across a less loved artifact 11 blocks away. That object is a "sculpture" called "Twain," named after a Missouri boy who became a master of realism. It covers most of a block and consists of eight panels of rusting steel placed in a formation that resembles a triangle drawn by a quavering hand. "Twain" was perpetrated by Richard Serra, a "postminimalist" entrepreneur who once exhibited, as art, a 97-pound pig in a cage. His arrogance is almost a work of art. He says: "I don't think it is the function of art to be pleasing." He thinks it is the function of the public to give people like him money and space and limitless license. In fine, the public is to pay up and shut up. "Twain" is, in part, your tax dollars at work. The federal government chipped in.

Today there is rising over St. Louis a dark cloud of insurrection, a cloud as impressive as the one that rose over Toledo (Spain, not Ohio) and stirred El Greco, an artist who did not work in rusty metal. Some St. Louisans have seen "Twain" steadily and seen it whole and have seen enough of it. Not since opposition to the Dred Scott decision—Scott's case was tried in a nearby courthouse—has there been such an admirable opposition movement. St. Louisans are hospitable, ready to scale the skies and pluck out stars and strew them at your feet. But when provoked they are as turbulent as the tornadoes that frequent the region. Serra also is finding New Yorkers tiresome. In Manhattan there is a move afoot to junk Serra's "Tilted Arc," 73 tons of rusty steel 12 feet high and stretching 120 feet across the plaza of a federal building. (Yes, more tax dollars.) It is not just an eyesore, it is a nuisance, impeding pedestrians.

Nowhere Is Safe: The natives are restless elsewhere, too. Chicagoans have never been considered among Nature's hamsters—tame—and some of them are up in arms about what they consider graffiti applied to the walls of a library and called a "fresco." In a world gone wonky, nowhere is safe. In Paris, the artist Christo is preparing to wrap the most beautiful Seine bridge, the 16th-century Pont Neuf, in shiny beige nylon, as a "sculpture." This treatment of the bridge is like the treatment of Michelangelo's Pietà at the 1964 World's Fair, where it was illuminated with flickering blue light, presumably to improve it.

Time was when artists wanted to shock the bourgeoisie. Today the bourgeoisie is running around with open wallets, trying to call forth art with cash. But art is not a commodity like pretzels. Strong monetary demand for pretzels increases the supply of pretzel makers. Their products are recognizably pretzels, and the best pretzel makers prosper. The market for art is different because the supply of good art is not similarly elastic. Unless, of course, you suspend all standards. There will be an abundance of fine art if you declare that fine art is anything that anyone calling himself an artist calls fine art. One way to expand the supply of anything is to define it so permissively that limiting standards evaporate and almost anything can be included. But as a 19th-century politician from across the Mississippi River, up in Sangamon County, Ill., once said: If I call a tail a leg, how many legs has a dog got? Five? No, because calling a tail a leg doesn't make it a leg.

> People are trying to call forth art with cash. But art is not a commodity like pretzels.

Such is the docility and gullibility of many city governments and corporations, it is almost dismaying when they decide to commission works of art. Of course, the disproportion between the large demand for art and the small supply of serious artists is not an argument against patronage. Pope Julius II did posterity a favor with his "jobs for the boys" program for artists. His boys included Michelangelo and Raphael. Today, patrons must have considerable prudence and self-confidence when the ratio of charlatans to serious artists is as high as it is.

Some Serra defenders say his First Amendment rights are being trampled. But the issue is not a person's right to "express" his whims in rusty steel. The issue is the public's right not to be saddled with the results forever. Even if the public's hostility were just a whim, so what? Artists who peddle their whims as art, counting on an absence of critical standards, cannot suddenly claim to have standards superior to the public's and incomprehensible to the public. And they cannot hide behind this crashing non sequitur: great innovations in art often have met hostility, therefore whatever provokes hostility must be a great innovation. Joan Mondale says the public should give "Tilted Arc" time to prove its "eternity." Sounds like a long wait.

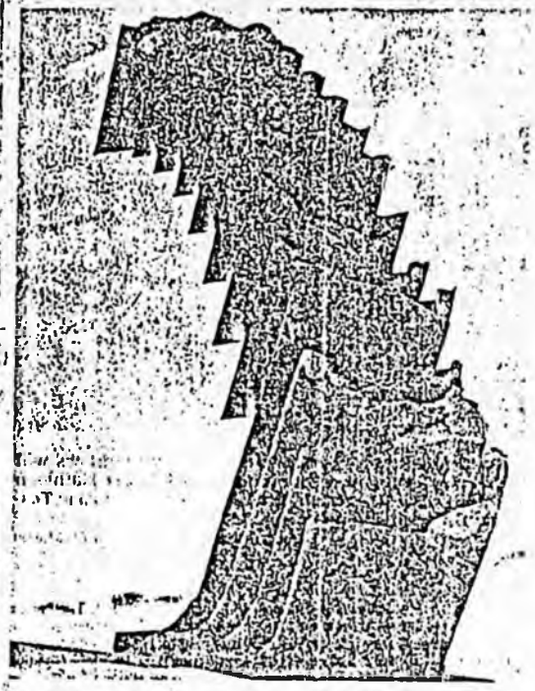
Deliciously Ironic: Today Philistines often march under the banner of anti-Philistinism. Serra's defenders stigmatize his detractors as a backward mob slow to recognize genius. This is deliciously ironic, considering that abstract art once was defended as "democratic." It was supposed to be art purged of "academicism," art immediately and equally "accessible" to everyone, art "understood" by even the untutored eye. Actually, it is anti-intellectual "art" enveloped by ludicrous intellectualizing.

For example, this is how one critic "understands" Jackson Pollock's canvases covered with drips: "Pollock's strength lies in the emphatic surfaces of his pictures, which it is his concern to maintain and intensify in all that thick, fuliginous flatness . . ." One wishes that critic had reviewed Serra's movie that featured nothing but a hand holding a wad of cloth at arm's length until the arm was exhausted and the cloth dropped. One Serra fan brings his art-Babel to a rolling boil to praise the "savage elegance" of Serra's "resilient" and "insistent" stuff.

The emptiness of postminimalist and other fads of nonrepresentational art has elicited floods of theorizing from a clerisy of critics. They have acquired importance as the assigners of importance to substanceless "art." Theirs is not tiring work. The assigning can be capricious because the critics are not inhibited by the presence of any content in the art they construe. The exegesis of effortless art is effortless. If human beings were dominoes, such critics and the artists they inflate would be double blanks. In their formative years they must have been spanked with rolled-up learned journals of fine arts. How else explain their contempt for mind, and their seeming attempt to give art a bad name?

Public art projects

"Cathedral Series VI, Elysian,"—Linda Howard, a Florida artist, designed this $140,000 sculpture located on the University of Alaska-Fairbanks campus.
(News-Miner library photo)



"Denali"—Christiane Martens' sculpture stands in front of the University of Alaska Museum. Marten is not from Alaska.
(News-Miner library photo)

Reaction mixed to changes in One Percent for Art law

By DIANA BRYSON
Staff Writer

Local reaction to a proposal amending the state's One Percent for Art program is as mixed as the public's response to artwork purchased through that agency.

State law requires that 1 percent of the construction cost of every public building built after June 1975, go to pay for artwork.

Rep. Alyce Hanley, R-Anchorage, is the primary sponsor of two bills that would change that. Hanley wants to cut commissions for art in public places in half, and increase public say in what art pieces are selected. She also wants to post a plaque near the artwork identifying the art and people who selected it, and restrict the program to Alaskan artists.

The selection process and the plaque proposals come in one package, House Bill 607. The other two proposals are listed in House Bill 606.

Dave Nicholls, the visual arts director for the Fairbanks Arts Association, said members of the association's visual arts committee met recently to discuss the bill. In general, he said members of the group support the One Percent for Art program.

"It's a good program. Looking at the bill there was a certain amount of support for using Alaskan artists and there was a certain amount of support for more public involvement in the selection process. Obviously they were dismayed at the amount of money which would be cut."

Nicholls said when it comes down to it, the pair of bills probably would not meet the approval of many local artists. He said while members of the visual arts committee are all for the idea of opening the selection process to the public, they tend not to give blanket support to restricting the program to Alaskans.

Personally, Nicholls would like to see less drastic modifications made in the program so more statewide artists can qualify for commissions. Fairbanks painter Jim Behlke, who testified about the two bills during a statewide teleconference last week, is of the same mind.

According to Behlke, if more commissions were available for artwork done on a small scale, more Alaskan artists could participate in the One Percent program.

"Local artists cannot make proposals frequently because the proposals requested require work which most of us don't do," he said. "And I'm not talking as much about style as I am about scale and format. When I get sent a proposal, it's for something that weighs a ton and goes in front of a building in welded steel."

The painter would like to see more artwork inside buildings instead of those huge, outdoor sculptures which, over the years, have become the One Percent program's trademark. He used the University of Alaska-Fairbanks' most recent art addition, as an example.

Money for the $140,000 sculpture "Cathedral Series VI, Elysian," came from funding designated for three UAF buildings: Duckering, the new addition to the main campus library, and Signers Hall. Elysian was the work of a Florida woman.

"If you walk through these buildings, you'll notice a lot of blank walls. I think they could have spent $60,000 on the sculpture and the rest in the buildings," said Behlke, who donated his large, $3,0.. two-paneled oil painting to the Duckering Building at the request of a dean.

A constituent initially prompted Hanley to introduce the two bills. What started with a request that a plaque identify "One Percent" artwork, developed into the proposals on hand.

"I thought 'That almost seems like a frivolous piece of legislation,' and proceeded from there," said Hanley.

Hanley is aware that her bills likely will gain support from local hire advocates, and that's just fine with her.

"I'm also hearing that instead of a big $100,000 job, the public can enjoy some of the smaller projects Alaskan artists can provide," she said.

"I guess it's been my perception that there are several projects that have been purchased recently with art money that is not creating any kind of appreciation, but are beginning to cause anger among residents," she said.

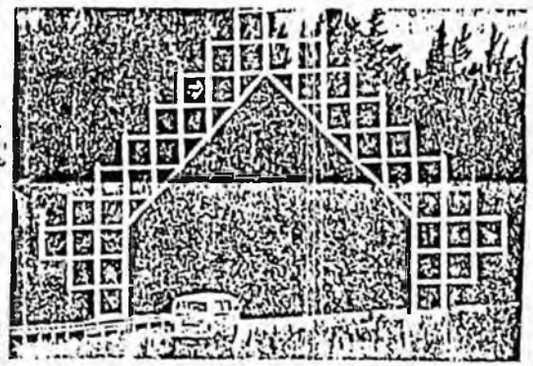
"I recognize that we're spending millions of dollars on this without much input from the public."

The executive director of the Alaska State Council on the Arts in Anchorage, Christine D'Arcy, thinks that if the proposals become law, they would be harmful, particularly the clause restricting the program to Alaskans.

"I think it's important to have a variety of artwork and I do not favor government dictating cultural values," she said.

D'Arcy estimates 60 percent of the commissions already are given to Alaskan artists.

"Student Greeting"—Alaskan artist Karen Olanna sculpted this figure from marble.
(News-Miner library photo)



"Solar Borealis"—This $107,000 welded steel sculpture straddles the exit ramp at the Fairbanks International Airport. It was designed by San Francisco artist Robert Behrens.
(News-Miner library photo)

> "I think it's important to have a variety of artwork and I do not favor government dictating cultural values."
> —*Christine D'Arcy*

"My feeling is that the state of Alaska has funds set aside for different programs and no matter what the program is, the state should be trying to make the best investment of its funds, and buying the best that its money can buy, D'Arcy said.

"I think it would be a shame if Alaska took such a parochial view in terms of its public art program."

Hanley disagrees.

"We've had time to absorb and appreciate pieces done by Outside artists," she said. "It's time for Alaskans first, time to start assigning it to Alaskan artists because when we say 'Alaskan artist,' that doesn't mean everybody will be painting a picture of Mount McKinley."

JUNEAU EM

"The Voice of Alaska's Capital City"

VOL. 78 NO. 249 JUNEAU, ALASKA, TUESDAY, DECEMBER 18, 1984

Nimbus gets the boot

Statue put in storage

By The Juneau Empire

Now you see it, now you don't.

State employees today peered out their Capitol and Alaska Court Building windows to watch a crew begin the job of removing Nimbus, a green sculpture placed in the plaza in 1978.

The $40,000 sculpture was ordered replaced by the 13th Alaska Legislature, which passed a resolution saying a war memorial or other piece of art should take its place.

Once uprooted from its cement base, Nimbus will be taken to the Department of Transportation's Switzer Creek area building and stored until a state panel decides where it should be relocated. The cost of removing it is expected to be about $6,000.

The governor-appointed committee met last week to discuss possible replacements for the statue and will have a public meeting in Juneau on Jan. 8 to take testimony.

Among the new pieces of art suggested for the site are a memorial to late Gov. Bill Egan, a war commemorative, a sculpture of a bear by local artist Skip Wallen or a monument to the state's 25th anniversary of statehood.

Other options will be considered at the public meeting in January.

Where to put Nimbus is another question. Among the suggested sites are the downtown or Auke Bay ferry terminals, in front of the Alaska State Museum and at Cope Park along Gold Creek.

Photo by Mark Kelley

Nimbus no more: Eviction started this morning.

Public must be part of its art

The issue of public art seems to be back in the eyes and minds of beholders, prompted by a new, abstract piece of work at the airport.

Some members of the community like it very much. Some don't like it very much. Some wish it were more "real" or more "relevant." Some wish it were more "representational" or more "Alaskan."

An argument could be made that for a piece of public artwork in Juneau to be truly real, relevant, representational and Alaskan, it would require a blinking, high-tech neon sign somewhere in the Capitol flower beds, flashing in alarming colors the minute-by-minute price of a barrel of Prudhoe crude.

Would that be art? Some would say so. Others would no doubt disagree. And that's precisely the point. There will never be a piece of public art that satisfies everyone. For that matter, there will probably never be a piece of privately owned art that pleases everyone who views it. For art, artists and beholders, universal agreement – a last word on what's art, what's bad art, what's good art – would be deadly dull. For artwork, dull is indeed a four-letter word.

Public art, however, particularly those relatively few pieces that are conspicuous in public places, presents a whole set of different issues than privately owned artwork or artwork, say, within a public museum. The issues, by the way, are not confined to Juneau, but are being raised in communities across the country.

Publicly commissioned artwork in public places is the creation of an individual artist, but belongs to the public and becomes part of their world and their lives.

Robert Murray, the sculptor who created the ill-fated "Nimbus," has been quoted as saying that "we cannot have public art by plebiscite." He's correct, even if only for the practical notion that plebiscites on public art would be so unwieldy and possibly so inconclusive that no artwork would ever result.

But that doesn't preclude involving the public to a greater degree in the selection – the crucial steps taken to determine what will belong to the public.

The selection process by the local, state or federal government should involve members from the public, meaning members of the arts community and the population at large. It should, furthermore, allow for public hearings and viewings of proposed pieces, to let artists hear the ideas of the community and give community residents ample opportunity to express themselves.

While the selection process here usually involves a public committee approach, it seems even more of an effort is needed if the community is to consider public artwork as its own, not imposed, but welcomed.

Yet the process also has to allow for artists to be heard, to be given the opportunity to talk about their ideas, why they've chosen a certain theme, or a particular medium, or a specific technique. They also deserve a chance before their work – created in good faith – is dumped upon as somehow coming out of nowhere.

It comes out of somewhere. And somewhere should include a very visible dialogue long before the paintbrush is applied to the palette.

JUNEAU EMPIRE FEB. 3, 1986

Nimbus: Going but not gone

Nimbus may be out of sight, but some of the questions raised by the sculpture and the public outcry over it should be kept in mind.

Sculptor Robert Murray, interviewed when Nimbus was installed here in 1978, commented that when his artwork is placed in public, "I make my work visible to people who have very closed minds to the whole thing. It's not like a gallery where people come to see art. Some people feel very threatened by the whole experience."

Murray was probably more prophetic than he wanted to be. Many people — at least many vocal people — just don't like Nimbus. Beyond that, however, numerous critics voiced resentment that Nimbus was imposed, it was a stranger, it wasn't really "ours."

"Ours" doesn't have to mean dull like an old warhorse. Public art, abstract or representational, can be lively, humorous, sobering, eccentric or yes, even maddening, and still be "ours."

It might be ours if it grows familiar over time. It might be ours if one of us — an Alaskan or Pacific Northwest artist — creates it. It might be ours if it somehow, some way, depicts something we're somewhat familiar with or that both we and the artist care about.

But all those "ours" factors are elusive, as open to speculation as the question of what art is — ours, theirs or everyone's.

The most obvious and direct way to make sure a community thinks of an artwork as ours is to make sure the selection process is wide open to the public. And by public we mean the local people who will share their home, their community with the work.

A well-publicized invitation for public involvement should start at the beginning, the decision on what specific type of artwork is wanted and where it will go, and carry through all the way to the call for proposals and review of them. Such public participation resulted in the Ed Way statue at Marine Park, which is definitely considered "ours" by many people in town.

No, every piece of public artwork can't be chosen by referendum, just as every controversial political issue doesn't go on the ballot. Someone appointed or elected is going to have to bite the paintbrush and make a final decision, or the debate could rage for the millenium.

Better the public debate rages before the final choice, however, than to drag it on for years after a work is in place, then yank it. The fate of Nimbus — sealed for now — should be seen as a one-time occurrence only, a fluke that taught us a lesson. The sculpture's removal shouldn't be allowed to set a dangerous precedent for what, in the future, could be some pretty capricious decisions to remove public artwork.

One admonition, to indulge a pet peeve. It's hard to sympathize with those who have been invited to speak prior to a decision and instead opt to wait now and condemn later. A Monday Morning Picasso doesn't create much except hot air. And public artwork should be a lot more substantial and lasting than that.

Nimbus, purchased for $40,000 is now lying in a truck and equipment storage yard on the Old Glacier Hwy.

It was removed from its site after several years of public outcry at a cost to the state of $5,000.

Farewell to Nimbus

Nimbus, the artful creation that has graced the front of the Alaska Court Building for nearly six years, today took leave of that location. As workers labored to evacuate that magnificent ode to modern art, a tear no doubt came to the eye of many a Nimbus lover. After all, who in this city hasn't stopped a moment to marvel at its wondrous beauty, its shiny green steel frame?

Alas, Nimbus is bound for a new, albeit temporary, location, a place where it can be better appreciated. The $40,000 Robert Murray sculpture will take up residence where it will be sheltered from the elements. We can think of no better place than the Department of Transportation warehouse at 7 mile Glacier Highway.

But what of the public outcry that is sure to come? The public will inevitably seek — no, demand — the right to view Nimbus. How could the state deny the public the right to see that beautiful work?

We propose that the state DOT set up visiting hours at its warehouse so those lovers of Nimbus may see their cherished *objet d'art* in all its splendor. Our green friend, who has greeted us at the start of our workday for these many years will be lodged with other, equal works of art — snowplows and truck tires. Perhaps DOT can paint those plows an appropriate color to correspond to Nimbus's green hue. And maybe the tires can be delicately arranged around it in a garden setting.

Soon, we cannot predict when, a committee of those wiser than we will choose a final resting place for our Nimbus.

Wherever shall it be? The Auke Bay ferry terminal, the Alaska State Museum and other locations are vying for the privilege of displaying this masterpiece. Other suggestions have been tendered as well. Channel Sanitation is one of the most popular.

Some people say the role of art is to evoke a response. If that indeed were art's only role, Nimbus has filled it well. But art is more, much more, than presenting viewers with something to cause them to react. After all, people react to car wrecks, too. Does that mean they are art?

Tomorrow, when you venture past that spot along Main Street once occupied by Nimbus, remember all the reactions it evoked. The suggestions that it looked like the bow of a ship after running aground. That it resembled the aftermath of a plane wreck. That it would best be used as an anchor.

Then ponder what it would be like to have a meaningful piece of art there, like a memorial to Gov. Bill Egan, the state's first governor, or to Alaska's war veterans.

Whichever is chosen, it is bound to be an improvement.

'Art' in public places?

COMMENTS

by: kent lee woodman

CONTRIBUTING EDITOR

I suspect I'm going to get into trouble with this column ... however, that has never stopped me before. I'il preface by saying that I am not totally unsophisticated.

I appreciate symphony, good poetry, fine wine and other things of the "semi-enlightened" life. I am not down on the arts, nor artists' rights to express themselves.

I am, however, of the persuasion that PURCHASE of art or special efforts to SEE it, are MY option, based upon MY perception of the value of the artform.

I am about to take a potential Art-In-Public-Places process to task, but first some background so you can relate to it, and see I have done some homework.

Art-In-Public-Places, commonly referred to as "1 percent Art," first became Alaskan by State law in 1975. Partly because there was little public construction that qualified in the next several years, little came of it until implementation on buildings constructed beginning in 1980.

The only Municipal/City Ordinance in the State on the subject, Anchorage's, came in 1978 (Chapter 7.40.010 - .080). It also became operative in the 1980 period, most likely given emphasis by ex-Mayor George Sullivan's "Project 80's."

Any time Municipal money is spent on a structure ... even if it's a grant from the State or Feds which is administered by the Muni, and which exceeds $250,000, the Ordinance comes into play.

You can see State & Federal results at the Federal Building, the Sullivan Sports Arena, the Municipal Museum, the ACC Aviation Complex at Merrill and other places.

For broad public acceptance of each of these items, a brief historical look at news stories as each has been unveiled, reveals that they are met with "mixed reviews" at best.

Here in Anchorage, the program is administered by MS MOLLY BJONES, who shared both some history of the program and copies of the current Ordinance and Regulations 7.40.001 - .0013 so I could come to grips with how the program operates, its limits, authorities and jurisdictions.

The ordinance and regulations require that "juries" be selected for qualifying buildings over $1 million, and that they consist of one member each of the Urban Beautification Commission, the Anchorage Arts Advisory Commission, the Project Designer, the User Department and at least one interested local resident (this one also has a member of the Art Selection Committee).

While this does not constitute "ARTS LOADING" by numbers, I'd point out that every member of the panel GETS PAID TO BE THERE, or does so in a planned volunteer program of regular duration, except the PUBLIC MEMBER, whose vote could easily be pivotal.

I also note that the regulations do NOT contain any instructions whatsoever for the following critical areas: a. Investigation and study of the USE of the building; b. Study of the FUNCTION and PURPOSE of the building; c. Study of the HISTORY of the building site and its service area; d. Study of the nature of the BUILDING OCCUPANCY or CONSTITUENCY; e. Study of the proposed vehicular and pedestrian (and Aircraft) traffic flows; f. Determination of the building FOCUS POINT.

In the entire ordinance and implementing regulations, the ONLY review/appeal process noted is the one non-selected (and upset) artists use to appeal selection of the winning artist.

It is to the Mayor. All that aside, I find myself precisely centered in the "mixed review" element of our populace when viewing some of the items placed in the name of art.

I am not qualified to judge the quality of most of it, generally falling back on my sense of whether I like it or not ... much the same as with a new wine or sushi the first time.

I admit that much of what I see in public art forums I find A RIPOFF. That's only MY opinion.

It appears that "artists" have labored long and hard with large, sometimes disgusting colored materials, to create vague things that neither enhance the building, nor draw the passer-by with any desire to learn more about it or art in general.

In other words, for me, many are a big turnoff. Two exceptions are the sculpture in the ACC complex stairway, which I have identified as relating to early, al-beit unsuccessful, flight; and the giant lockwashers in the front yard, appropriate, it would appear, to a Maintenance complex. . .

Many folks with whom I have talked simply ignore the large,

See DESIGNS, Page 13

Designs should follow bldg. theme

Continued from Page 12

obtrusive blobs which generally block snow removal, crowd control and good photographs of the particular structure.

I am first to admit that I could learn much about art if I had the time, money and inclination. My questions would be, however, "is it the function of Art in Public Places to thrust 12th generation obscurities down the throats of the masses in some effort to convert them to art appreciation? Are we being given art that is identified, classified and selected for us, the many, by the 'gifted few' so that we may be lifted out of our pig trough of existence in spite of ourselves?"

Let's get this down to specifics, hopefully relating to flying and aircraft: The Public Aviation Facility at Merrill Field is in final design now by McCool-McDonald, Architects.

Design money was a state grant to the Muni, thus the 1 percent requirement. The committee was set up and has met to begin planning how the 1 percent will be used on this one building ($32,000 plus/minus).

The structure (see diagram attached) will be the gateway for many, many people who will either fly in or out of Anchorage, or will gather to view aviation or meet someone who has done one of the above. It is being designed per the Master Plan, as the new "focal point" for the field.

Aviation has a public fascination index higher perhaps even than football! Merrill, and indeed Alaska in general, has a fantastic aviation history.

Because we are still living it, and becomes it is such a fast moving history, we are way, way behind preserving it in photos, art, memorabilia and historical aircraft. Merrill was named for a colorful Anchorage pilot (Russ) who was killed in his plane after taking off from Merrill.

The building is designed to give some impression of flight with its swept back appearance and two large wings. The center glass cylinder will house an historic 1920's vintage restored aircraft.

The walls have many designated locations for photos, art work, displays and dioramas. I anticipate that the many area aviation groups will bring in displays, that perhaps historic films and slides will be available on video monitors.

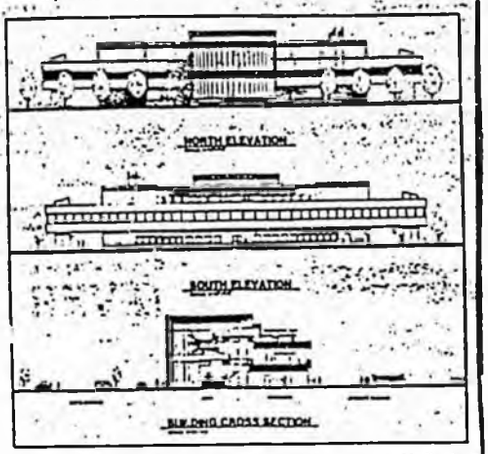
There is an observation deck on the "air side" for folks to watch planes taxi, takeoff and land — complete with a speaker to listen to the FAA talk to pilots.

There is planning for an aviation theme restaurant/bar for the upper levels, like the famous BLUE MAX or the RED BARON. If that happens, those areas will be decorated like historic aviation facilities as well.

So now comes the Building Art Jury. Though construction money is not yet located for the building, design is under way so the committee must chart the course that the 1 percent will be spent for, and then commission artist(s), make recommendations and direct placement.

There are those close to this development and to aviation

See DESIGNS, Page 14



Merrill Field Public Aviation Facility (illustration courtesy McCool-McDonald of Alaska Inc., architects.)

Design follows theme

Continued from Page 13

in general and close to the field itself, who see a tremendous opportunity to HAVE THE ART RELATE TO THE BUILDING, THE FIELD AND WHAT IS BEING ATTEMPTED THERE, and not some esoteric blob placed there to somehow broaden the horizons of the great unwashed masses who come there for something else entirely.

The initial meeting was held. The lone public member, aviation history buff Ted Spencer, suggested consideration of expenditure of a portion of the funds on the hanging aircraft, its associated display and tilting.

That was turned down INSTANTLY by the Art leadership. From reading the minutes of the meeting, it appears that the group was then polarized, with "them" and "us." (We're "us"; you know who "them" are!)

One would hope that they would really see the light, and NOT attempt to make this building a shrine to art that has nothing to do with aircraft, history or Merrill Field.

I do not condemn them in advance, though I note the polarization. It will be up to that committee's members to bridge the gaps and come up with a concensus. Let me conclude, however, with a little more information that will delight you: PUBLIC REVIEW AND COMMENT.

When the State or Muni wants to build a road, change zoning, build a building, or other major item, they are required to develop a public input process — they hold hearings, notify adjacent property owners and known interested parties.

In theory, those comments from the public are taken into consideration in final design or decision making processes. If they are not, then the citizenry can approach the next level of authority and bitch about being ignored.

The whole purpose of this exercise is to see that Government, ACTING WITH OUR constituency and, in fact, does what their "boss" wants it to do.

Let me quote the Public Review and Oversight provisions of the Art-In-Public-Places program: ZIP! You got it; if you want to impact how the building will be decorated, you've got to be on that tiny committee.

It's only appeal is for the artists themselves, and not those of us who fund it nor those of us who will be subjected to it or pleased by it in years to come.

There is really only ONE review: The finished product's acceptance in the press AFTER THE MONEY IS SPENT.

Only one other avenue remains: IF you care, if you can make meaningful contributions, either attend their meetings (which must be public) or make written input — or both.

I do not want to condemn anyone in advance, but driving and walking around Anchorage and reading the minutes of the first meeting have prepared me for what may be coming. Hope not!

Kent Lee Woodman is the Executive Vice President of the Alaska Airmen's Association and the Acting Chairman and Commissioner on the Municipal Airports Aviation Advisory Commission. He has been a Contributing Editor each issue of Air Alaska since its inception over four years ago. He is available at 12920 Hillside Drive, Anchorage 99516; or 345-1356 prior to 9 p.m.

page A-1

"derogatory," and "three walruses [illegible]ed in early bathroom vanity." One of the walruses boasted real tusks, which jutted from the center of the canvas, and atop the frame sat a pair of puffins, with a third puffin "flying" in front of the canvas. "I just keep expecting to find a pile of bird doo on the floor," one federal court employee told a Times reporter in 1979.

Amason's present tripartite canvas continues his brash color scheme, showing two salmon with [illegible] ing a foot out from the canvas, chased by a bear splashing multicolored water. A blue fox takes up the left side, and a bald eagle and magpie look on.

Amason flew "Welcome to My World" to Anchorage a week ago to make final adjustments at the Visual Arts Center. He had spent seven months working on it at his Oakland, Calif., studio.

"The people at the airport have responded to Shaindlin's saying 'his daughter could do it,' " said a despairing John Blaine Friday afternoon. "They will take it down on Monday and [illegible] just [illegible] and livid and everything else," Blaine said.

"I have heard of nothing like this," Blaine added. "They are not even giving the piece a moment to find its place there. It's just a knee-jerk response to something new. It's absolutely unwarranted."

According to a Nov. 4, 1979, Times article, Amason is pleased when the public is m[illegible]ved by his work: "If people just pass by and not notice my work, then I've accomplished nothing; it's not a success."

Times photo by Alice Tuttle

'Welcome to My World,' a piece of art at the Anchorage International Airport, is scheduled to be removed Monday from its place above Concourse B

Airport art piece causes controversy

A profile of the work — Time Out, D-1

by Ann Chandonnet
Times Writer

A new One Percent for Art piece titled "Welcome to My World" is scheduled to be removed from its choice spot in Concourse B of Anchorage International Airport on Monday.

According to John Blaine, executive director of the Visual Arts Center, com-

his nightly commentary following the 6 p.m. news Thursday on KIMO Channel 13 reportedly caused the removal of Alvin Amason's $40,000 triptych. The 32-foot by 11-foot piece had been installed

Fueled by adverse comments from airport employees, Shaindlin's criticism prompted a 1 p.m. Friday meeting at the airport. The news was then conveyed to Blaine by Jim Kulper of the Alaska State Council on the Arts.

This is not the first time that the multicolored, animal-strewn art of Kodiak-born artist Amason has caused local

Rose," which was put on display at the Federal Building in October 1979, was commissioned at a cost of $11,000 by the General Services Administration and hung in the stairwell which led to the courtrooms of two U.S. district judges.

The painting, which showed three purple walruses adrift in a red and blue sea, was called "an obscene gesture,"

Effect of amendment. — The 1977 amendment substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in paragraphs (2) and (6).

Chapter 27. Art Works in Public Buildings and Facilities.

Section

10. Purpose
20. Art requirements for public buildings and facilities
30. Definitions

Sec. 35.27.010. Purpose. The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities. (§ 1 ch 54 SLA 1975)

Legislative history report. — For report on ch. 54, SLA 1975 (CSHB 133 [Finance]), see 1975 Senate Journal, p. 939.

Sec. 35.27.020. Art requirements for public buildings and facilities.

(a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977, will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

(d) A building or facility with an estimated construction cost of less than $250,000 is exempt from the requirements of this chapter unless inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities.

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works. (§ 1 ch 54 SLA 1975; am §§ 1, 2 ch 96 SLA 1977; am §§ 1 — 4 ch 176 SLA 1980)

Cross reference. — For the responsibilities of the Alaska State Council on the Arts in the management of the Art in Public Places Fund, see AS 44.27.060.

Effect of amendments. — The 1977 amendment substituted "or, in the case of a rural school facility, at least one-half of one percent of the construction cost" for "of the overall construction cost" in subsection (c) and added subsections (f) and (g).

The 1980 amendment rewrote subsections (a) and (d), substituted "buildings" for "public works" in subsection (b), and in subsection (c), substituted "September 1, 1977" for "the enactment date of this chapter," "a school, office building, court building, vessel of the marine highway system, or other" for "the public," deleted "public" preceding "facility" near the end of the subsection, and added "which is subject to substantial public use" at the end of the subsection.

Sec. 35.27.030. Definitions. In this chapter

(1) "department" means the Department of Transportation and Public Facilities;

(2) "building" or "facility" means a permanent improvement constructed by the department; the term

(A) includes, but is not limited to,

(i) schools, office buildings, and court buildings;

(ii) other buildings which the commissioner determines are designed for substantial public use;

(iii) boats and vessels of the marine highway system;

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities.

(3) "construction cost" is that cost expended for the actual construction of the facility, exclusive of the costs of land acquisition, site investigation, design services, administrative costs, equipment purchases and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility.

(4) "commissioner" means the commissioner of transportation and public facilities. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am Executive Order No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980)

Effect of amendments. — The first 1977 amendment inserted "schools, office buildings, court buildings and other facilities which are designed for substantial public use" in paragraph (2) and added paragraph (3).

The second 1977 amendment substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in paragraph (1).

The 1980 amendment rewrote paragraph (2), and added paragraph (4).

Sec. 44.27.060. Art in public places fund. (a) The art in public places fund is established. The council shall manage the fund.

(b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of AS 35.27 and the exemption is because

(1) the estimated construction cost of the building or facility is less than $250,000; or

(2) the building or facility is not designed for substantial public use.

(c) The council may use the money in the art in public places fund

(1) to commission or purchase a work of art which is to be made a permanent part of, or placed on loan in, a building or facility owned or leased by the state which has substantial public use; and

(2) to meet expenses for a commissioned work of art for a building or facility which has substantial public use if the cost of the work of art exceeds the amount reserved under AS 35.27.020(c).

(d) In (c) of this section, "building" or "facility" means

(1) a building or facility of the state, as defined by AS 35.27.030(2), which is designed for and which is subject to substantial public use; and

(2) a building or facility which is leased by the state and subject to substantial public use. (§ 8 ch 176 SLA 1980; am § 97 ch 59 SLA 1982)

Revisor's notes. — Enacted as AS 44.19.942. Renumbered in 1980.

Effect of amendments. — The 1982 amendment substituted "if the building or facility" for "which" in the introductory language of subsection (b).

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 606 (FIN)
Title : Art in public palces

Sponsor : Hanley
Requestor : House Finance Committee
Date of Request : 5/2/86

FISCAL DETAIL

Agency Affected : DOT/PF
BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

No additional funds should be needed. If costs are incurred, they can be absorbed within the Department's budget.

AA

Prepared by : Al Adams, Chair Phone : 465-3706
Division : House Finance Committee Date : 5/2/86

Approved by Commissioner : _____ Date : _____
Agency : _____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

HB

647

Katie Hurley, House of Representatives

Alaska State Legislature

Chair, House State Affairs Committee
Member, Health Education & Social Services Committee
Member, Alaska Legislative Council
Member, House Special Committee on Fisheries
Member, Finance Subcommittee on Corrections
Member, Joint Committee on Local Option Elections

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To: Senator Mitch Abood
Chair, Senate State Affairs Committee

From: Representative Katie Hurley Katie Hurley

Date: May 5, 1986

Subj: House Bill 647 - Community-Right-To-Know

Attached is back-up information on House Bill 647 giving Alaskans the right to know the amount, location and dangers of hazardous chemicals being used and stored in their communities.

Supporters of House Bill 647 include: Alaska Municipal League, State Fire Marshal, Municipality of Anchorage, the Alaska Medical Association, Department of Health and Social Services, League of Women Voters, Alaska Public Health Association, Fairbanks North Star Borough, Department of Labor and the Mat-Su Borough.

Please let me know if you have any questions or need additional information.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM May 5, 1986

SUBJECT: Sectional analysis of SCS CSHB 647(C&RA)

TO: Representative Katie Hurley

FROM: Edward H. Hein EHH
Legislative Counsel

Section 1 states that the legislature's intent in this bill is to ensure the safety of emergency response personnel, permit development of a chemical profile of municipalities, protect the health and safety of state residents and visitors, and inform the public about hazardous materials and wastes.

Sec. 2 requires businesses or government agencies that "handle" hazardous materials or hazardous wastes to post warning placards provided by the division of fire prevention and in accordance with Department of Public Safety regulations. This section also requires the department to adopt the U.S.D.O.T. design for the placards, but allows municipalities that establish hazardous a materials reporting program to use an alternative placard design if approved by the department. Requires the department to adopt regulations for posting the placards and to establish a fee schedule to cover costs of enforcement and of providing placards. Fees collected by the department go in a separate account in the general fund. Defines key terms the same as in sec. 4 of the bill.

Sec. 3 amends AS 29.10.200 so that the reporting and other provisions of AS 29.35 added by this bill apply to home rule municipalities.

Sec. 4 establishes minimum requirements for municipalities that establish hazardous materials and hazardous wastes reporting programs. Sec. 29.35.500 requires businesses and government agencies to submit inventories to the municipality on a form provided by the division of fire prevention, and

specifies what information must be contained in the inventory. The section specifies the minimum quantities of materials and wastes that must be reported in the inventories. These quantities can be reduced by the division of fire prevention or by a municipality. The section also specifies a 30-day limit for submitting the report and provides for amending the inventory if there are additions or significant changes in the materials or wastes handled. This section allows municipalities to require businesses and government agencies to submit OSHA Material Safety Data Sheets and to impose requirements outside of municipal boundaries under certain circumstances.

Sec. 29.35.510 provides for municipal inspections and penalties.

Sec. 29.35.520 allows municipalities to impose fees for processing inventories and administering inspections.

Sec. 29.35.530 requires the division of fire prevention to provide inventory forms and summaries or lists of materials and wastes that must be reported. This section also allows the division and the Departments of Environmental Conservation, Health and Social Services, and Labor to obtain copies of inventories submitted to municipalities and to provide educational materials.

Sec. 29.35.540 requires municipalities to make information collected under this bill readily available to the public.

Sec. 29.35.550 makes the provisions of section 4 of the bill applicable to home rule and general law municipalities.

Sec. 29.35.560 provides that the establishment of a municipal hazardous materials and hazardous waste reporting program does not increase the municipalities liability for damages resulting from hazardous materials or hazardous waste.

Sec. 29.35.590 defines various terms used in the bill. A key term, "handles," is defined sc as to exempt the reporting of hazardous materials or hazardous wastes that are in transit and already covered by federal DOT regulations.

Sec. 5 provides a January 1, 1987 effective date.

EHH:mkr
m5/068

Katie Hurley, House of Representatives

Alaska State Legislature

Chair, House State Affairs Committee
Member, Health Education & Social Services Committee
Member, Alaska Legislative Council
Member, House Special Committee on Fisheries
Member, Finance Subcommittee on Corrections
Member, Joint Committee on Local Option Elections

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COMMUNITY-RIGHT-TO-KNOW
FACT SHEET HB 647

Literally thousands of pounds of hazardous substances are shipped annually to communities across Alaska from Ketchikan to Kotzebue via air, rail, barge and road transportation. As Alaska industrializes, the likelihood of dangerous incidents involving hazardous chemicals increases. In 1984, the Alaska Health Project documented over 1300 accidents involving hazardous materials. The recent chlorine episode in Kodiak, the hydrochloric spill in Fairbanks and the Moose Pass situation underscore this fact.

With basic information about hazardous chemicals in their communities, firefighters, health professionals and the public are better able to take preventive measures against the dangers posed to health and safety.

HB 647 gives Alaskans the right to know the amount, location and unique dangers of hazardous substances being used and stored in their communities. As drafted, the bill does not require municipalities to enact ordinances but rather provides them with the authority and uniform guidance should they elect to do so. HB 647 also establishes a statewide placarding system to clearly mark where hazardous chemicals are being used and stored.

HB 647 eases compliance for businesses and government agencies that might otherwise have to contend with varying reporting and posting requirements in different localities.

HB 647 does not include transportation - this issue is being addressed in separate legislation. It also does not include the everyday person who has a few containers of gas and paint in the garage - the bill excludes quantities that do not pose significant public danger or threaten the safety of emergency responders.

There is no fiscal impact to the state associated with HB 647 due to the imposition of fees by the Fire Marshal's Office to cover the costs of enforcement and of providing placards. If the residents in a community elect to enact a Community Right to Know program, costs associated with such a program may be offset by the imposition of fees.

The Fire Marshal's Office in the Department of Public Safety has been designated the coordinating agency in this legislation because of its contact with fire halls and public safety officers across the state.

With the passage of HB 647, Alaska will join 12 other states from New Jersey to Oregon to enact Community-Right-To-Know Laws.

Unless the names and hazardous properties of chemicals in a community are publicly available, government officials charged with protecting property and public health are left virtually blindfolded waiting for a crises to occur. The actual cost of this ignorance can actually be much higher than the price of implementing a local Community-Right-To-Know Law.

SUPPORTERS OF HB 647 INCLUDE:

ALASKA MUNICIPAL LEAGUE	STATE FIRE MARSHAL
ALASKA HEALTH PROJECT	ALASKA MEDICAL ASSOC.
MUNICIPALITY OF ANCHORAGE	DEPARTMENT OF LABOR
FAIRBANKS NORTH STAR BOROUGH	LEAGUE OF WOMEN VOTERS
ALASKA PUBLIC HEALTH ASSOC.	MATSU BOROUGH

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DEPARTMENT OF PUBLIC SAFETY

DRAFT

POSITION PAPER - SCSCSHB 647 (C&RA)

May 1, 1986

SUPPORT

SCSCSHB 647 (C&RA) - "An Act establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

The Department of Public Safety supports SCSCSHB 647 (C&RA).

The bill will provide a common framework for placarding structures housing hazardous materials and wastes which will alert emergency services responders and the public of potential dangers associated with its contents.

Municipalities which establish programs for the reporting of hazardous materials and wastes will receive reports of these on a standard inventory form developed by the Division of Fire Prevention and furnished to the handlers of hazardous materials and wastes.

The bill establishes a uniform approach to allow the recognition and identification of places handling hazardous materials and wastes.

Robert J. Sundberg
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST DRAFT

Bill/Resolution No. : SCSCSHB 647 (C&RA)

Title : An act establishing requirements for warning placards and for municipal reporting programs for hazardous materials...

Sponsor : Representative Hurley

Requestor : Senate Community & Regional Affairs

Date of Request : 5/1/86

FISCAL DETAIL

Agency Affected : Public Safety

BRU : Fire Prevention

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		33.6	35.3	37.0	38.9	40.8
CAPITAL						
REVENUE		50.0	50.0	50.0	50.0	50.0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
TOTAL		33.6	35.3	37.0	38.9	40.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Gordon E. Brunton Phone : 465-4331

Division : Fire Prevention Date : 5/1/86

Approved by Commissioner : _____ Date : 5/1/86

Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

Legislative Finance
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10/25/85

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCSCSHB 647 (C&RA)

ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged $10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

CONTRACTUAL

73322	Telephones $100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 2 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0
	TOTAL CONTRACTUAL	$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCSCSHB 647 (C&RA)

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies	0.4
	Mailing tubes for placards 5K X $1.00	5.0
74609	Audio Visual training supplies, films, videos, 5 ea X $500	2.5
	TOTAL SUPPLIES	$9.9

REVENUE

5,000 placards per year X $10.00	50.0

Bill No. Committee Substitute for House Bill 647 (State Affairs)

Date March 27, 1986

Title "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials and hazardous waste."

Contact: Eileen Plate 465-2700
Richard Arab 465-4856

Committee Substitute for House Bill 647 provides for the placarding of places where hazardous materials and hazardous wastes are located; and further provides that municipalities may establish "community right-to-know" programs with respect to hazardous materials and wastes.

The Department of Labor currently requires employers to provide information to their workers on toxic and hazardous substances to which they may be exposed. However, there is presently no requirement that such toxic and hazardous substances be placarded so that emergency response agencies are aware of the existence of such toxic and hazardous materials. This information could be vital to emergency response personnel because such materials are often volatile and can cause fires to spread faster than anticipated. The placarding requirements of this bill should, therefore, assist emergency responsive personnel in protecting both the public and property.

Further, the opportunity provided in the bill for municipalities to establish hazardous materials and wastes reporting and inspection programs would enable municipalities to inventory such materials and thereby focus action plans, including the proper training and equipping of emergency response personnel, on specific hazardous materials and substances in their jurisdictions.

The Department of Labor appropriately would not have an active role in the implementation of Committee Substitute for House Bill 647. However, because it does afford an opportunity for additional protection for emergency response workers, the department supports its proposed provisions.

The educational and technical assistance that the Department of Labor would provide in designing warning placards, as outlined in proposed Section 18.70.310(b), and in furnishing information on hazardous materials as outlined in proposed Section AS 29.35.530, would not have a fiscal impact on the Department.

APPROVED:

Jim Robison

Jim Robison, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 647 (SA)
Title : "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials..."
Sponsor : Hurley, Kononen; Davis, Goll...
Requestor : House State Affairs
Date of Request : 3/24/86

FISCAL DETAIL

Agency Affected : Labor
BRU : Labor Standards and Safety
Components : Occupational Safety & Health

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert J. Bacolas, Sr.
Division : Labor Standards & Safety
Phone : 465-4870
Date : 3/27/86

Approved by Commissioner : Jim Robison
Agency : Labor
Date : 3/27/86

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

POSITION PAPER/Department of Health & Social Services

POSITION PAPER (AMENDED)

HOUSE BILL 647

"An Act requiring Municipalities to establish reporting and inspections programs for hazardous materials and hazardous waste."

This bill requires municipalities to establish hazardous materials reporting and inspection programs to ensure the safety of individuals who may come in contact with the materials. Under the terms of HB 647, individuals who utilize such materials must annually submit a detailed inventory and notify the municipality within 24 hours any changes in the status of the inventory. In addition, such individuals must place warning placards to notify the public of the presents of the materials.

Position

The Department of Health and Social Services supports HB 647 and its intent to protect the general public and inform emergency response personnel regarding the type and location of hazardous materials in a community. The right of public awareness to the presence of hazardous materials is an effective means of minimizing the dangers. Implementation of this bill will be the responsibility of the Department of Public Safety, Division of Fire Prevention and local municipalities. The department will work with the responsible agencies to provide assistance in coordinating with emergency medical services personnel and other appropriate health care providers. The Department of Health and Social Services feels the development of guidelines by the Department of Public Safety relating to placarding will be a positive step in developing a uniform statewide system and has our endorsement.

Recommended by: _____
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 3/4/84

Approved by: _____
John R. Pugh, Commissioner
Department of Health and
Social Services

Date: 3/15/84

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 647
Title : An act requiring municipalities to establish reporting and inspection programs for haz. materials and haz. waste;
Sponsor : Katie Hurley
Requestor : Peter Coll (C&RA and SA
Date of Request : 2/27/86

FISCAL DETAIL

Agency Affected : Environmental Conservation
BRU : Environmental Quality

Components : Director's Office

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS : NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Keith Kelton
Division : Environmental Quality
Phone : 465-2640
Date : 2/27/86

Approved by Commissioner : Bill Ross
Agency : Department of Environmental Conservation
Date : 3/6/86

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 86-09

A RESOLUTION SUPPORTING STATEWIDE
HAZARDOUS MATERIAL DISCLOSURE LEGISLATION.

WHEREAS, the handling, storage, transportation, use, processing, and disposal of hazardous materials and hazardous waste occurs in all communities in Alaska, and

WHEREAS, the potential impacts of accidents associated with hazardous materials and hazardous wastes can have devastating impacts on the public health and the environment, and

WHEREAS, knowledge of the types of hazardous materials and hazardous wastes are critical and central to a community's ability to recognize potentially dangerous situations, and

WHEREAS, firefighters, police officers and other public safety and medical professionals often lack the information necessary to respond quickly and safely to emergencies involving hazardous materials and hazardous waste, and

WHEREAS, the public has the right to know what hazardous materials and hazardous wastes are in their community;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League supports the adoption of state enabling legislation to allow local governments to establish a Hazardous Materials Disclosure (Community Right-to-Know) Program. Such a Hazardous Materials Disclosure law should address minimum program requirements for a municipality, including:

a. Notification

b. Placarding

c. Transportation Routing

d. Transportation requirements for selected materials

e. Emergency Coordination Procedures

Alaska MUNICIPAL League

TELEPHONE
(907) 586-1325

105 MUNICIPAL WAY SUITE 301
JUNEAU, ALASKA 99801

TO: Representative Peter Goll, Chairman
Members of the House Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director

DATE: March 5, 1986

SUBJECT: HB 647 - Hazardous Waste Reporting and Inspection

The Alaska Municipal League supports the concept of HB 647 as another piece of the legislation needed to address a critical and growing threat to the people who live, work and visit in our communities; however, without a financial commitment by the State to fund additional mandates on local government, the mandatory "shall" language referring to municipal action should be changed to "may". The current language appears to place the mandate on municipalities to set up a potentially expensive reporting mechanism. Instead, the language should allow local option by those communities able to implement such a program. The mandatory language requiring the "handler" to report the information should remain. With such a change, the AML supports the program, and appreciates the work of the sponsors of this and other hazardous waste legislation this year. From the attached resolutions debated and adopted by the AML in Fairbanks in November, the Committee can see that hazardous waste and substance issue is a significant one for municipalities.

In addition to the resolutions attached, the following policy language appears on page 8 of the AML 1986 Policy Statement:

"The League supports legislation which would require producers, shippers, distributors, and commercial and industrial users to submit to all affected municipal governments, the Standard Material Safety Data Sheet on all toxic material physical agents being shipped to or through, or stored, manufactured, utilized, produced as a by-prduct , or otherwise found at any time, on the property or rights-or-way of any enterprise or site within the municipal boundaries."

This legislation gives the legislative intent and statutory language needed for the municipalities and the State to work together to begin developing and implementing a "community right to know" program. Many municipalities are faced with problems presented by our advanced, industrialized and often complex society. HB 674 begins to address the problem by allowing information to be collected and posted on the storage and use of hazardous wastes and substances. The legislation is only a part of the solution because we have not adequately address hazardous wastes and substances clean-up, transportation and disposal disposal. Several other bills are before the legislature this session which do attempt to begin addressing these other problems.

I want to reiterate that the solution to the problems presented by hazardous materials in our communities is not for the federal and state governments to mandate additional responsibilities on local governments. Effective laws are part of the solution; individual and corporate responsibility is another part; and, finally, money, whether from fees and penalties on the generator or from society as a whole in the form of taxes.

One final concern in relation to money that I would request the committee address in reviewing this and other legislation is the adequacy of training funds and programs to adequately prepare local emergency response personnel. Whether it is to be provided by the Department of Environmentla Conservation, the Department of Public Safety, Divivsion of Fire Prevention, or the Department of Military and Veterans Affairs, Division of Emergency Affairs, training in emergency response and clean-up needs to be provided statewide.

Again, the AML is in support of HB 647 with permissive rather than mandatory statute language.

Resolution Passed by the Alaska State Medical Association and
the Anchorage Medical Society 1985

SUBJECT: COMMUNITY RIGHT-TO-KNOW

WHEREAS, hundreds of thousands of gallons of hazardous substances are released into Alaskan air, lands and water by hundreds of documented industrial and transportation accidents each year (1); and

WHEREAS, residents and entire communities may be exposed to these accidentally released hazardous sustances and physical agents as a result of industrial and transportation accidental release of hazardous sustances or physical agents; and

WHEREAS, the public health can be best served by a preventative approach whereby members of the general community, emergency responders, and health care providers have adequate information regarding the existence and identity of hazardous substances and physical agents in their communities; and

WHEREAS, several states and municipalities have adopted or are considering for adoption community right-to-know legislation including New Jersey, Cincinnati, San Diego, New York, Connecticut, and Massachussetts (2); Therefore be it

RESOLVED, that the Alaska State Medical Association supports the establishment of statewide and local community right-to-know legislation with at least the following elements:

a. Mandatory reporting by employers in the form of a standard material safety data sheet (MSDS) to a public agency such as the health department or fire department of all toxic material physical agents which may be stored, manufactured, utilized, produced as a by product, transported to or from, or otherwise found at any time on the property or right of way of any enterprise or site; and

b. Full access by the general public, health care providers, and emergency responders to this public information; and

c. An associated educational program for employers, the general public health care providers, emergency responders, and public health professionals and officials; and

d. Sufficient funding for the legislation to be fully effective.

---

(1) Based on data provided the Alaska Health Project by the Alaska Department of Environmental Conservation

(2) Worobec, MR, et al. Chemical Right-To-Know Requirements: Federal and State Laws and Regulations - A Status Report. Bureau of National Affairs: Washington, D.D, 1984.

Resolution Passed by the Alaska Public Health Association 1985

ADVOCATING COMMUNITY RIGHT-TO-KNOW LEGISLATION

The Alaska Public Health Association:

Noting that hundreds of thousands of gallons of hazardous substances are released into Alaskan air, lands and water by hundreds of documented industrial and transportation accidents each year [1]; and

Observing that not only workers may be exposed to these accidentally released hazardous substances and physical agents, but that nearby residents and entire communities may be exposed as a result of industrial and transportation accidental release of hazardous substances or physical agents; and

Recognizing that the public health can be best served by a preventive approach hereby members of the general community, emergency responders, and health care providers have adequate information regarding the existence and identity of hazardous substances and pnysical agents in their communities; and

Recalling that several states and municipalities have adopted or are considering for adoption community right-to-know legislation, including New Jersey, Cincinnati, San Diego, New York, Connecticut, and Massachusetts [2]; and

Remembering that ALPHA and the national organization APHA have already gone on record as supporting the principle of right-to-know legislation [3]; therefore

Advocates, endorses, and supports the establishment of both statewide and/or local community legislation with at least the following elements:

a. Mandatory reporting by employers in the form of a standard material safety data sheet (MSDS) to a public agency such as the health department or fire department of all toxic materials and physical agents which may be stored, manufactured, utilized, produced as a by product, transported to or from, or otherwise found at any time on the property or right of way of any enterprise or site; and

b. Full access by the general public, health care providers, and emergency responders to this public information; and

c. An associated educational program for employers, the general public, health care providers, emergency responders, and public health professionals and officials; and

d. Sufficient funding for the legislation to be fully effective; and

Provides that copies of this resolution will be distributed to:

a. The Governor
b. All members of the Alaska Legislature
c. All members of the ALPHA
d. Major newspapers in Alaska in the form of a press release

[1] Based on data provided the Alaska Health Project by the Alaska Department of Environmental Conservation.

[2] Worobec, M.R. et all, Chemical Right-To-Know Requirements: Federal and State Laws and Regulations - A Status Report. Bureau of National Affairs: Washington, D.C., 1984

[3] In support of Right-To-Know Resolution passed by ALPHA, 1983.

Informing Workers of Occupational Health Risks Policy Statement adopted by APHA Governing Council, November 2, 1977.

Support for the proposed Labeling Standard of the Occupational Safety and Health Administration. Policy Statement adopted by APHA Governing Council, October 22, 1980.

DELIVER TO: JPOM

ORIGINAL

SENT: 03/03/86 TIME: 15:51

FROM: JEAN MILLER

SUBJECT: FOM

PRINT DATE: 03/03/86 TIME: 16:02

2

TO: [redacted]

FROM: DR. JOHN P. MIDDAUGH
3010 GLACIER STREET
ANCHORAGE, AK 99508 PHONE: 333-9349

SUBJECT: HB 647 - HAZARDOUS SUBSTANCES

THE ALASKA STATE MEDICAL ASSOCIATION, ALASKA PUBLIC HEALTH ASSOCIATIONN, AND ANCHORAGE MEDICAL SOCIETY, SUPPORT HAZARDOUS SUBSTANCES COMMUNITY RIGHT TO KNOW LEGISLATION. WE URGE PASSAGE OF LEGISLATION THAT WILL REQUIRE MANDATORY REPORTING BY EMPLOYERS TO A PUBLIC AGENCY, FULL ACCESS TO INFORMATION BY THE PUBLIC AND APPROPRIATE EDUCATIONAL PROGRAMS FOR EMPLOYERS.

HB. 647

Presented by

League of Women Voters of Alaska

March 20, 1986

The League of Women Voters is a nationally based organization that has state and local grassroot organizations.. Positions are arrived at by consensus of the grassroots members. Issues to be addressed are determined by consensus and the substantive focus is on good government process and sound public policy.

50,000 chemicals have been created since 1940 The derived products are integrated into our lifestyles and have enhanced our quality of life. The problem we must resolve is how public policy makers can promote accountability for toxic products demanded by the multitudinous needs of our society. A more critical aspect of the cost benefit discussion is how will our policy makers protect the health of citizens and minimize the detrimental loss of human resources who might be victims of accidental exposure. The incidence of accidental exposure is skyrocketing nationally; the consequence is a quiet revolution in the health care community which is forced to play "catch up " in curing exposure victims. Ironically increased incidence of exposure is providing human "guinea pigs" , a pathological record based on the tragic sagas of citizens who have lost health and life.

Nationally public policy makers are seeking solutions that are relatively inexpensive and which minimize onerous regulation. Community Right to Know statutes which insure the availability of critical information in the time of crisis is a widely accepted move toward accountability. HB647 has a sound framework similar to law enacted in other states; Alaskan lawmakers would be undertaking policy that has a legal track record.

The League of Women Voters finds one serious concern with the proposed legislation. Communities should be required to comply with the proposed legislation. Case in point are incidents around the state best exemplified by the 1984 fire which destroyed the water treatment plant in Emmonak, Alaska. Local governmental authorities needed quick access to technical information for determining emergency measures be taken to protect the populace. Despite the ignition of many chemicals which often creates synergistic effects, local residents were not evacuated from the scene. In fact many citizens watched the fire within close proximity. The consequence of future ill health from breathing chemical by-products may never be related to watching the treatment plant burn.

A second area of concern is the question of whether the hazardous materials list cited in the legislation provides the most comprehensive list of chemicals. We would recommend the inclusion of any comparably hazardous chemical listed under the Toxic Substances Control Act and Federal Insecticide, Fugicide and Rodenticide Act if they are not addressed under the Federal Department of Transportation list.

Your willingness to address this public policy problem is commendable. Thank you for the opportunity to testify. We are willing to provide additional documentation.

Respectfully Submitted:
Mary Whitmore Core
Chairperson, Natural Resource Portfolio
1280 Fritz Cove Road
Juneau, Alaska 99801
907/789-2481

Alaska Health Project

Providing information about hazardous materials on the job and in the community.
417 West Eighth Avenue, Anchorage, Alaska 99501 (907) 276-2864

Testimony on House Bill 647

Presented By

Alaska Health Project

March 12, 1986

Alaska Health Project (AHP) is a private non-profit organization dedicated to providing information and education about hazardous materials on the job and in the community. We appreciate the opportunity to testify in support of House Bill 647, the so called "community right to know bill"

Now, more than ever, hazardous materials management has become a highly charged community issue drawing the attention of community planners and decisions-makers.

Access to information about hazardous materials is central to the development of local hazardous materials management programs. HB 647 provides communities with the mechanism for accessing such information. All Alaskan communities should be required to develop right to know programs. Specifically, HB 647:

* Establishes a workable framework for development of local community right to know programs.

* Prevents conflicting local ordinances by requiring uniform program elements.

The bill needs strengthening in the area of public access to hazardous materials information. While the intent is to allow for such access no provisions have been included in the current version of the legislation.

There Is Alaskan Support For Community Right To Know Programs

* In 1985, the Alaska Municipal League passed a resolution supporting adoption of state enabling legislation to allow local governments to develop CRTK programs.

* A 1983 survey conducted by Hellenthal & Associates shows that over 93% of 500 randomly selected Anchorage residents

support the creation of a community right to know law.

* The Anchorage Hazardous Waste Task Force, a multi-representational group of business, labor, health, and citizen interests, recently drafted a local CRTK ordinance (1986). Many of the elements of this ordinance are incorporated into HB 647.

There Is Precedence For The Bill

There have been a number of hazardous materials incidents in Alaska impacting communities and the health and safety of emergency responders. The recent situation in Moose Pass is underscores this fact.

Perhaps best surmizing all of these incidents is a statement by the Fairbanks Hazardous Materials Commission upon investigating the hydrochloric acid spill that occurred in the city in 1983.

> " The fact that the Fairbanks North Star Borough has not had a serious hazardous materials incident resulting in loss of life or environmental quality damage is largely a matter of luck and the activities of individual agencies working on their own to address preceived needs within their own domains."

Clearly it's time to take the "luck" out of hazardous materials planning in Fairbanks and elsewhere in the state. Literally thousands of pounds of hazardous materials are shipped annually to Alaskan ports via air, rail, barge, and road transportation. These ports include both urban and rural Alaska including Nome, Kotzebue, Dillingham, Whittier, and others. Some of the materials shipped such as chlorine, hydrochloric acid, and amonia could quite possibly require community evacuation if accidentally released. Other materials include chemcials such as toluene, and xylene which, at certain concentrations, are considered priority pollutants under the Clean Water Act.

Communities need the guidance and structure provided by HB 647. The public is deserving of this information. Firefighters and emergency responders are long overdue for this vital information in order to protect themselves and the community. Alaska Health Project urges the Alaska legislature to join other Alaskans who who support passage of House Bill 647.

We are available to provide documentation of hazardous materials incidents in Alaska and information on hazardous materials shipped into Alaskan ports. Thank you.

Municipality of Anchorage

POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 561-1906

TONY KNOWLES
MAYOR

SOLID WASTE SERVICES DEPARTMENT

February 27, 1986

Representative Peter Goll
House Community & Regional Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Goll:

The Municipality of Anchorage has reviewed HB 647 requiring municipalities to establish reporting and inspection programs for hazardous materials and wastes (i.e. Community Right-to-Know program). The Municipality supports the bill as drafted with only a few minor exceptions.

The substance of the bill is consistent with a Community Right-to-Know ordinance now being considered in Anchorage. As a result, we foresee no conflicts between the proposed Anchorage program and the program envisioned in HB 647, provided the Department of Public Safety works closely with us in developing the reporting forms, placarding system, etc. In fact, in developing the Anchorage Community Right-to-Know ordinance many of these issues have already been extensively investigated and by working with the Municipality, the Department of Public Safety can potentially save much time and effort in implementing the statewide program.

The concept of statewide hazardous materials disclosure legislation was supported by the Alaska Municipal League in Resolution No. 85-12. House Bill 647 addresses all the elements recommended for a statewide program with the exception of transportation routing and transportation requirements for hazardous materials and wastes.

Even though Anchorage has been developing an ordinance to provide the type of information required by HB 647, there is a great deal of importance for a consistent statewide program. Otherwise, a business handling hazardous materials may face a myriad of vastly different local programs if each municipality independently adopts a community right-to-know program. House Bill 647 will establish a workable framework for a consistent statewide program.

One of the few concerns we have with the bill as drafted is the requirement that every municipality "shall" establish a hazardous materials inspection and reporting program. In draft legislative language the Municipality had previously submitted, we had proposed that such a program be discretionary. We recommend that the word "may" be substituted for "shall". While it may be true that most

municipalities should have a program, it cannot be assumed it is necessary in all cases. Municipalities should be given the choice as to whether this program is a priority in their community.

The only other concern with the bill is in the area of public access to information submitted on hazardous materials and wastes. Provisions should be added to the bill to make it clear that the public can obtain any information on the types of hazardous materials and wastes at a particular location.

Thank you for the opportunity to comment on HB 647.

Sincerely,

Jim Sweeney
Project Manager

/ld

Mayor: Juanita Helms

March 5, 1986

Representative Katie Hurley
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear ~~Representative~~ Katie Hurley:

The Fairbanks North Star Borough has reviewed HB 647, which addresses local reporting and inspection programs for hazardous materials and hazardous waste. We support the concept of the legislation. However, we feel that the bill should not require municipalities to enact these programs, but rather allow local governments to do so if such programs are desired. The mandatory nature of the bill, as written, would require all municipalities in the State to conduct these programs, even though most municipalities have neither the expertise nor the money and many may not wish to do so.

Therefore, we would suggest that the mandatory "shall" used in subsections 29.35.500(a,b,c,d and f) should be replaced with the word "may". The Borough would strongly support a bill which included these revisions and I urge you to lend your support to such a substitute.

Sincerely,

Juanita

Juanita Helms
Borough Mayor

JH/pld

cc: Interior Delegation
Linda Anderson
Scott Burgess, AML

P.O. Box 1267 Fairbanks, Alaska 99707 (907) 452-4761

AKPIRG
ALASKA PUBLIC INTEREST RESEARCH GROUP
Post Office Box 1093 / Anchorage, Alaska 99510 / (907) 278-3661

Representative Kative Hurley
Box V
Juneau, Alaska 99811

7 March 1986

Dear Rep. Hurley.

We are writing to express our wholehearted support for HB 547, the Community Right-to-Know legislation. Although we have not been actively involved in the issue, we are very familiar with it and we are extremely concerned that this legislation pass in as comprehensive a form as possible.

We commend you on the work you and the committee have devoted to the bill and we encourage you to see it through to the Senate as soon as possible. If there is anything we can do from our perspective, please call on us.

Sincerely,

Jeffrey R. Bohman

Jeffrey R. Bohman
Executive Director

Alaska Environmental Lobby, Inc.

204 N. Franklin Street, Suite 3 Juneau, Alaska 99801 907-586-2345

March 20, 1986
Testimony on HB 647 Community Right to Know
By Bill Slayton, Alaska Environmental Lobby

On behalf of our 20 member groups, the Alaska Environmental Lobby commends Representative Hurley and co-sponsors for introducing HB 647. Alaska is in the process of deploying a tough arsenal of hazardous material laws and regulations. HB 647 stresses the vital important need for communities to have access to up to date and accurate information about hazardous materials stored and used within their boundaries.

Less than a month ago, an incident near Moose Pass indicated how important such information is to a community. According to the Anchorage Daily News, innaccurate information about the indentity of the chemicals in the tanker made it impossible for emergency workers to do anything but clear the area and hope for the best. However, residents lived with the noxious mixture for a whole night after they made their initial calls for help. What if the tanker had been carrying a more highly toxic chemical? What if the tank car had exploded, and lit up the two nearbye propane tanks? As it is, the exposed families sufferred nose bleeds, vomiting, and now have to worry about possible long-term health effects to their children.

These people had a right to know that their neighborhood was periodically being used as a storage ground for tanker cars of noxious chemicals. The emergency response personel had a right to know what risks were involved working with the tanker. HB 647 recognizes this right, requiring those who use and store hazardous materials to submit accurate information about type, amount, and location of those materials. With accurate information about the chemical in the tanker, families might have been evacuated more quickly. Emergency response personel might have been able to work with the spill with greater certainty about what was going to happen.

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER SIERRA CLUB • JUNEAU GROUP SIERRA CLUB • SITKA GROUP SIERRA CLUB
KNIK GROUP SIERRA CLUB • DENALI GROUP SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY
DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY
KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDERNESS GUIDES ASSOCIATION
SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL

The placarding, reporting, and inspection provisions of HB 647 are a good start toward developing a sound system of information to the people who need it--Alaska's communities and emergency response workers. We urge the swift passage of this bill, and thank you for the opportunity to testify.

3/16/86

Kodiak clear of chlorine

Leaking tank towed to sea

Daily News

The Associated Press

KODIAK — A four-block industrial area on Kodiak's waterfront was reopened to the public Saturday after a leaking chlorine tank was put on a barge and towed out to sea.

Kodiak policeman Michael Andre said a copper tube was inserted into the tank to allow the chlorine to escape into the water where it would dissipate. He said the tank would be left offshore until the chlorine was gone.

No injuries were reported and the evacuation Friday afternoon was a precautionary measure while officials tried to pump the poisonous chlorine from the leaking tank to a sound one, said Sgt. Tom Culbertson.

When that was unsuccessful, the barge was taken about 2½ miles offshore where it wouldn't pose a threat, said Lon White of the harbormaster's office. The Coast Guard established a safety zone with a 1-mile radius around the barge and ordered all vessels to stay out of the area, he said.

The pressurized liquid chlorine, used as a refrigerant, was on a dock next to the Kodiak King Crab Cannery.

The tank was damaged Thursday and started to leak, Culbertson said. The immediate area around the tank was cleared of people Thursday, and police evacuated the larger area starting around 3:30 p.m. Friday, Culbertson said.

No homes were evacuated. The area has mostly industrial and commercial establishments, he said.

Anchorage Daily News Tuesday March 11, 1986

Study finds skills lacking for response to toxic spills

By LINDA WERFELMAN
United Press International

WASHINGTON — Many police and firefighters do not know how to handle accidents involving transportation of hazardous materials, and the nation lacks standards to teach them, congressional researchers said Monday.

A report by the congressional Office of Technology Assessment said finding an effective way to train police, generally the first to arrive at an accident scene, is "the most pressing national need in emergency response."

Training efforts are uneven, the report said, with local authorities in major metropolitan areas often well equipped to handle accidents.

"However, most first responders in smaller urban or rural areas have not been trained to deal with hazardous materials, despite many existing training programs," the researchers said in a summary of their findings.

"Moreover, no national standards for training programs are currently in place, leading to the independent development of different training programs, some of which are inadequate," they added. "National guidelines or training standards are needed to ensure adequate training."

In many cases, local governments need financial assistance for enforcement and emergency response training and planning, the report said. It suggested the states or federal government pay, or that cooperative programs with industry or user fees might provide the funding.

Safety information included with between one-quarter and one-half of the shipments is incorrect, the report said, and shipping papers are sometimes incomplete or unavailable.

"Emergency crews must assess the risks of the hazardous material and make decisions on how to respond based on information that may or may not be accurate," the researchers said.

Informational placards should clearly state the nature of the hazardous material, they said, and how to respond in case of an accident.

The study found gasoline and petroleum products – t most frequently transport hazardous materials — a involved in the most ac dents. They also account f more injuries and more dar age than other hazardous su stances.

Study: Officials unprepared for waste accidents

by David Goeller
Associated Press

WASHINGTON — Three-fourths of the nation's police and firemen are inadequately trained to respond to accidents involving transportation of hazardous materials, a new congressional study says.

And even if a trained team reaches the scene of a ruptured tank truck, improper labeling of the vehicle's contents can produce a wrong, dangerous response, the Office of Technology Assessment said in a study released today.

OTA quoted state officials as saying that from 25 percent to 50 percent of the identification placards required on hazardous material shipments are incorrect and that shipping documents "are sometimes incomplete or inaccessible."

"Emergency crews must assess the risks of the hazardous material and make decisions on how to respond based on information that may or may not be accurate," said OTA, a nonpartisan congressional agency.

"The wrong response to a hazardous material endangers both emergency personnel and the neighboring communities," said the study, which urged adoption of federal training and response standards to replace a mishmash of state requirements.

Asked why so many placards are incorrect, Edith Page, who directed the study, said: "In some cases it's ignorance. In some cases it's carelessness."

'Three-quarters of the first responders are not adequately trained to deal with hazardous substances.'
— Edith Page, director of OTA study

OTA said the most pressing need is to develop better ways of training safety personnel to handle accidents involving the 500,000 daily shipments of hazardous materials on U.S. highways, rail lines and waterways.

"Three-quarters of the first responders are not adequately trained to deal with hazardous substances," Page told a news briefing.

She said that a joke among response personnel is that you bring tennis shoes and binoculars to a toxic or nuclear material spill — using the shoes to quickly get a safe distance away and the binoculars to read the placard.

"Then you call for expert help," Page said. "This is often said in jest, but there's a strong element of truth in it."

OTA said that while some states and metropolitan areas have good response programs, "most first responders in smaller urban and rural areas have not been trained to deal with hazardous materials, despite many existing training programs."

"No national standards for training programs are currently in place, leading to the independent development of different training programs, some of which are inadequate," the study said.

Although it did not specifically urge more federal spending, OTA said continued support for state enforcement programs "is important, since federal inspection forces are shrinking due to budget constraints."

OTA recommended better training and a national license for operators of vehicles carrying hazardous substances in an effort to reduce the average of 11,412 accidents the Transportation Department says occurred yearly between 1973 and 1983.

In most states, Page said, a truck driver needs no special license for hazardous cargoes. "The nephew or son of the owner can drive a gasoline truck," she said.

Page said OTA doesn't trust Transportation Department figures indicating that the incidence of accidents involving hazardous materials is decreasing.

"The data collected is so poor we don't know whether things are getting better or worse."

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS for CS HB647(C&RA)
Title : "An Act establishing requirements for warning placards..."

Sponsor : Hurley, Koponen, Davis, Goll...
Requestor : Senate State Affairs
Date of Request : 5/5/86

FISCAL DETAIL

Agency Affected : Labor
BRU : Labor Standards & Safety

Components : Occupational Safety & Health

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert J. Bacolas, Sr. by RB
Division : Labor Standards & Safety
Phone : 465-4870
Date : 5/5/86

Approved by Commissioner : Jim Robison
Agency : Labor
Date : 5/5/86

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

Bill No. SCS for CS for HB 647 (C&RA)

Date May 6, 1986

Title "An Act establishing requirements for warning placards; and establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste.

Contact: Eileen Plate 465-2700
Richard Arab 465-4856

Senate Committee Substitute for Committee Substitute for House Bill No. 647 (C&RA) provides for the placarding of places where hazardous materials and hazardous wastes are located; and further provides that municipalities may establish "community right-to-know" programs with respect to hazardous materials and wastes.

The Department of Labor currently requires employers to provide information to their workers on toxic and hazardous substances to which they may be exposed. However, there is presently no requirement that such toxic and hazardous substances be placarded so that emergency response agencies are aware of the existence of such toxic and hazardous materials. This information could be vital to emergency response personnel because such materials are often volatile and can cause fires to spread faster than anticipated. The placarding requirements of this bill should, therefore, assist emergency response personnel in protecting both the public and property.

Further, the opportunity provided in the bill for municipalities to establish hazardous materials and wastes reporting and inspection programs would enable municipalities to inventory such materials and thereby focus action plans, including the proper training and equipping of emergency response personnel, on specific hazardous materials and substances in their jurisdictions.

The Department of Labor appropriately would not have an active role in the implementation of this bill. However, because it does afford an opportunity for additional protection for emergency response workers, the department supports its proposed provisions.

The assistance that the Department of Labor would provide in furnishing information on hazardous materials, as outlined in proposed Section AS 29.35.530, would not have a fiscal impact on the department.

APPROVED:

Jim Robison, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SCSCSHB 647(C&RA)
Title : An act establishing requirements for warning placards and for municipal reporting programs for hazardous materials...
Sponsor : Representative Hurley
Requestor : Senate State Affairs
Date of Request : 5/5/86

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Fire Prevention
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		33.6	35.3	37.0	38.9	40.8
CAPITAL						
REVENUE		50.0	50.0	50.0	50.0	50.0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
TOTAL		33.6	35.3	37.0	38.9	40.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Gordon E. Brunton
Division : Fire Prevention
Phone : 465-4331
Date : 5/5/86

Approved by Commissioner : _____
Agency : Public Safety
Date : 5/5/86

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCSCSHB 647 (C&RA)

ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged $10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

CONTRACTUAL

73322	Telephones $100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 2 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0
	TOTAL CONTRACTUAL	$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCSCSHB 647 (C&RA)

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies	0.4
	Mailing tubes for placards 5K X $1.00	5.0
74609	Audio Visual training supplies, films, videos, 5 ea X $500	2.5
	TOTAL SUPPLIES	$9.9

REVENUE

5,000 placards per year X $10.00	50.0

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SCSCSHB 647 (C&RA)

May 5, 1986

SUPPORT

SCSCSHB 647 (C&RA) - "An Act establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

The Department of Public Safety supports SCSCSHB 647 (C&RA).

The bill will provide a common framework for placarding structures housing hazardous materials and wastes which will alert emergency services responders and the public of potential dangers associated with its contents.

Municipalities which establish programs for the reporting of hazardous materials and wastes will receive reports of these on a standard inventory form developed by the Division of Fire Prevention and furnished to the handlers of hazardous materials and wastes.

The bill establishes a uniform approach to allow the recognition and identification of places handling hazardous materials and wastes.

Robert J. Sundberg
Commissioner

HCR

47

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HCR 47
Title : RELATING TO ESTABLISHING A JOINT COMMITTEE ON STATE EMPLOYEE COMP.

Sponsor : HOUSE FINANCE COMMITTEE
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : LEGISLATURE: ADMIN:GOVERNOR
BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-				
CAPITAL		-0-				
REVENUE		-0-				

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-				

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

IT IS ANTICIPATED THAT STAFF WORK WILL BE DONE BY EXISTING LEGISLATIVE AND EXECUTIVE BRANCH EMPLOYEES. OTHER RELATED COSTS WILL BE TAKEN CARE OF USING EXISTING FUNDS.

Prepared by : HOUSE FINANCE COMMITTEE Phone : 465-3706
Division : HOUSE FINANCE COMMITTEE Date : _____

Approved by Commissioner : _____ Date : _____
Agency : _____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

IN THE HOUSE BY THE FINANCE COMMITTEE

HOUSE CONCURRENT RESOLUTION NO. 47

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Relating to establishing a Joint Special Committee on state employee compensation.

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

WHEREAS there exists considerable legislative and public concern over the issue of state employees' salaries, allowances, and other benefits; and

WHEREAS the continued decline of state revenue due to the decline of world oil prices will likely force a reduction in state operating expenditures over time; and

WHEREAS the current year's state operating budget includes personal services costs in excess of $900,000,000; and

WHEREAS the various components of the state's current compensation plan are not sufficiently integrated or described to provide policy makers with adequate information to evaluate the overall compensation package;

BE IT RESOLVED by the Alaska State Legislature that under Uniform Rule 21 a Joint Special Committee on State Employees' Salaries and Benefits is established consisting of three members of the senate appointed by the president of the senate and three members of the house of representatives appointed by the speaker of the house to undertake a comprehensive review of the state's employee compensation package; and be it

FURTHER RESOLVED that the committee work on this project in conjunction with representatives from the executive branch of state government; and be it

FURTHER RESOLVED that the committee is authorized to meet during and between sessions of the legislature and is to report its recommendations

COMMITTEE COPY

engrossed

and finding on the first day of the First Session of the Fifteenth Legislature and is terminated on the first day of the First Session of the Fifteenth Legislature.

COMMITTEE COPY

HCR

55

Introduced: 2/17/86
Referred: State Affairs

BY CATO, GRUSSENDORF, TAYLOR, COTTEN, NAVARRE, PEARCE AND HANLEY

IN THE HOUSE

HOUSE CONCURRENT RESOLUTION NO. 55

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Relating to the eighteenth annual Girls' State.

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

WHEREAS the eighteenth annual Girls' State will be held under the sponsorship of the American Legion Auxiliary and cooperating organizations; and

WHEREAS this outstanding annual program of the American Legion Auxiliary ranks high among the efforts of several Alaskan organizations to bring to the youth delegates an awareness of their future roles in state and local government; and

WHEREAS this week-long youth citizen exercise of Girls' State is made possible by an admirable combination of volunteer service and the free enterprise of generous people and organizations without placing a financial burden on government or on the taxpayer; and

WHEREAS it is consistent with these standards for the legislature to encourage state and local legislators and other public officials and agencies to volunteer their services and provide copies of state publications and materials that form an important part of the program;

BE IT RESOLVED that the Alaska State Legislature salutes the sponsors of and participants in the eighteenth annual Girls' State program; commends those government officials and agencies and private individuals and organizations who support and participate in this exercise in youth citizenship; and pledges to continue to provide legislative materials, advice and encouragement to the Girls' State program as it does to similar worthy civic efforts.

2/26

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HCR 55
Title : Relating to the eighteenth annual Girls' State.

Sponsor : Rep. Cato
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : _____
BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

HCR 55 results in no fiscal impact to the State of Alaska as costs are absorbed through the sponsorship by the American Legion Auxiliary and cooperating organizations.

Katie Hurley

Prepared by : Rep. Katie Hurley, Chair — Phone : 465-4963
Division : House State Affairs Committee — Date : 2/21/86

Approved by Commissioner : _____ Date : _____
Agency : _____

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

HCR

56

Introduced: 2/17/86
Referred: State Affairs

BY CATO, GRUSSENDORF, TAYLOR, COTTEN, NAVARRE, PEARCE AND HANLEY

IN THE HOUSE

HOUSE CONCURRENT RESOLUTION NO. 56

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Relating to the twentieth annual Boys' State.

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

WHEREAS the twentieth annual Boys' State will be held under the sponsorship of the American Legion and cooperating organizations; and

WHEREAS this fine annual program is dedicated to increasing the delegates' awareness of their future roles in state and local government as well as promoting interest and knowledge about the operation of our system of government; and

WHEREAS it is only through an admirable combination of volunteer effort and the enterprising talents of generous individuals who do not receive government or taxpayer monetary support that this week-long youth citizenship exercise known as Boys' State takes place; and

WHEREAS the legislature would like to encourage state and local legislators and other public officials and agencies to volunteer their services and to provide copies of state publications and materials related to the program;

BE IT RESOLVED that the Alaska State Legislature applauds the sponsors of and participants in the twentieth annual Boys' State program; commends to the attention of government officials and agencies and private individuals and organizations the opportunity to support and participate in this exercise in youth citizenship; and promises to continue to provide legislative materials, advice and encouragement to the Boys' State program as it does to similar worthy civic efforts.

COMMITTEE COPY

engrossed

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HCR 56
Title : Relating to the twentieth annual Boys' State.

Sponsor : Rep. Cato
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : _____
BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

HCR 56 results in no fiscal impact to the State of Alaska as costs are absorbed through sponsorship by the American Legion Auxiliary and cooperating organizations.

Katie Hurley

Prepared by : Rep. Katie Hurley, Chair — Phone : 465-4963
Division : House State Affairs Committee — Date : 2/24/86

Approved by Commissioner : _____ Date : _____
Agency : _____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

HCR

58

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M May 1, 1986

SUBJECT: Title change for concurrent resolution (SCSHCR 58(State Affairs))

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Teresa B. Cramer
Legislative Counsel

You have asked whether the change to the title made by SCSHCR 58(State Affairs) requires the adoption of a concurrent resolution waiving the Uniform Rules.

It is my opinion that the rules prohibiting the second house from changing the title of a bill after the bill is passed by the house of origin do not apply to concurrent resolutions. Uniform Rules 24(c), 35, 41, and 42, addressing the title change question, each apply specifically to bills and do not mention resolutions. Rule 49(a)(3) sets out the method for adopting a concurrent resolution and does not require the formalities used in adopting a bill. Because the rules dealing with title changes specifically apply to bills and because a concurrent resolution is not treated like a bill under the Uniform Rules, the rules dealing with title changes do not apply to concurrent resolutions.

Although it is not necessary to waive the rules before the second house may amend the title of a concurrent resolution, in at least one instance this session the Senate has chosen to introduce a resolution to do so. See SCR 40, relating to HCR 9.

To avoid any confusion should the issue arise in the future, it may be helpful to note that a joint resolution is ". . . treated in all respects as a bill . . ." under Uniform Rule 49(a)(5), so the rules dealing with title changes do apply to joint resolutions.

TC:mkr
m5/057

Original sponsors: Goll, Uehling
and Furnace

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 58 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Relating to Alaska Senior Congress.

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

WHEREAS Alaska's elder citizens represent a valuable source of information and guidance in the formulation of public policy; and

WHEREAS the knowledge and understanding of the state possessed by the elders can make a major contribution to guidance of public affairs; and

WHEREAS the conferences of elders held by various state groups have demonstrated the wisdom that elders can impart to their juniors;

BE IT RESOLVED by the Alaska State Legislature that the Older Alaskans Commission is encouraged to call a 1987 Alaska Senior Congress at a convenient location to be comprised of elders representing all areas of the state; and be it

FURTHER RESOLVED that the Alaska Senior Congress is requested to consider both short-range and long-term policies and priorities for the state and its people; and be it

FURTHER RESOLVED that a report of the proceedings of the 1987 Alaska Senior Congress may be presented to the legislature and to the state's congressional delegation by the 30th day of the Second Session of the Fifteenth Legislature; and be it

FURTHER RESOLVED that, if the legislature considers it worthwhile, the event shall be conducted annually.

COPIES of this resolution shall be sent to the Older Alaskans Commission and to all parties and agencies that are directly affected by this resolution.

14-2102
Cramer
5/1/86 ✓

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

SENATE CONCURRENT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Suspending Uniform Rules 41(b), 24(c), and 35 of the Alaska State Legislature concerning House Bill 539.

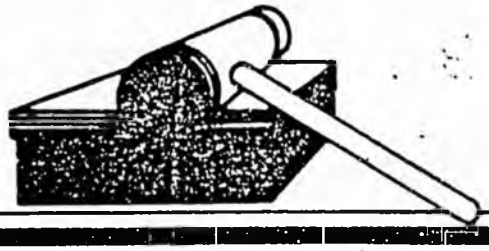
BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

That under Rule 54 of the Uniform Rules of the Alaska State Legislature the provisions of Rule 41(b), Rule 24(c), and Rule 35 of the Uniform Rules, regarding changes to the title of a bill, are suspended in consideration of House Bill 539, relating to reduced rates and discounted service for telecommunication customers.

File - my new Bill
Senior Legislature

SILVER HAIRED LEGISLATURE

A MODEL FOR SENIOR LEGISLATIVE ADVOCACY



MARY LOU GOEKE
JON B. WOLFE

NATIONAL RETIRED TEACHERS ASSOCIATION

AMERICAN ASSOCIATION OF RETIRED PERSONS

SL1074(479)

INTRODUCTION

This publication is intended to convey two messages. One, the Silver Haired Legislature is an advocacy strategy by older people which has proven successful in the passage of state legislation. Second, the process of conducting a model session is described in detail so that others can replicate it at state or local levels.

In the six years the Missouri Office on Aging has funded the Silver Haired Legislature many changes have occurred to make the event proceed more efficiently and become more effective in the passage of Silver Haired bills. By following this guide, other states may avoid some organizational problems and, as a consequence, more quickly reap the benefits of this unique event.

This manual is divided into sections with headings above each topic so readers can quickly locate the information they desire.

The appendix contains forms used by the Missouri Silver Haired Legislature and the NRTA/AARP Joint State Legislative Committees. The bibliography should prove useful to those interested in aging legislative advocacy and in model state statutes. It should also demonstrate the relative paucity of written materials and research in this area. Certainly, the field is more active than one would conclude from the extent of information which is available.

Missourians are justifiably proud of the record of the Silve Haired Legislature. The program, with assistance from other groups, has led to the passage of at least three of its five priority bills in each of the past three years. Having pass the "show me" test, older Missourians are eager to share wha they have experienced and learned.

LEGISLATIVE ADVOCACY AND THE AGING

The growth of legislative advocacy by the elderly began slow and really achieved its first major advance with the enactmer of the Older Americans Act of 1965. The act accelerated the elderly's identification of themselves as a minority group. Unlike most social or political movements, forces other than the aging themselves were largely responsible for the development of the aging movement. For example, although so aging groups existed at the time, a social movement rather t an aging movement gained the passage of the Social Security Act of 1935. Older persons lacked the sense of group identi and cohesiveness necessary for such a movement. Indeed, retirement itself was virtually unknown to most of them.

With the enactment of the Social Security program more peopl were able to retire and thus help the growth of aging organizations. County councils on aging, senior citizens centers and similar organizations became the spawning ground for the development of aging consciousness. The development of an aging movement and legislative advocacy became possibl as elders gained group identity. One could compare this wit the growth of black pride which sprang from the early days o

the civil rights movement. However, the civil rights movement received more of its strength from within.

It is apparent that the aging movement is now becoming a phenomenon of self-development which receives a large share of energy from the aging. Even now, however, professionals in aging and outside forces continue to provide an impetus to the movement.

As a result of the manner in which advocacy has evolved, professionals in aging have experienced a recent shift of their roles. Initially, their activities were oriented toward working for the aging. The increased identity and activities of older Americans have led professionals to take direction from the aging. This shift is healthy and necessary, but has not been readily accepted by some professionals nor, in some cases, by the aging. While the authors hesitate to define words used in this manual, the use of the term "professional" must not be construed to class the aging as non-professional. Rather, the term is applied to persons employed in aging agencies and programs.

A concurrent event which has influenced the structure of present day advocacy has been the increase of grass-roots lobbying. This represents a shift of lobbying strength from professional lobbyists to citizen action. The power and effectiveness of grass-roots lobbying can immediately be recognized by reading advertisements from oil, utility, tobacco, medical and other powerful lobby groups which exhort

readers to write to members of Congress about a specific problem or issue. These advertisements recognize the growing awareness of the potential power within the voting public.

It should be noted that this shift is a moderate one, but one which bears recognition and observation. Even the slow reacting Congress has begun discussing which lobbying laws may be imposed on the grass-roots lobby.

As one combines these two events, the development of aging identity and grass-roots lobbying with future population trends, one may predict rather interesting prospects for the future. It has been well documented that the aging population is increasing in number as well as in percentage of the population. We also are aware that the future will bring improvements in health and a better educated older population. This suggests that there will be not only a larger population, but one which is also more concerned and involved in social and legislative issues than are the aging today. Organizations should plan activities which anticipate this increase in the aging lobby. As part of those plans, it will be important for those organizations to provide a framework in which older adults may function cohesively.

It is appropriate at this point to mention the phenomenon of the elderly backlash. This is the growing negative reaction by the younger population to special programs and legislation for the retired persons. This backlash may become a major problem if it grows, particularly if it extends to lawmakers

and to the aging themselves. Signs of this may be seen in the reaction of employed persons to increased contributions for Social Security. Ignoring the fact that a large share of Social Security financing does not go to retired persons, workers are questioning how much of the financial burden they should bear. In order to avoid this backlash, the silver lobby must not lose sight of the overall impact of their legislative objectives upon society. If this point is ignored, the backlash could undermine even the most modest efforts.

For the first time in the history of aging organizations, a coalition of national aging groups was formed in 1978 for the purpose of orchestrating mutual legislative objectives. The Silver Haired model offers a similar opportunity at the state level and is also a framework to promote conscientious legislative advocacy. The reader is encouraged to explore numerous applications of this model. For example, municipalities and area agencies on aging have expressed interest in replicating Silver Hair in a Silver Haired City or County Council. Through such a council, older persons would be given an opportunity to have an impact on policy and programming at the local level.

THE PURPOSE OF THE SILVER HAIRED LEGISLATURE

The Missouri Silver Haired Legislature is a three day model legislative session conducted annually in the fall. At this time seniors from all over Missouri come to the state capitol to present and debate legislation which affects the lives of elder Missourians.

The objectives of the Silver Haired Legislature are to inform seniors about the legislative process through actual involvement in it and to serve as a forum in which seniors from diverse interests and backgrounds can reach agreement on priority bills which they will support in Missouri's General Assembly. A major reason for the recognition of the Silver Haired Legislature as a legitimate voice for older Missourians is that it represents a large number of people from different economic groups, organizations, interests and ethnic backgrounds. Seniors who represent the National Retired Teachers Association, American Association of Retired Persons, Gray Panthers, area agency on aging advisory councils and boards meet and come to agreement on the bills they endorse.

Although individual aging organizations are free to pursue their own priorities, there always has been general acceptance of the legislation passed by Silver Hair. The program also provides a legislative voice to retired persons who do not belong to membership groups or belong to groups that do not have lobbying functions. State units on aging are particularly appropriate sponsors of a Silver Haired Legislature because of their advocacy role. Because they tend to be impartial they also can bring various organizations together without threat to their autonomy. Over the years, the reputation and esteem of the Silver Haired Legislature has grown because of its legitimacy. Many State Representatives and Senators now vie to sponsor bills that carry the title of "Silver Haired Priority."

Please support HCR # 58
which provides planning for
a senior legislature, ~~[illegible]~~
known in other states as a
silver haired legislature.

This bill has the active support
of Older Persons Action Group, the
Palmer Senior Citizens, the Wasilla
Senior Citizens and myself as
a statewide Senior Advocate.

Zero fiscal note.

Thank you.

Rose Palmquist
Box 870294
Wasilla AK 99687

1 copy to each member of
Senate State Affairs Comm.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HCR 58
Title : Relating to Alaska Senior Legislature

Sponsor : Goll
Requestor : Goll
Date of Request : February 20, 1986

FISCAL DETAIL

Agency Affected : Older Alaskans Commission
BRU : Older Alaskans Commission

Components : Older Alaskans Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	-0-				
TRAVEL	-0-	-0-				
CONTRACTUAL	-0-	-0-				
SUPPLIES	-0-	-0-				
EQUIPMENT	-0-	-0-				
LAND & STRUCTURES	-0-	-0-				
GRANTS, CLAIMS	-0-	-0-				
MISCELLANEOUS	-0-	-0-				
TOTAL OPERATING	-0-	-0-				
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-				
OTHER	-0-	-0-				
TOTAL	-0-	-0-				

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

See attached

Prepared by : Jon B. Wolfe — Phone : 465-3250
Division : Older Alaskans Commission — Date : February 21, 1986

Approved by Commissioner : Eleanor Andrews — Date : _____
Agency : Department of Administration

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

CONTINUATION OF FISCAL NOTE ANALYSIS

for Bill/Resolution No. HCR 58

SUBJECT OF PROPOSED BILL:

HCR 58 requests the Older Alaskans Commission to develop recommendations for the first session of the Fifteenth Alaska Legislature regarding legislation necessary to empower the Older Alaskans Commission to collect funds to support an Alaska Senior Legislature; call a 1987 Alaska Senior Legislature; and report proceedings of the Senior Legislature to the second session of the Fifteenth Alaska Legislature.

SUMMARY/EXPLANATION OF INTENT:

The Older Alaskans Commission currently has the statutory requirement to provide educational programs for senior citizens and to advocate on their behalf. This resolution calls upon the Commission to focus such efforts on the development of an Alaska Senior Legislature. These Legislatures, also known as Silver Haired Legislatures, have been successfully carried out in other states. The first such legislature was held in the State of Missouri in 1973.

This Resolution recognizes the critical need to develop solutions to the problems of aging and the ability of the State's elders to provide those solutions.

ANALYSIS:

The fiscal note is zero for fiscal year 1987. The Resolution requests the Older Alaskans Commission to develop recommendations during FY 87 for legislation necessary to enable the Commission to raise funds to support an Alaska Senior Legislature. This will require the Commission to develop preliminary cost estimates, research the availability of foundation and other resources for private funds, and to determine what statutory limitations may exist as to the Commission's authority to obtain such funds. These activities are compatible with current administrative duties of the Commission. Therefore, they may be accomplished with no additional funding if the Commission's FY '87 budget is funded at the requested level.

The fiscal note for 1988 and beyond cannot be determined at this time. However, the resolution directs the Commission to sustain an Alaska Senior Legislature without state appropriations. General Funds are shown as zero. It will be necessary for the Legislature to approve the Commission's receipt of "Other" funds beginning in FY '88 for the purpose of sustaining the cost of the Legislature.

It may also be possible to obtain Federal Funds for this program. The required expenditures and non-State funding will be included in the Commission's FY '88 budget.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST Page 1 of 2

Bill/Resolution No. : HCR 58
Title : Relating to Alaska Senior Legislature

Sponsor : Goll
Requestor : Goll
Date of Request : February 20, 1986

FISCAL DETAIL

Agency Affected : Older Alaskans Commission
BRU : Older Alaskans Commission

Components : Older Alaskans Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	-0-				
TRAVEL	-0-	-0-				
CONTRACTUAL	-0-	-0-				
SUPPLIES	-0-	-0-				
EQUIPMENT	-0-	-0-				
LAND & STRUCTURES	-0-	-0-				
GRANTS, CLAIMS	-0-	-0-				
MISCELLANEOUS	-0-	-0-				
TOTAL OPERATING	-0-	-0-				
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-				
OTHER	-0-	-0-				
TOTAL	-0-	-0-				

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

See attached

Prepared by : Jon B. Wolfe Phone : 465-3250
Division : Older Alaskans Commission Date : February 21, 1986

Approved by Commissioner : Eleanor Andrews Date : _____
Agency : Department of Administration

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

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It may also be possible to obtain Federal Funds for this program. The required expenditures and non-State funding will be included in the Commission's FY '88 budget.

HCR 58 requests the Older Alaskans Commission to develop recommendations for the first session of the Fifteenth Alaska Legislature regarding legislation necessary to empower the Older Alaskans Commission to collect funds to support an Alaska Senior Legislature; call a 1987 Alaska Senior Legislature; and report proceedings of the Senior Legislature to the second session of the Fifteenth Alaska Legislature.

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This Resolution recognizes the critical need to develop solutions to the problems of aging and the ability of the State's elders to provide those solutions.

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This Resolution recognizes the critical need to develop solutions to the problems of aging and the ability of the State's elders to provide those solutions.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0218)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2180

DIVISION OF RISK MANAGEMENT

April 28, 1986

The Honorable Peter Goll
Alaska State Legislature
P.O. Box V
Juneau, AK. 99811

Dear Representative Goll:

Re: House Concurrent Resolution No. 58

Bob Berry of your office called us requesting our review of this resolution; asking that we comment on any substantial increase in risk or exposure to the state's risk management program.

Based on the limited information of the resolution as proposed, we do not anticipate any measurable increase in risk or related cost to the state's self insurance program. It is our assessment that this proposed activity is similar to the present activities of the state and will not affect our existing insurance programs.

Please call if you need any further information from us.

Sincerely,

Brad Thompson
Deputy Director

TELEX NUMBER 46-308 TELECOPIER NUMBER 465-2169

02-817LH

BILL SHEFFIELD, GOVERNOR

REPLY TO:

☐ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

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

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 25, 1986

Honorable Peter Goll
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: HCR 58 Alaska senior legislature

Dear Representative Goll:

You have inquired whether added insurance liability would result from a senior legislature held at the capitol under HCR 58 and whether HCR 58 can empower the Older Alaskans Commission to collect and hold in trust private funds for the purpose of conducting the senior legislature. We believe that the state's liability coverage contemplates use of the capitol building for uses authorized by the legislature such as model legislatures and youth programs such as Close Up and is adequate to cover use of the capitol by the senior legislature. The concurrent resolution cannot itself empower the Older Alaskans Commission to collect and hold private funds in trust. A concurrent resolution only expresses the will, wish, view or decisions of the legislature, speaking concurrently.

Please let us know if you need further advice in this matter.

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Virginia B. Ragle
Virginia B. Ragle
Assistant Attorney General

VBR/pjg

HJR

54

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM August 26, 1985

SUBJECT: Initiative petition regarding legislative salaries (Work Order No. 14-1355)

TO: Senator Mitch Abood
Chairman, Legislative Salary Commission

FROM: Teresa B. Cramer
Legislative Counsel

You have asked several questions regarding the initiative petition relating to the compensation for state legislators.

1. Is the initiative an appropriation and therefore an improper subject for an initiative?

Article XI, Section 7, of the constitution of the State of Alaska prohibits the use of initiatives to make or repeal appropriations. The Alaska Supreme Court has recognized that generally appropriations may be defined as

> The setting aside from the public revenue of a certain sum of money for a specified object, in such manner that the executive officers of the government are authorized to use that money, and no more, for that object, and no other. Thomas v. Rosen, 569 P2d 793 (1977) at 796. (Citations omitted.)

If the legislative compensation initiative withdrew a sum of money from the general fund then it would be an appropriation and prohibited by the constitution. However, the initiative merely sets the level of a legislator's salary if an appropriation bill is enacted. The initiative does not authorize expenditures and therefore is not an appropriation.

2. If the initiative petition is adopted, when does it take effect and when can the legislature amend it?

The state constitution provides that following an election, the lieutenant governor shall certify the results of the election. An initiated law becomes effective ninety days after the lieutenant governor's certification. The legislature may not repeal an initiated law for a period of two years after its effective date. There are no time restrictions on the power of the legislature to amend an initiated law. Article XI, Section 6.

This raises a question concerning the distinction between amending or repealing an initiated law. In Warren v. Thomas, 568 P.2d 400 (1977), the court considered whether legislative amendments to AS 39.50, the conflict of interest law which was enacted by initiative, were so substantial as to constitute a repeal of the initiative. The court held that although there were considerable language changes made by the amendments, they did not rise to the level of a legislative repeal. The court, citing Warren v. Boucher, 543 P.2d 731 (1975), stated:

> The central issue in the case at bar is whether the legislature has exceeded that broad power (to amend an initiative) by passing an amendment which so vitiates the initiative as to "constitute its repeal." Id at 737. Warren argues that the changes are so drastic that they make a mockery of the law, that the trial court erred in concluding the legislation was merely "housekeeping," and that the amendments to AS 39.50 amount to a repeal of the law. We disagree. "(A)n amendment of an act operates as a repeal of its provisions to the extent that they are materially changed by, and rendered repugnant to, the amendatory act." Meyers v. Board of Sup'rs of Los Angeles County, 110 Cal.App.2d 623, 243 P.2d 38, 42 (1952) . . .; The implied repeal of an act is disfavored and will be limited to that which is necessary to carry out the intent of the legislature. (Citations omitted). In the case at bar, one section and two subsections were expressly repealed in 1975 when the legislature amended the initiated law. Sec. 26, ch. 25, SLA 1975.
>
> Other sections were impliedly repealed by virtue of inconsistent amendatory provisions. However, this does not necessarily mean that the act as a whole was repealed. When AS 39.50 was amended certain of its provisions or portions thereof were repealed and reenacted

> in a modified form. Where it is reasonable to do so, these provisions are considered to be a continuation of the original law which is to be construed with amendments. (Citations omitted.)
>
> Of course there remains the question whether the amendments so emasculate the law that it is effectively repealed. We conclude that they do not. There are considerable language changes, but these clarify and render the law more precise. The fines for violations of the law have been reduced but the penalties are still significant. See AS 39.50.060(a) and AS 39.50.070. Finally, the amended law still imposes substantial disclosure requirements on public officials and effectuates the intent of the electorate that those in a position of public trust be held to a high standard of financial disclosure. Id at 403.

If the legislative compensation initiative is adopted, the legislature may amend it at any time but must wait two years before substantially changing it. The question of whether a change acts as an amendment or as a repeal of the initiated law would turn on how drastic the change was when considered in the context of the initiative as a whole. Since the initiative in question is itself a fairly short, straightforward document, it leaves less room for amendment than did the more complicated campaign financing initiative which was the basis of the Thomas and Boucher cases.

3. If the legislature enacts legislation establishing a commission to set legislative compensation before the initiative election, what effect will that have on the initiative petition?

Article XI, section 4 of the Alaska Constitution states that

> If, before the election (on an initiative), substantially the same measure has been enacted, the petition is void.

The question, then, is whether legislation implementing a compensation commission is substantially the same as the initiative. The initiative is straightforward. It reinstates the provisions for legislative salaries and per diem

that the legislature changed in 1983. Section 1 reenacts provisions for payment of per diem; section 2 reduces legislative salaries from range 22 to range 10; and section 3 requires the reporting of payments to legislators for salaries, per diem and additional allowances.

Creation of a legislative compensation commission would not have an effect "substantially the same as" the enactment of the initiative petition. The commission would presumably be given authority to determine the appropriate level of legislative salaries and allowances.

In Warren v. Boucher, 543 P.2d 731, (1975), the Alaska Supreme Court found that an initiative regarding campaign financing was substantially the same as an act that the legislature passed in the session following the filing of the petition. The court said

> If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative. (Emphasis added) Id at 736.

Boucher was decided by a 3 - 2 majority, with a strong dissent finding that the measures were not substantially similar.

In contrast, the intent of the initiative here is to reduce legislator's salaries to the 1983 level. An act establishing a compensation commission would not intend the same result necessarily. The two measures are dissimilar and therefore the initiative would still be placed before the voters for their consideration.

4. What provisions in the initiative could be changed in legislation adopted next session without removing the legislation from being "substantially similar" to the initiative?

Since the initiative is uncomplicated, very few changes could be made to its provisions to retain "substantial similarity." The legislature could certainly make changes to the language to conform the style to the drafting manual and also could make minor changes (such as adding to subsection (d) of section 1 that in no case could a legislator receive more than the appropriate per diem rate for expenses) or to section 3's system of reporting (changing dates, for example, or the organization of the report) as long as the basic information sought by the initiative continued to be included.

A change of the salary range set in section 2 of the initiative would be riskier. The section could not be less complicated. While the court will consider the entire package of the initiative, clearly section 2 is the centerpiece and evaluation of the complexity and of the intended substance must begin with it. Even a change of one salary range might be found unjustified.

5. If the legislature enacts legislation "substantially similar" to the initiative, thereby removing the initiative from the ballot, what restrictions are there on subsequent legislation concerning legislative compensation.

If the initiative does not pass, either because the legislature enacts measures found by the lieutenant governor to be substantially similar to the subject of the initiative or because the voters decide against the merits of the initiative, then the legislature may act in this subject area without regard to the proposed initiative. There would be no restrictions on subsequent legislation.

If I can be of further assistance please advise.

TC:lmb
L5/010

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M April 2, 1986

SUBJECT: State officers compensation commissic ' and Legislative salaries
(SCS CSHJR 54(State Affairs))
(SCS CSHB 454 (State Affairs))

TO: Senator Mitch Abood
Chairman, Senate State Affairs Committee

FROM: Teresa B. Cramer TBC
Legislative Counsel

Enclosed are the draft Committee Substitutes you requested. In SCS CSHJR 54, the committee requested one change that the draft does not include. On page 1, line 24, the committee changed "may" to "shall." The existing clause reads:

> the legislature may by law provide that the committee may establish and revise the compensation of those state officers.

The amended clause would have read:

> the legislature shall by law provide that the committee may establish ...

The effect of the proposed change is to require that the legislature enact legislation for the committee to "establish and revise the compensation of those state officers." This appears to be directly contrary to the committee's intent as reflected in the minutes to the meeting of March 20, 1986. The goal of the amendment, as stated at tape one, side one, number 602, was to ensure

> that the legislature should retain the procedures by law to provide that the commission may establish and revise the compensation of other state officers.

I have therefore not made this amendment.

In incorporating CSHB 48 (the legislative salary bill) into SCS CSHB 454 (the state officers compensation commission bill), I removed the dates from the body of the statutes and made the sections effective January 19, 1987. HB 454 has effective dates already so there is nothing to be gained by placing the date in the body of the statute. This change has no substantive effect.

If I may be of further assistance, please advise.

TC:mkr
m4:058

Enclosures

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

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

M E M O R A N D U M March 11, 1986

SUBJECT: Constitutional Amendment to establish a state officers compensation commission (SCS CSHJR 54 (State Affairs))

TO: Senator Mitch Abood
Chairman, State Affairs Committee

FROM: Teresa B. Cramer TBC
Legislative Counsel

Enclosed is the draft Committee Substitute you requested. Because the scope of the commission's authority has been narrowed to setting the compensation of legislators only, it would be appropriate to change the commission's name to Commission on Compensation of Legislators.

You asked whether it would be appropriate to draft a proposed amendment that asked the voters both whether to amend the constitution and which officers should be under the commission's authority. In my opinion, an amendment that proposed alternatives for the voters to choose between at the same time that they considered whether or not to adopt the amendment in any form would probably be found ineffective to amend the Alaska Constitution under Article XIII, Section 1.

An alternative would be to offer two different amendments to the voters, one that created a compensation commission to consider legislative salaries only, and a second that created a compensation commission to consider the compensation of a list of state officers. This could lead to difficulties if both amendments were adopted by the voters.

A third approach would be to redraft the resolution your committee is now considering to require that the commission address the compensation of legislators and to permit the legislature to include other state officers within the jurisdiction of the commission by law. This is the approach I recommend.

If I may be of further assistance, please advise.

TC:mkr
m3/146

Enclosure

Cramer
3/10/86

Original sponsor: Larson/Legislative Salaries

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 54 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Proposing amendments to the Constitution of the State of Alaska establishing a state officers compensation commission.

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

* Section 1. Article XII, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 14. STATE OFFICERS COMPENSATION COMMISSION. The state officers compensation commission shall consist of seven members appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. The commission may revise the salaries, benefits, and expense allowances of members of the legislature by submitting a report to the legislature. The salaries, benefits, and expense allowances established by the commission in the report take effect on the first day of the next regular legislative session after the report is submitted to the legislature.

* Sec. 2. Article XV, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 29. STATE OFFICERS COMPENSATION COMMISSION. If the 1986 amendment creating the state officers compensation commission (art. XII, sec. 14) is adopted, the members of the state officers compensation commission appointed under AS 39.23.200 shall become the members of the state officers compensation commission under art. XII, sec. 14, and any action taken by the commission under AS 39.23.200 shall be considered an action taken by the commission under art. XII, sec. 14.

* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

Alaska State Legislature

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

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

3/14/86

SUMMARY OF AMENDMENTS MADE TO CSHJR 54 (FINANCE)

1. Page 1, lines 16-17. After "legislature" delete ", the governor, lieutenant governor, justices and judges of the court system, and the head of each principal department,"

2. Page 1, lines 21-25. After "legislature." delete "However, the legislature may reject any of the salaries, benefits, or expense allowances by a concurrent resolution adopted by two-thirds of the members in each house of the legislature. The legislature shall implement this section by law."

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/10/86

REQUEST

Bill/Resolution No.: CSHJR 54 (Fin)
Title: State Officers' Compensation Commission

Sponsor: Larson by request
Requestor: House Finance Committee
Date of Request: 2/10/86

FISCAL DETAIL

Agency Affected: Governor's Office
BRU: Lt. Governor's Office

Components: Div. of Elections

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE		0				

FUNDING : (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS :

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS : Attach a separate page if necessary

Any funds needed to change the ballot form can be absorbed in the Division's FY 87 budget.

APA

Prepared by: Al Adams, Chair — Phone: 465-3706
Division: House Finance Committee — Date: 2/10/86

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

HJR

60

THANK YOU MR. CHAIRMAN FOR THE OPPORTUNITY TO TESTIFY ON HOUSE JOINT RESOLUTION NO. 60 CONCERNING THE INTERNATIONAL YEAR OF PEACE.

MY NAME IS BONNY SIVERLY, I RESIDE AT 361 DISTIN AVENUE, JUNEAU, ALASKA. I AM TESTIFYING ON BEHALF OF THE LOCAL SPIRITUAL ASSEMBLY OF THE BAHA'IS OF JUNEAU.

AS YOU KNOW, 1986 HAS BEEN DECLARED BY THE UNITED NATIONS AS THE INTERNATIONAL YEAR OF PEACE. THIS RESOLUTION PROVIDES A SINGULAR OPPORTUNITY FOR THE ALASKA STATE LEGISLATURE TO RECOGNIZE THE ABSOLUTE IMPORTANCE OF WORLD PEACE AND TO CALL UPON ALASKANS TO COLLABORATE IN PROMOTING THIS MOST COMPELLING ISSUE.

WE CALL UPON YOU TO SUPPORT THIS RESOLUTION, AND JOIN WITH OTHER NATIONAL AND STATE LEADERS IN COMMEMORATING THIS YEAR.

ADD to record.
She did not testify.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HJR 60
Title : Relating to the International Year of Peace

Sponsor : M.M. Miller
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : _____
BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

HJR 60 Relating to the International Year of Peace does not require an expenditure on the part of the State of Alaska.

Katie Hurley

Prepared by : Rep. Katie Hurley, Chair — Phone : 465-4963
Division : House State Affairs Committee — Date : 2/4/86

Approved by Commissioner : _____ Date : _____
Agency : _____

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

Bahá'í Faith

Office of Public Affairs

The National Spiritual Assembly of the Bahá'ís of Alaska, Inc. 13501 Brayton Drive, Anchorage, Alaska 99516, USA Telephone 907/345-3740

April 23, 1986

HJR 60

The Honorable Senator Mitch Abood
Chairman, Senate State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Subject: House Joint Resolution No. 60

Dear Senator Abood:

This letter is being written on behalf of the Baha'i community in Alaska. As you may know, 1986 was designated as the International Year of Peace by the United Nations.

Currently there is a House Joint Resolution, HJR 60 (copy enclosed), which was referred to your committee on February 25, 1986. This resolution resolves that the Alaska Legislature, among other actions, recognizes and endorses the International Year of Peace.

Carol Horos has informed me that of this date HJR 60 has not been calendared, which causes some concern to the Baha'i community with only 19 days left in this session. We believe the matter is important to many Alaskans and request that HJR 60 be calendared and acted on in sufficient time to enable the resolution to proceed to the Senate floor.

I have taken this opportunity to enclose with this letter a copy of a message from the supreme international administrative body of the Baha'i Faith - The Universal House of Justice, Haifa, Israel - to the people of the world, entitled "The Promise of World Peace." Since October 1985, we have met and discussed this message with most of the leaders in the state including 48 of your colleagues in the Alaska State Legislature. We have found all of these individuals receptive and concerned about the issue of world peace.

Thank you for your consideration of this request and any assistance you may be able to provide in this matter. We would appreciate notification of your action on this request. Our local business address is P.O. Box 708, Juneau, Alaska 99802.

Sincerely,

Michael G. McKennett
Special Assistant for
Governmental Affairs
Baha'is of Alaska, Inc.

Enclosures

c: National Spiritual Assembly
of the Baha'is of Alaska

Grand Camp

Alaska Native Brotherhood

ALASKA NATIVE BROTHERHOOD AND SISTERHOOD
73RD ANNUAL CONVENTION
KLAWOCK, ALASKA
NOVEMBER 11-16, 1985

RESOLUTION NO. 58

TITLE: Promise of World Peace

WHEREAS, The Alaska Native Brotherhood and the Alaska Native Sisterhood are the organized bodies which were formed in 1912 to represent the Alaska native peoples, and throughout its eminent history have attained human rights, and maintained the dignity for its peoples, such as attaining the status of citizenship through Congressional Act, the right to vote through Congressional Act, the right to attend any school through Congressional Act, and the passage of the Alaska Native Land Claims Settlement Act through Congressional Act, and

WHEREAS, The Alaska Native Brotherhood and the Alaska Native Sisterhood have resolved that world peace is in the highest interest of the native peoples of Alaska and is the attainable goal toward which we, with the body of mankind, are striving, and

WHEREAS, An enduring world peace is predicated on the removal of the most deep-rooted problems of the planet: racism, the inordinate disparity between rich and poor, unbridled nationalism, religious strife, the full equality of men and women, the lack of universal education, and the fundamental lack of communication between peoples, and

WHEREAS, The abolition of war is not simply a matter of signing treaties and protocols, but is a complex task requiring a new level of commitment to resolving issues not customarily associated with peace, and

WHEREAS, The idea that collective security and enduring world peace predicated solely upon political agreements is an unrealistic expectation based on human history in this century alone, and

WHEREAS, It is our conviction that peace stems from an inner human state supported by a spiritual or moral attitude, and that by evoking this attitude, the possibility of enduring solutions can be found, NOW

Paul ANB Grand Presidents
Roy Peratrovich
Alfred Widmark
Cyrus Peck

Frank Peratrovich
Patrick J. Paul
Thomas Jackson
John Hope

Frank See
Walter Soboleff
Richard Stitt
Steven V. Hotch

Nelson D. Frank
Frank O. Williams
Herbert Hope
Robert R. Martin

Roy Peratrovich, Grand President Emeritus
Cyrus Peck, Sr., Grand Secretary Emeritus
Mildred Sparks, ANS Grand President Emeritus

THEREFORE BE IT RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood in Convention assembled at Klawock, Alaska during the week of November 11-16, 1985, contemplating the supreme importance of the task of achieving a lasting peace which now challenges the entire world, bow our heads in humility before the Divine Creator, hold firmly the conviction that all human beings have been created to carry forward an ever-advancing civilization, and reaffirm our belief in the potentialities inherent in the human race to bring about peace on earth, and

BE IT FURTHER RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood believe that we are all one humankind, that extremes of wealth and poverty should be eliminated, that there exists an interdependence of nations, that women be accorded full partnership in all fields of human endeavor, that the concept of world citizenship should be taught, and that an international auxiliary language should be adopted, and

BE IT FURTHER RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood authorize and direct the Grand Camp Presidents to seek through various means to make the cause of world peace and this resolution a matter of consultation among the native and non-native leaders in Alaska, and

BE IT FURTHER RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood commend and praise the actions of the United Nations proclaiming 1986 the International Year of Peace, and

BE IT FURTHER RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood commend Governor Sheffield and applaud his Executive Proclamation signed October 24, 1985, establishing 1986 the Year of Peace in Alaska, and

BE IT FURTHER RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood recommend that Governor Bill Sheffield establish a World Peace Commission in 1986, comprised of members representative of the diverse population in Alaska, and appoint members to that Commission from among the membership of the Alaska Native Brotherhood and the Alaska Native Sisterhood, and

BE IT FURTHER RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood strongly recommend to the President of the United States and to the President of the United Nations that a convocation of nations be immediately convened to enact, through a process of consultation, a binding treaty and covenant establishing a sound, inviolable and definite international union of nations with the authority to assure a lasting peace for the world, and

BE IT FURTHER RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood recommend the adoption by the Alaska State Legislature of a joint resolution on world peace in 1986 and urge that funds be made available to promote this cause through various means, including the support of a gubernatorially established Commission on World Peace, and

BE IT FURTHER RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood recommend to Senator Ted Stevens, Senator Frank Murkowski and Representative Don Young the introduction and active participation in the promotion of a joint resolution on world peace in the United States Senate and the United States House of Representatives, and

BE IT FINALLY RESOLVED that the Alaska Native Brotherhood and the Alaska Native Sisterhood authorize and direct the Grand Camp Presidents to present this resolution and the recommendations herein to the President of the United States, the President of the United Nations, the Governor of the State of Alaska, the members of Alaska's Congressional delegation, the Speaker of the Alaska State House of Representatives, and the President of the Alaska State Senate, as well as to those elected heads of the Alaska Federation of Natives and the United Tribes of Alaska.

ATTEST:
I certify that this resolution was adopted by the ANB-ANS Grand Camp in Convention at Klawock, Alaska during the week of Nov. 11-16, 1985.

Ronald D. Williams
Ronald Williams, Grand President

Albert M. Kookesh
Albert Kookesh, Grand Secretary

Presented by: Assemblyman Botelho
Introduced: 02/03/86
Drafted by: E.R.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1155

A RESOLUTION RECOGNIZING THE INTERNATIONAL YEAR OF PEACE IN JUNEAU.

WHEREAS, the United Nations has designated 1986 as the International Year of Peace, and

WHEREAS, peace is a universal hope, dream, and goal toward which all people of good will can work, and

WHEREAS, the concept of peace must be born anew in each heart to effect change in defensive and belligerent attitudes and policies toward which nationalist governments are inclined, and

WHEREAS, the growing wellspring of grassroots support for peace by people everywhere is demonstrated daily by small and great acts of individual commitment to ending the barriers to peace--hunger, poverty, racial discrimination, religious hatred, and ignorance, and

WHEREAS, the people of Juneau have acted in personal ways and as a community, to further the cause of peace: through giving money to aid the starving of Ethopia, the earthquake victims of Mexico, and many other humanitarian efforts; in advancing racial harmony and honoring the man--Martin Luther King, Jr.--a champion of nonviolence, who raised the consciousness of nation and the world to the terrible injustice of racial discrimination; through developing the New Year's Eve Space Bridge to Moscow to build communication and understanding between our peoples; through efforts of Juneau's diverse religious communities and such groups as World Beyond War, Alaskans for World Peace, and other peace advocates; and cultural sharing through the upcoming goodwill tour to the Soviet Union of the Alaska Performing Artists for Peace, and

WHEREAS, the alternative to peace has become unthinkable with the development of nuclear weapons that can

virtually annihilate humankind;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That it recognizes and supports the International Year of Peace and calls on the people of the community to build a new commitment to global peace.

2. That throughout the year that the theme of peace be made a part of our public celebrations, such as the 4th of July parade, that Juneau schools be encouraged to study the issue of peace and how students might be involved, that organizations, businesses, and professional groups incorporate the theme of peace in their programs, and that churches and religious groups continue to uphold the doctrine that peace is possible, if not inevitable.

Adopted this 3rd day of February, 1986.

Deputy Mayor

Attest:

Clerk

HJR

67

Offered: 3/19/86
Referred: Resources

Original sponsors: Grussendorf, Martin, Herrmann, et al

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 67 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Requesting the United States Congress to establish advanced all-weather satellite coverage of North Pacific waters.

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

WHEREAS remote sensing of the ocean is playing an increasingly important role in fishery research, fish harvesting, and marine safety along the Pacific Coast of the United States and Canada; and

WHEREAS satellite sensors give a unique view of the ocean surface and provide extensive and detailed images of sea surface temperature, color, mixed layer depth, currents, and wave action; and

WHEREAS the oceanic measurements taken by the satellite are used in determining variations in ocean conditions that play key roles in causing fluctuations in stocks of fishes and their vulnerability to harvesting; and

WHEREAS this timely information on the changing ocean, rather than on average ocean conditions, is necessary to understand and eventually predict the effects of the marine environment on fish populations; and

WHEREAS up-to-date weather information can provide the fishing fleet accurate weather data that will increase the safety and efficiency of fish harvesting; and

WHEREAS the use of satellite sensors combined with conventional data collection techniques provides a powerful tool toward ensuring the wise use of living marine resources; and

WHEREAS these clues can lead the United States Coast Guard and other enforcement agencies to the precise locations where harmful interception of North American fish are taking place; and

WHEREAS several manufacturers have developed oceanographic color displays designed to receive signals from a satellite and to display, in color, an absolute surface temperature distribution for a large water area; and

WHEREAS in order to provide this information to fishermen, enforcement agencies, and research facilities, receiving stations need to be established in Alaska to monitor the North Pacific region; and

WHEREAS an all-weather satellite is needed to provide this detailed information because it is not dependent on cloud cover conditions; and

WHEREAS the National Aeronautics and Space Administration has abandoned the Gilmore Creek Satellite Receiving Station and this station can be used by the National Weather Service to receive satellite data in Alaska;

BE IT RESOLVED that the Alaska State Legislature finds establishment of all-weather satellite and receiving stations would benefit the fishermen, marine researchers, enforcement agents, and merchant mariners of the United States and Alaska; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to establish an all-weather monitoring satellite for the waters of the North Pacific Ocean; and be it

FURTHER RESOLVED that the legislature respectfully requests that Congress transfer NASA's Gilmore Creek Satellite Receiving Station to the National Weather Service and provide funding for its use; and be it

FURTHER RESOLVED that the legislature also [illegible]

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HJR 67
Title : Requesting the US Congress to establish advanced all-weather satellite coverage of the North Pacific
Sponsor : Grussendorf
Requestor :
Date of Request :

FISCAL DETAIL

Agency Affected : Fish and Game
BRU : Fisheries Resource Conservation
Components : ~~Commercial Fisheries~~

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert C. Clasby — Phone : 465-4210
Division : Commercial Fisheries — Date : 3/5/86

Approved by Commissioner : _____ Date : 3/7/86
Agency : _____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25 85

Alaska State Legislature

Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

Official Business

M-E-M-O-R-A-N-D-U-M

To: Sen. Mitch Abood

Fr: Rep. Ben Grussendorf

Dt: 27 March 1986

Re: HJR 67 requesting the United States Congress to establish advanced all-weather satellite coverage of North Pacific waters

Please consider scheduling a hearing on CSHJR 67 (State Affairs). Attached please find a fiscal note and bill analysis preparded by the department of Fish and Game, and other backup material.

Analysis

The resolution requests congress to establish and fund two elements of a weather satellite system:

1) Gilmore Creek Recieving station (25 miles N.E. of Fairbanks) was abandoned by NASA on October 1st of 1984. Transfer to NOAA of this facility would greatly enhanse the National Weather Service's ability to gather weather data.

2) Fund the placement of a color scanner and other all-weather equipment on the next available satellite with a view of the North Pacific.

The recieving station, and the satellite equipment form a powerful weather forcasting system, providing data on: ocean surface temperature, the depth of the mixed layer of water, ocean color, wind/current direction and speed, and wave hieghts. Computer analysis can produce a chart highlighting the areas where fish are likly to be caught.

My interest in this information comes from an enforcement angle. Data from this satellite system will show us where the foreign fishing fleets are fishing and perhaps targeting salmon of north american orgin. If we know where they are likly to be fishing the Coast Guard or other enforcement agency can consentrate their limited resources to that specific area.

The Gilmore Creek Receiving station can easily used by the Weather Service with little capital outlay. In fact, the data linc from

Gilmore Creek to the weather computer in Anchorage is already in place. The station can receive data from foreign satellites like France's ERS-1 thus exanding the amount of weather information availible in Alaska.

The Hawaii legislature has passed a similar resolution (attached). Other back-up information has been provided to your staff.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT	DIVISION	BILL NUMBER	SPONSOR
Fish and Game	Commercial Fisheries	HJR 67	Grussendorf

DEPARTMENT POSITION

Support

PREPARED BY	DATE	COMMISSIONER'S SIGNATURE	DATE
Robert C. Clasby	3/5/86		3/7/86

SUMMARY

OTHER AGENCIES AFFECTED BY BILL	CONSTITUENT GROUP(S) AFFECTED BY BILL
DEC, DNR, DOT/PF, DPS	Marine Resource Users
ORGANIZATIONAL SUPPORT FOR BILL	**ORGANIZATIONAL OPPOSITION TO BILL**
Unknown	Unknown

FISCAL IMPACT: ☐ NONE ☒ FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Most likely the intent of the Legislature is to increase knowledge of oceanographic and weather conditions.

ANALYSIS OF BILL/PROGRAM EFFECTS

If the satellite system will indeed provide the information outlined in the resolution, then the system would be very helpful to the department for fisheries and marine mammals' research and management.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

303 (Rev. 1283)

STATE OF ALASKA 1986 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HJR 67
Title : Requesting the US Congress to establish advanced all-weather satellite coverage of the North Pacific
Sponsor : Grussendorf
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : Fish and Game
BRU : Fisheries Resource Conservation
Components : ~~Commercial Fisheries~~

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert C. Clasby — Phone : 465-4210
Division : Commercial Fisheries — Date : 3/5/86

Approved by Commissioner : _____ — Date : 3/7/86
Agency : _____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

(To be made one and seven copies)

THE SENATE
THIRTEENTH
..... LEGISLATURE, 19 86 .....
STATE OF HAWAII

S.R. NO.

SENATE RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO ESTABLISH SATELLITE REMOTE SENSING RECEIVING STATIONS IN HAWAII, GUAM AND MIDWAY.

WHEREAS, remote sensing of the ocean is playing an increasingly important role in fishery research and fish harvesting along the Pacific Coast of the United States and Canada; and

WHEREAS, satellite sensors give a unique view of the ocean surface and provide extensive and detailed images of sea surface temperature and color; and

WHEREAS, the oceanic measurements taken by the satellite are used in determining variations in ocean conditions which play key roles in causing fluctuations in stocks of fishes and in their vulnerability to harvesting; and

WHEREAS, this information on the changing ocean, rather than on average ocean conditions, is necessary to understand and eventually predict the effects of the marine environment on fish populations; and

WHEREAS, the use of satellite sensors combined with conventional data collection techniques provide a powerful tool toward ensuring the wise use of living marine resources; and

WHEREAS, the Japan Radio Company Limited has developed an oceanographic color display designed to receive signals from the satellite and to display in color an absolute surface temperature distribution for a large water area; and

WHEREAS, in order to provide this information to fishermen, receiving stations need to be established in Hawaii, Guam and Midway to monitor the entire Pacific region; now, therefore,

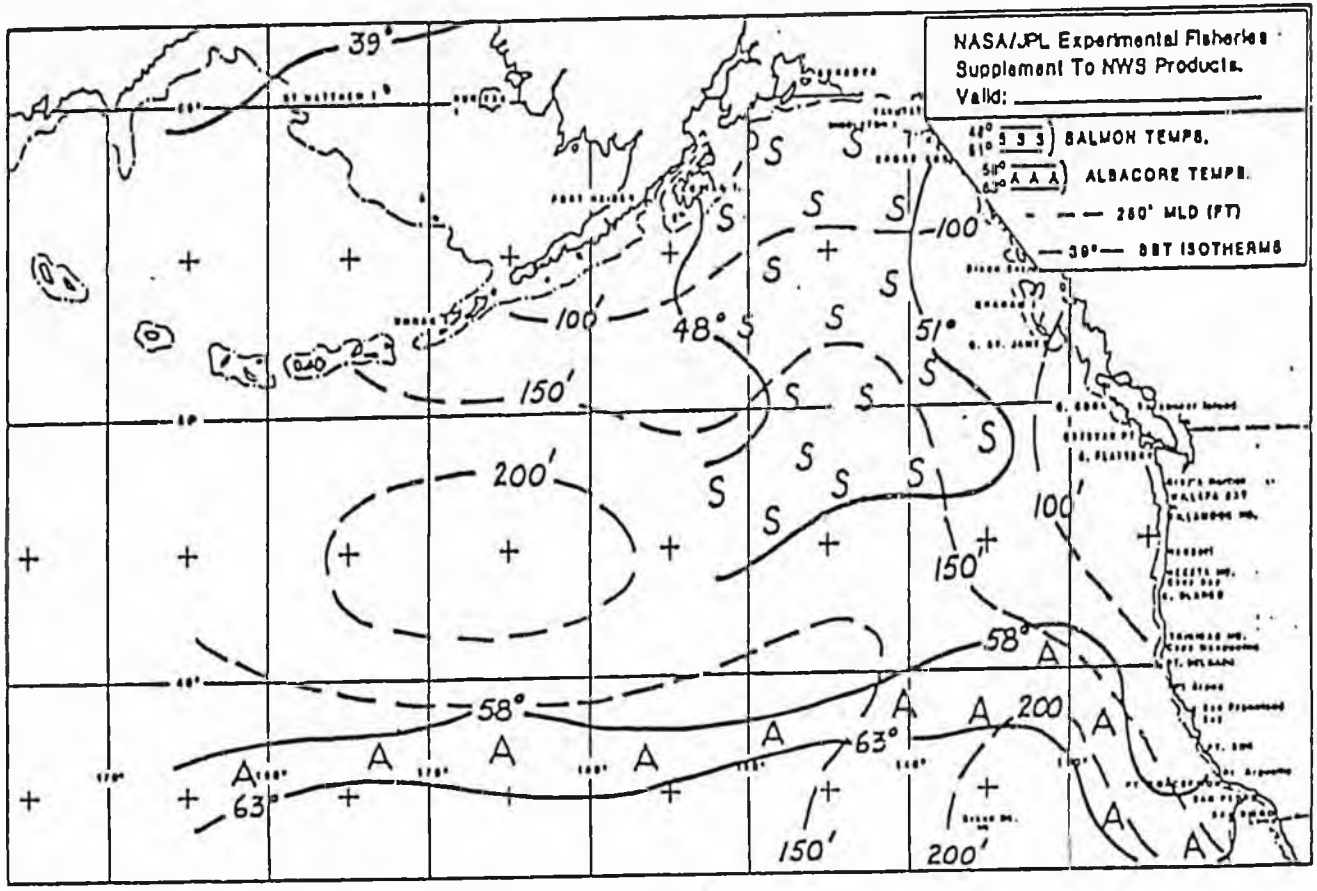
S.R. NO.

BE IT RESOLVED by the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, that the Legislature requests that the United States Congress establish satellite remote sensing receiving stations in Hawaii, Guam and Midway to assist the fisheries industry in locating stocks of fish for harvesting; and

BE IT FURTHER RESOLVED that the Legislature also requests that funds are allocated for the purchase of oceanographic color displays for the receiving stations and for the distribution of ocean temperature information to fishermen; and

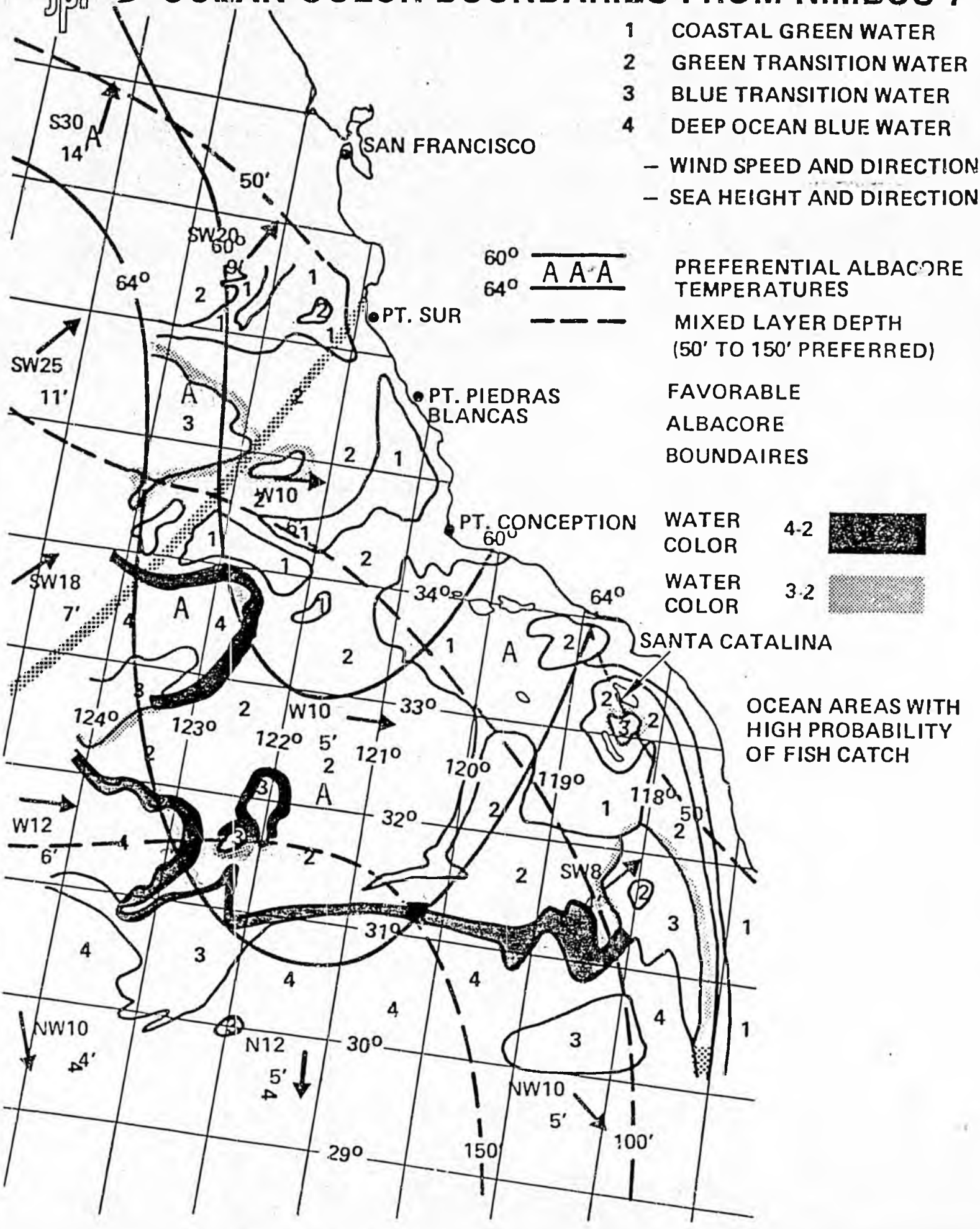
BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, to each member of Hawaii's congressional delegation, to Guam's congressional delegate, and to the Secretary of the Navy.

OFFERED BY: _____



SAMPLE 3. PACIFIC BASIN (AREA 5) FISHERIES-AID CHART.

OCEAN COLOR BOUNDARIES FROM NIMBUS-7



HJR

72

Bradley

Introduced: 4/8/86
Referred: State Affairs

IN THE HOUSE

BY THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

HOUSE JOINT RESOLUTION NO. 72

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Relating to a joint legislative conference of the Yukon Legislative Assembly, the Northwest Territories Legislative Assembly, and the Alaska State Legislature.

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

WHEREAS the State of Alaska and the Yukon Territory are neighbors, sharing over 700 miles of international boundary; and

WHEREAS Alaska and the Yukon Territory share rich Native and non-Native cultures that long predate the establishment of international boundaries; and

WHEREAS Alaska and the Yukon Territory share a common habitat for caribou, salmon and other wildlife resources; and

WHEREAS Alaska and the Yukon Territory share the potential for development of tourism, hydroelectric power, and mineral resources; and

WHEREAS Alaska and the Yukon Territory have made cooperative agreements in the areas of transportation and tourism; and

WHEREAS Alaska, the Yukon Territory, and the Northwest Territories lie in or near the arctic and thus share common problems and challenges that can best be solved by greater communication and cooperation between the state and territorial governments, rather than at the federal level; and

WHEREAS increased communication, and a mutual understanding of our forms of government will foster improved international cooperation; and

WHEREAS in 1982 the Alaska State Legislature, the Yukon Legislative Assembly and the Northwest Territories Legislative Assembly held a joint

COMMITTEE COPY.

Engrossed

legislative conference in order to foster such cooperation, and in 1983, 1984, and 1986 the Alaska State Legislature and the Yukon Legislative Assembly held similar conferences; and

WHEREAS a delegation from the Alaska State Legislature was invited to meet with the Yukon Legislature this year during the Arctic Winter Games in Whitehorse, Yukon Territory;

BE IT RESOLVED that the Alaska State Legislature invites members of the Yukon Legislative Assembly and the Northwest Territories Legislative Assembly to meet in Juneau, Alaska during the First Session of the Fifteenth State Legislature, between January and May 1987, for a joint conference; and be it

FURTHER RESOLVED that the Alaska State Legislature is encouraged to foster cooperation and friendship with the Yukon Legislative Assembly and the Northwest Territories Legislative Assembly by continuing joint legislative conferences in the years ahead.

COPIES of this resolution shall be sent to all members of the Yukon Legislative Assembly and the Northwest Territories Legislative Assembly.

HJR 72 engrossed

COMMITTEE COPY

04/21

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HJR 72
Title : Alaska, Yukon and Northwest Territories/Joint Legislative Conference
Sponsor : HOUSE COMMUNITY & REGIONAL
Requestor : AFFAIRS COMMITTEE
Date of Request : _____

FISCAL DETAIL

Agency Affected : _____
BRU : _____
tive _____
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : _____ Phone : 4963
Division : _____ Date : _____

Approved by Commissioner / Representative Hurley Date : 4/17/86
Agency : Chair, House State Affairs Committee

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

HJR

74

Introduced: 4/21/86
Referred: Rules

IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

HOUSE JOINT RESOLUTION NO. 74

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Relating to friendship between Heilongjiang Province and the State of Alaska.

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

WHEREAS Chen Lei, former governor of Heilongjiang Province of the People's Republic of China, is a renowned poet and calligrapher; and

WHEREAS friendship and mutual understanding are the common desire of the people of the State of Alaska and the people of Heilongjiang; and

WHEREAS poets and artists enrich our ability to understand and appreciate the world around us; and

WHEREAS Governor Chen Lei visited Alaska in February of 1985 to conclude an agreement of special friendship between the people of Heilongjiang and the people of Alaska; and

WHEREAS during his visit he was moved by his experiences to compose poetry about Alaska;

BE IT RESOLVED that the governor and the legislature of Alaska express their appreciation for Governor Chen's past and continued efforts to increase our friendship and understanding with the people of Heilongjiang; and be it

FURTHER RESOLVED that Governor Chen is respectfully requested to provide the State of Alaska with a copy of the poetry when it is published so that it may be displayed in Alaska, preserved in our state archives as an historical document, and translated into English so that it may be more readily understood by the people of this country.

COPIES of this resolution shall be sent to Chen Lei, former governor of Heilongjiang Province; Hou Jie, current governor of Heilongjiang

COMMITTEE COPY

engrossed

Province; and Tang Shubei, consul general for the Peoples Republic of China, in San Francisco, California.

COMMITTEE COPY

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 21, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a resolution regarding Alaska's special relationship with Heilongjiang Province of the People's Republic of China. You will recall last year's Legislative Resolve No. 2 on the friendship and cooperation between Heilongjiang and Alaska. I am also forwarding to you a translation of a letter that I received from Chen Lei, former governor of Heilongjiang Province, along with a copy of the envelope bearing Governor Chen's calligraphy.

As you remember, Governor Chen visited Alaska in February of 1985, at which time he and I signed an agreement establishing a special friendship relationship between the State of Alaska and Heilongjiang Province. Chen Lei retired from his position as governor in 1985 and is presently the chairman of the Provincial Advisory Council for Heilongjiang Province.

Governor Chen is a renowned poet and calligrapher. The letter is written in classical format and poetic style as you can see from the accompanying translation by Linda Dwyer. I have also been informed that Governor Chen has composed a series of poems about Alaska drawn from the experiences of his historic visit. The poetry is still in manuscript form.

I ask the Alaska State Legislature to join with me in extending warm greetings to Governor Chen. Furthermore, I urge that we join together in requesting Governor Chen to

provide Alaska with a copy of his poetry so that it can be translated into English, to be more readily understood by the people of this country.

Sincerely,

Bill Sheffield
Governor

January 24, 1986

To Our Esteemed Governor Sheffield:

"Ten thousand li apart are the boundaries of the ocean. Long the time since receiving a letter." Thinking of you at this time, I hope that you are in good health and experiencing good fortune.

Presently, Mr. Coti from your esteemed state visited Harbin and once again we spent some time together. This caused me to instantly recall the time last year that I visited your esteemed state and received the boundless hospitality and cordial reception afforded by you and the friends in your esteemed state. In my eyes, I see again and again the beautiful scenery of your honorable state. From the occasion in which we established the sister state relationship, our two states have passed an entire year.

I extend to you my most sincere greetings, respectfully wish that the friendly exchange between our two states develops continuously.

I hope that in this new year, you experience outstanding achievements in your career and success in ten thousand endeavors.

Chen Lei

Commentary: The first two lines of the above letter are a poetic introduction which sets the mood for what is to follow. Here, the reference to both great distance and the sense of long separation is one that has a long tradition in China. It is used between good friends who are parted to convey the strength of the friendship.

TRANSLATION AND COMMENTARY BY LINDA DWYER, INTERN
OFFICE OF INTERNATIONAL TRADE

lt0256y

美國　阿拉斯加州

謝菲尔法州长 啟

黑龙江省人民政府 洪缄

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : ____

REQUEST

Bill/Resolution No. : HJR 74
Title : friendship/Heilonjiang Prov. & St. of Alaska

Sponsor : Rules by request of Gov.
Requestor : ____
Date of Request : April 22, 1986

FISCAL DETAIL

Agency Affected : ____
BRU : ____

Components : ____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS : /NA

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

HJR 74 relating to friendship between Heilongiang Province and the State of Alaska does not involve any expenditure on the part of the State of Alaska.

Prepared by : Rep. Michael W. Miller, Chairman Phone : 465-3764
Division : House Rules Committee Date : 4/22/86

Approved by Commissioner : ____ Date : ____
Agency : ____

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85