

LEG. FINANCE - BILLS 1981 - 1982 1633

SB 156 - CSSB 167

1633



Introduced: 2/5/81  
Referred: Transportation

BY PARR, FAHRENKAMP, BENNETT,  
BRADLEY, KELLY, MULCAHY, RAY,  
RODEY, DANKWORTH AND STIMSON

1 IN THE SENATE

2 SENATE BILL NO. 156

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the withdrawal of land for a  
7 utility corridor for extension of the Alaska Railroad  
8 and the preparation of a report evaluating the effect  
9 of construction of an extension of the Alaska Rail-  
10 road; and providing for an effective date."

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

12 \* Section 1. AS 19.05.122(a) is amended to read:

13 (a) Not later than April 1, 1982, the [THE] interior division of  
14 the department shall delineate a proposed utility corridor for the  
15 extension of the Alaska Railroad to the Canadian border. The proposed  
16 utility corridor shall include a complete legal description of the [A  
17 DELINEATION OF A] proposed railroad right-of-way.

18 \* Sec. 2. AS 19.05.122(b) is amended to read:

19 (b) Within 90 days after receiving a report transmitting the work  
20 of the interior division of the department under (a) of this section,  
21 the [THE] commissioner shall, in conformity with the Administrative  
22 Procedure Act (AS 44.62), if necessary, adopt a regulation approving,  
23 modifying, or rejecting the proposed utility corridor and railroad  
24 right-of-way.

25 \* Sec. 3. AS 19.05.122(c)(1) is amended to read:

26 (1) the Department of Natural Resources shall promptly clas-  
27 sify, or reclassify, and reserve any state land within the utility  
28 corridor for use as a utility corridor and railroad right-of-way; and  
29

1 \* Sec. 4. AS 19.05.122(c)(2) is amended to read:

2 (2) the department shall

3 (A) exercise its authority under AS 19.05.040 to acquire  
4 rights-of-way across land within the utility corridor which is  
5 subject to the state's power of condemnation;

6 (B) work with federal officials to secure reclassification  
7 and withdrawal of federal land in the utility corridor for  
8 reservations and rights-of-way across the federal land for use as  
9 a utility corridor and railroad right-of-way; and

10 (C) prepare a report evaluating the impact of construc-  
11 tion of an extension of the Alaska Railroad across federal lands  
12 within the railroad right-of-way; the statement shall satisfy the  
13 requirements for an "environmental impact statement" under 42  
14 U.S.C. 4332.

15 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
16 10.070(c).

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 156  
 Title Withdrawal of land for a utility corridor for extension of the Alaska Railroad.  
 Requested by \_\_\_\_\_ Date 4/8/81

II. FISCAL DETAIL

Agency Affected DOT/PF  
 Program Category Affected D & C  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES				230.0		
200 TRAVEL				200.0		
300 CONTRACTUAL				100.0		
400 COMMODITIES				100.0		
500 EQUIPMENT						
600 LAND & STRUCTURES				1,500.0		
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>				<b>2,130.0</b>		

FUNDING (Thousands of Dollars)

GENERAL FUND				2,130.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

R.O.W. Appraisals and Negotiations	140,000	
Public Land Acquisition	-0-	
* Private Land Acquisition	1,500,000	
Preparation of Environmental Report	490,000	
<b>TOTAL</b>	<b>\$2,130,000</b>	(in 1982 dollars inflated 12% over 1981)

\*Rough estimate. Exact cost will be based on court settlements and any condemnation cases.  
 This should be a capital non-lapsing appropriation.



IV. DATE 4/8/81 PREPARED BY Senator Don Bennett, Co-chairman  
 AGENCY Senate Finance Committee  
 PHONE 465-3714/3719/3871

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 156

Title Withdrawal of land for a utility corridor for extension of the Alaska Railroad.

Requested by Senator Ray Date 2/9/81

II. FISCAL DETAIL

Agency Affected DOT/PF

Program Category Affected D & C

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		230.0				
200 TRAVEL		200.0				
300 CONTRACTUAL		100.0				
400 COMMODITIES		100.0				
500 EQUIPMENT						
600 LAND & STRUCTURES		3,000.0				
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>3,630.0</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		3,630.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

R.O.W. Appraisals and Negotiations	140,000		
Public Land Acquisition	-0-		
*Private Land Acquisition	3,000,000	1.5	2,130
Preparation of Environmental Report	490,000		

TOTAL \$3,630,000 in 1982 dollars (inflated 12% over 1981)

\*Rough estimate. Exact cost will be based on court settlements and any condemnation cases.

This should be a capital non-lapsing appropriation.

IV. DATE 2/19/81

PREPARED BY Gerald Rafson

AGENCY DOT/PF, Interior Region Planning

PHONE 479-4284

Original: Legislative Finance

Budget and Management

Prime Sponsor (First Legislator Named)

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

POUCH Z  
JUNEAU, ALASKA 99811  
(TELEX 45-378)

January 29, 1981

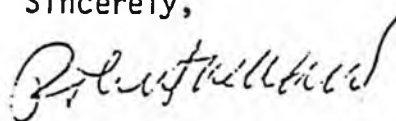
Honorable Charles H. Parr  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Parr:

Attached is an updated fiscal note for the Alaska-Canada extension route. Also attached for your review are two copies of the consultants report of the rail facilities in Alaska.

If you have any comments, please contact Dennis Dooley at 465-2470.

Sincerely,



Robert W. Ward  
Commissioner

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 156  
 Title Withdrawal of land for a utility corridor for extension of the Alaska Railroad.  
 Requested by Senator Ray Date 2/9/81

II. FISCAL DETAIL

Agency Affected DOT/PF  
 Program Category Affected D & C  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		230.0				
200 TRAVEL		200.0				
300 CONTRACTUAL		100.0				
400 COMMODITIES		100.0				
500 EQUIPMENT						
600 LAND & STRUCTURES		3,000.0				
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>3,630.0</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		3,630.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

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TOTAL \$3,630,000 in 1982 dollars  
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\*Rough estimate. Exact cost will be based on court settlements and any condemnation cases.

This should be a capital non-lapsing appropriation.

IV. DATE 2/19/81 PREPARED BY Gerald Rafson  
 AGENCY DOT/PF, Interior Region Planning  
 PHONE 479-4284

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

4/4/81

SENATE BILL 156

2-5-81 Introduced by Senators Farr, Fahrenkamp, Bennett, Bradley, Kelly, Mulcahy, Ray, Rodey, Dankworth and Stimson

Ref: Transportation

2-25-81 Transportation committee reported bill back with 4 'do pass' recommendations and new fiscal note. Chairman Ray requested bill have a further referral to the Finance Committee

Ref: Finance

Summary:

In 1977, the Legislature enacted Sec. 19.05.122 into law as well as passing a special appropriation of \$865,000 (made to the DOT/PF) for delineation of a utility corridor and railroad right-of-way for extension of the Alaska Railroad to the Canadian border. This appropriation was to cover reconnaissance photography and studies, field surveys, mapping, engineering work, cost comparisons and office work.

The Governor approved the appropriation on July 18, 1977, but only after reducing the amount from \$865,000 to \$150,000. During the opening days of the 11th State Legislature, the Governor's reduction of the appropriation by \$715,000 was overridden by the legislature.

In 1980, a report entitled 'Alaska Railroad Extension - Route Selection Project X20089' indicated the delineation had been completed prior to July 1979. As late as February 1980, it was learned that no regulations had been promulgated by the Department of Transportation and Public Facilities as required by the legislation. During the 1980 Legislature, this entire issue was addressed again.

Legislation was introduced (SB 440/CSSB 440). It contained identical language as does SB 156 except, in Senate Bill 156, the date on page 1, line 13 has been extended by 1 year. Senate Bill 440 was passed by the Senate on May 16, 1980 on a vote of 19-0. The Session adjourned before the House addressed the bill.

Note: On file with the Senate Finance Committee is a 'Statewide Rail Systems Study for the State of Alaska' prepared by Bivens & Associates, Inc. which was contracted out by the DOT/PF - Planning and Programming Division in cooperation with the Federal Railroad Administration. Various supplements to this report are on file with the DOT/PF. The Bivens report was released to the DOT/PF late December, 1980.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 440: Relating to a utility corridor for the ARR and a report  
 Title evaluating the affect of extension of the ARR  
 Requested by Legislative Finance (Jay Hogan) Date 1-28-81

II. FISCAL DETAIL

Agency Affected DOTPF  
 Program Category Affected Design and Construction: Planning and Programming  
 BRU, Program, or Subprogram(s) Affected Transportation  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		235.0	350.0	110.0		
200 TRAVEL		30.0	28.0			
300 CONTRACTUAL		300.0	2220.0	2200.0		
400 COMMODITIES		5.0	4.0			
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>570.0</b>	<b>2602.0</b>	<b>2310.0</b>		

FUNDING (Thousands of Dollars)

GENERAL FUND		570.0	2602.0	2310.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Work Covered:

- FY82: 1) Short sections of additional route study work in potential problem areas: \$70,000 (Design and Construction, Interior Region).  
 2) Ties between railroad center line and property corners (field survey and office calculations): \$75,000 (some of this work completed).  
 3) Right-of-way inventory and description and computation of acreage of parcels to be acquired: \$125,000 (Design and Construction, Interior)  
 4) Environmental Impact Statement (EIS): \$300,000.

IV. DATE 1-28-81

PREPARED BY Dennis Dooley  
 AGENCY DOTPF, Planning and Progra. ning  
 PHONE 465-2470

Original: Legislative Finance  
 cc: Budget and Management  
 Print: Sponsor (First Legislator Named)

I. REQUEST CSSB #440 - An Act relating to the withdrawal of land for a utility corridor Bill/Resolution No. for extension of the ARR and the preparation of a report evaluating the Title effect of construction of an extension of the ARR; and providing for an effective Requested by Legislative Finance (Jay Hogan) Date 3/17/80

II. FISCAL DETAIL

Agency Affected DOT/PF  
 Program Category Affected Design and Construction; Planning and Research  
 BRU, Program, or Subprogram(s) Affected Transportation

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		235.0	327.0	100.0		
200 TRAVEL		28.0	25.0			
300 CONTRACTUAL		273.0	2,020.0	2,000.0		
400 COMMODITIES		4.0	3.0			
500 EQUIPMENT						
600 LAND & STRUCTURES 1						
700 GRANTS, CLAIMS, ETC.						
TOTAL 2		540.0	2,375.0	2,100.0		

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		540.0	2,375.0	2,100.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		1				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

WORK COVERED:

FY 81

- 1) Short sections of additional route study work in possible problem areas - \$60,000 (Design and Construction, Interior Region)
- 2) Ties between railroad centerline and property corners (field survey and office calculations) - \$100,000 (Design and Construction, Interior Region)
- 3) Right-of-way work necessary to describe right-of-way, develop a complete set of right-of-way plans, and compute acreage of parcels to be acquired - \$125,000 (Design and Construction, Interior Region, 1 new position)

IV. DATE 3/21/80 PREPARED BY Mark S. Hickey  
 AGENCY DOT/PF - S.E. Planning and Research  
 Original: Legislative Finance PHONE 465-2470  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FISCAL NOTE: CSSB #440

PAGE TWO

The completion of these tasks, by not later than April 1, 1981, will provide a finished survey of the route, including a complete legal description of the proposed railroad right-of-way. While the total funding needed to complete these tasks is \$285,000, only \$240,000 is needed in FY 81 due to the \$45,000 in funds remaining in the current FY 80 authorization. The following breakdown covers only those funds needed in FY 81 (in thousands of dollars):

	<u>Task #1</u>	<u>Task #2</u>	<u>Task #3</u>	<u>Total</u>
100	28.0 (D & C work)	61.0 (D & C work)	114.0 (D & C work)	203.0
200	8.0 (field work)	8.0 (field survey)	5.0 (field work)	21.0
300	8.0 (aerial recon.)		5.0 (graphics)	13.0
400	1.0 (stakes; cloth)	1.0 (misc.)	1.0 (misc.)	3.0
S-T:	45.0	70.0	125.0	240.0

- 4) Economic cost/benefit analysis of railroad route - \$300,000 (Planning and Research, Southeast Region)

	<u>Task #4</u>	<u>D &amp; C Total</u>	<u>Total FY 81 Request</u>
100	32.0 (project admin.)	203.0	235.0
200	7.0 (travel)	21.0	28.0
300	260.0 (consultant(s))	13.0	273.0
400	1.0 (misc.)	3.0	4.0
S-T:	300.0	240.0	540.0

FY 82

- 5) Preparation of Environmental Impact Statement - \$275,000 (Design and Construction (Environmental Coordinator's Office), Interior Region)

FY 82-83

- 6) Preliminary design and engineering work on extension - \$4,200,000 (Contractual Services with project administration by Design and Construction, Interior Region)

	<u>Task #5</u>	<u>Task #6</u>	<u>Total FY 82 Request</u>
100	227.0 (Env. Co.)	100.0 (project admin.)	327.0
200	25.0 (travel)		25.0
300	20.0 (printing; prof. services)	2,000.0 (cont. services)	2,020.0
400	3.0 (misc.)		3.0
S-T:	275.0	2,100.0	2,375.0

	<u>Total FY 83 Request</u>	(P.E. Work)
100	100.0	(project.admin.)
200		
300	2,000.0	(cont. services)
400		
	<u>2,100.0</u>	

FOOTNOTES:

- <sup>1</sup> This Fiscal Note does not include any estimate for right-of-way acquisition expenditures or condemnation costs. A rough approximation could be prepared if desired, however, a more accurate estimate would be available following completion of the survey work, including the complete legal description of the proposed railroad right-of-way.
- <sup>2</sup> The Department of Natural Resources has indicated a zero fiscal impact as a result of this legislation. DNR has indicated, however, that other types of impacts could be expected on the various land status issues under their oversight if delineation of the utility corridor is requested.



Introduced: 2/5/81  
Referred: Transportation

BY PARR, FAHRENKAMP, BENNETT,  
BRADLEY, KELLY, MULCAHY, RAY,  
RODEY, DANKWORTH AND STIMSON

1 IN THE SENATE

2 SENATE BILL NO. 156

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4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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3 (A) exercise its authority under AS 19.05.040 to acquire  
4 rights-of-way across land within the utility corridor which is  
5 subject to the state's power of condemnation;

6 (B) work with federal officials to secure reclassifica-  
7 tion and withdrawal of federal land in the utility corridor for  
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9 a utility corridor and railroad right-of-way; and

10 (C) prepare a report evaluating the impact of construc-  
11 tion of an extension of the Alaska Railroad across federal lands  
12 within the railroad right-of-way; the statement shall satisfy the  
13 requirements for an "environmental impact statement" under 42  
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15 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
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THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 156  
 Title Withdrawal of land for a utility corridor for extension of the Alaska Railroad.  
 Requested by \_\_\_\_\_ Date 4/8/81

II. FISCAL DETAIL

Agency Affected DOT/PF  
 Program Category Affected D & C  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
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600 LAND & STRUCTURES				1,500.0		
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>				<b>2,130.0</b>		

FUNDING (Thousands of Dollars)

GENERAL FUND				2,130.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

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\*Rough estimate. Exact cost will be based on court settlements and any condemnation cases.

This should be a capital non-lapsing appropriation.



IV. DATE 4/8/81 PREPARED BY Senator Don Bennett, Co-chairman  
 AGENCY Senate Finance Committee  
 PHONE 465-3714/3719/3871

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

# COMMITTEE REPORT

## HOUSE

4/21/81

(11)

FURTHER:

Date: April 24, 1981

Mr. Speaker:

The Committee on FINANCE has had CS SSSB 162(Fin)

"An Act making a special appropriation to the Department of Commerce and Economic Development for the Alaska Agricultural Action Council for a small grain marketing system; and providing for an effective date."

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>A</sup>CS for CSSSSB 162 (Fin)  same title  
 new title
- and recommends individual rec.
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

Freeman

Callahan

Carney

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

Sen Coste No Rec

Asst. Atty. Gen. No Rec

Do Not Pass - Montgomery

\_\_\_\_\_

H. Malone No recommendation

Romero No Rec

Mickens No Rec

Buchholdt No Rec

\_\_\_\_\_

Sen Coste

CHAIRMAN

Letter of Intent attached to CSSSSB 162 (Finance)  
by the Senate Resources Committee

Since the Alaska Agricultural Council's Subcommittee on Transportation and Site Selection, after comparative physical and economic study of the four possible port sites, has selected Seward as the most feasible location, and since the Subcommittee's recommendation was formally adopted as the official position of the Agricultural Action Council, it is the intent of the Senate in the passage of Committee Substitute for Sponsor Substitute for Senate Bill 162 (Finance) that the tidewater elevator funded herein shall be constructed in Seward.

*Petty Schunking*  
*Brad Bradley*  
*Dan Gilman*  
*Bob McAuliffe*  
*Arlis Sturgulwite Do not pass*

# MEMORANDUM

# State of Alaska

TO: Bob Palmer, Coordinator  
Office of Special Projects

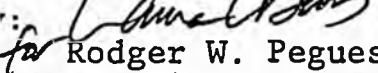
DATE: April 6, 1981

FILE NO: J-66-644-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON  
ATTORNEY GENERAL

SUBJECT: Authority of Agricultural Action Council  
to construct agricultural facilities

By:   
for Rodger W. Pegues  
Assistant Attorney General

You have asked whether the Agricultural Action Council is authorized to construct agricultural facilities, and specifically, a grain elevator.

The council is expressly authorized to, among other things, "carry out experimental and pilot projects to develop markets for agricultural products produced in the state . . . ." AS 44.33.470(10). The words "experimental and pilot projects" are exceedingly broad in their reach. So long as an experimental or pilot project may reasonably be calculated to aid in developing markets for Alaska agriculture produce, it will fall within the meaning of the term. A grain elevator and any other facilities usually required for marketing grain easily fall within the meaning of the term so long as they are new or innovative in nature.

RWP/pjg

Original sponsors: Fahrenkamp, Sackett,  
Bennett and Parr

Offered: 4/6/81  
Referred: Rules

Funding Information

General Fund \$8,500,000  
Other Funds -0-  
\$8,500,000

1 IN THE SENATE *HOUSE* BY THE FINANCE COMMITTEE

2 *H* CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Commerce and Economic Development for the  
8 Alaska Agricultural Action Council for a small grain  
9 marketing system; and providing for an effective date."

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

11 \* Section 1. The sum of \$8,200,000 is appropriated from the general fund  
12 to the Department of Commerce and Economic Development for the Alaska Agri-  
13 cultural Action Council for the following facilities for a small grain  
14 marketing system:

15	construction of a tidewater grain terminal	\$6,500,000
16	construction of a grain sub-terminal and	
17	elevator facility between Fairbanks	
18	and Delta Junction	700,000
19	railroad hopper cars	1,000,000

20 \* Sec. 2. ~~The sum of \$300,000 is appropriated from the general fund to~~  
21 ~~the Department of Commerce and Economic Development for the Alaska Agricul-~~  
22 ~~tural Action Council to contract for organization and operation of a market-~~  
23 ~~ing system to purchase and resell small grains grown in Alaska.~~

24 \* Sec. <sup>2</sup>~~3~~. The appropriation made by sec. 1 of this Act is for capital  
25 projects and is subject to AS 37.25.020.

26 \* Sec. <sup>3</sup>~~4~~. The unexpended and unobligated portion of the appropriation  
27 made by sec. 2 of this Act lapses into the general fund June 30, 1982.

28 \* Sec. <sup>4</sup>~~5~~. This Act takes effect immediately in accordance with AS 01.10.-  
29 070(c).

Original sponsors: Fahrenkamp, Sackett,  
Bennett and Parr

Funding Information

General Fund \$8,200,000  
Other Funds -0-  
\$8,200,000

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Commerce and Economic Development for the  
8 Alaska Agricultural Action Council for a small grain  
9 marketing system; and providing for an effective  
10 date."

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

12 \* Section 1. The sum of \$8,200,000 is appropriated from the general fund  
13 to the Department of Commerce and Economic Development for the Alaska Agri-  
14 cultural Action Council for the following facilities for a small grain  
15 marketing system:

16	construction of a tidewater grain terminal	\$6,500,000
17	construction of a grain sub-terminal and	
18	elevator facility between Fairbanks	
19	and Delta Junction	700,000
20	railroad hopper cars	1,000,000

21 \* Sec. 2. The appropriation made by this Act is for capital projects and  
22 is subject to AS 37.25.020.

23 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.  
24 070(c).

25

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28

# COMMITTEE REPORT

## SENATE

FURTHER: None

2/19/81

Date: 4/6/81

Mr. President:

The Committee on FINANCE has had SSSB 162 making special appropriations to the Alaska Agricultural Action Council

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SSSB 162 (Finance)  same title  new title
- and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Wm Sackett

Richardson →

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Wm Sackett  
Do Pass CHAIRMAN

Introduced: 2/10/81  
Referred: Resources and Finance

Funding Information  
General Fund ~~-\$6,700,000~~ <sup>8,500,000</sup>  
Other Funds ~~-0-~~  
~~-\$6,700,000~~ / 8,500,000

BY FAHRENKAMP, SACKETT, BENNETT AND PARR

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

*New Title, see attached*

6 For an Act entitled: ~~"An Act making special appropriations to the Alaska~~  
7 ~~Agricultural Action Council for a small grain market~~  
8 ~~ing system, and providing for an effective date."~~

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

10 \* Section 1. The sum of ~~-\$6,400,000~~ <sup>8,500,000</sup> is appropriated from the general fund  
11 to the ~~Alaska~~ *Department of Commerce and Economic Development for the* Agricultural Action Council for the following facilities for a  
12 small grain marketing system:

13 construction of a tidewater grain terminal <sup>6,500,000</sup> ~~\$5,700,000~~

14 construction of a grain sub-terminal and

15 elevator facility between Fairbanks

16 and Delta Junction <sup>700,000</sup>

Add

*railroad hopper cars* <sup>1,000,000</sup>

17 \* Sec. 2. The sum of \$300,000 is appropriated from the general fund to  
18 the ~~Alaska~~ *Department of Commerce and Economic Development for the* Agricultural Action Council to contract for organization and  
19 operation of a marketing system to purchase and resell small grains grown in  
20 Alaska.

21 \* Sec. 3. The appropriation made by sec. 1 of this Act is for capital  
22 projects and is subject to AS 37.25.020.

23 \* Sec. 4. The unexpended and unobligated portion of the appropriation  
24 made by sec. 2 of this Act lapses into the general fund June 30, 1982.

25 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.  
26 070(c).

# MEMORANDUM

# State of Alaska

TO: Bob Palmer, Coordinator  
Office of Special Projects

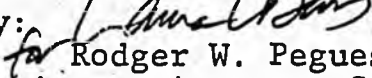
DATE: April 6, 1981

FILE NO: J-66-644-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON  
ATTORNEY GENERAL

SUBJECT: Authority of Agricultural Action Council to construct agricultural facilities

By:   
for Rodger W. Pegues  
Assistant Attorney General

You have asked whether the Agricultural Action Council is authorized to construct agricultural facilities, and specifically, a grain elevator.

The council is expressly authorized to, among other things, "carry out experimental and pilot projects to develop markets for agricultural products produced in the state . . . ." AS 44.33.470(10). The words "experimental and pilot projects" are exceedingly broad in their reach. So long as an experimental or pilot project may reasonably be calculated to aid in developing markets for Alaskan agriculture produce, it will fall within the meaning of the term. A grain elevator and any other facilities usually required for marketing grain easily fall within the meaning of the term so long as they are new or innovative in nature.

RWP/pjg

Original sponsors: Fahrenkamp, Sackett,  
Bennett and Parr

Funding Information

General Fund \$8,500,000  
Other Funds -0-  
\$8,500,000

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Commerce and Economic Development for the  
8 Alaska Agricultural Action Council for a small grain  
9 marketing system; and providing for an effective date."

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

11 \* Section 1. The sum of \$8,200,000 is appropriated from the general fund  
12 to the Department of Commerce and Economic Development for the Alaska Agri-  
13 cultural Action Council for the following facilities for a small grain  
14 marketing system:

15	construction of a tidewater grain terminal	\$6,500,000
16	construction of a grain sub-terminal and	
17	elevator facility between Fairbanks	
18	and Delta Junction	700,000
19	railroad hopper cars	1,000,000

20 \* Sec. 2. The sum of \$300,000 is appropriated from the general fund to  
21 the Department of Commerce and Economic Development for the Alaska Agricul-  
22 tural Action Council to contract for organization and operation of a market-  
23 ing system to purchase and resell small grains grown in Alaska.

24 \* Sec. 3. The appropriation made by sec. 1 of this Act is for capital  
25 projects and is subject to AS 37.25.020.

26 \* Sec. 4. The unexpended and unobligated portion of the appropriation  
27 made by sec. 2 of this Act lapses into the general fund June 30, 1982.

28 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.  
29 070(c).

SENATE AMENDMENT #1

By ~~SENATE RESOURCES COMMITTEE~~

To: \_\_\_\_\_ SENATE BILL No. SSSB 162

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 1

LINE: 6-8

Lines 6-8 are amended to read: New Title

For an Act entitled: "An Act making a special appropriation to the Department  
of Commerce and Economic Development for the Alaska  
Agricultural Action Council for a small grains marketing system;  
and providing for an effective date."

---

SENATE AMENDMENT

*HW*

By SENATE RESOURCES COMMITTEE

To: \_\_\_\_\_ SENATE BILL No. SSSB 162

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 1

LINE: 13

delete "\$5,700,000" and insert "\$6,000,000" in its place.

Introduced: 2/10/81  
Referred: Resources and  
Finance

Funding Information  
General Fund \$6,700,000  
Other Funds -0-  
\$6,700,000

BY FAHRENKAMP, SACKETT, BENNETT  
AND PARR

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Alaska  
7 Agricultural Action Council for a small grain market-  
8 ing system; and providing for an effective date."

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

10 \* Section 1. The sum of \$6,400,000 is appropriated from the general fund  
11 to the Alaska Agricultural Action Council for the following facilities for a  
12 small grain marketing system:

13	construction of a tidewater grain terminal	\$5,700,000
14	construction of a grain sub-terminal and	
15	elevator facility between Fairbanks	
16	and Delta Junction	700,000

17 \* Sec. 2. The sum of \$300,000 is appropriated from the general fund to  
18 the Alaska Agricultural Action Council to contract for organization and  
19 operation of a marketing system to purchase and resell small grains grown in  
20 Alaska.

21 \* Sec. 3. The appropriation made by sec. 1 of this Act is for capital  
22 projects and is subject to AS 37.25.020.

23 \* Sec. 4. The unexpended and unobligated portion of the appropriation  
24 made by sec. 2 of this Act lapses into the general fund June 30, 1982.

25 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.  
26 070(c).

**COMMITTEE REPORT**  
**SENATE**

FURTHER: None

4/14/81

Date: May 13, 1981

Mr. President:

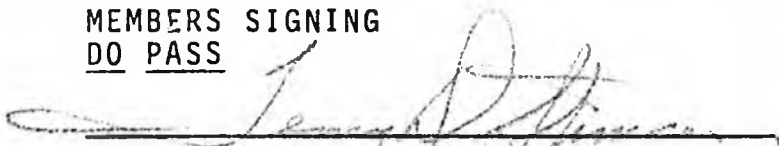
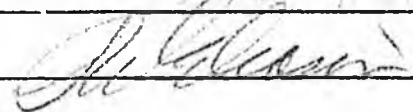
The Committee on FINANCE has had SB 164

~~making~~ a special appropriation to the Dept. of Natural Resources for completion of the analysis of certain geochemical samples


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


- [ X ] do pass [ ] do not pass
- [ ] do pass with attached amendments(s) [ ] same title
- [ ] replace with CS for \_\_\_\_\_ [ ] new title
- and recommends \_\_\_\_\_
- [ X ] AND attaches a "<sup>RESOURCES COMMITTEE</sup>Letter of Intent" [ ] New Fiscal Note
- [ ] reports it back without recommendation
- [ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

  
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\_\_\_\_\_  
CHAIRMAN

Funding Information  
General Fund \$800,000  
Other Funds -0-  
\$800,000

Introduced: 2/6/81  
Referred: Resources and  
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 164

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Natural Resources for completion of the analysis of certain geochemical samples; and providing for an effective date."

7

8

9

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

11

\* Section 1. The sum of \$800,000 is appropriated from the general fund to the Department of Natural Resources for payments for the completion of the analysis of geochemical samples from Alaska which are presently stored at the Los Alamos Scientific Laboratory in Los Alamos, New Mexico.

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\* Sec. 2. The unexpended and unobligated portion of the appropriation made by this Act lapses into the general fund June 30, 1982.

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\* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

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LETTER OF INTENT  
ATTACHED TO  
SENATE RESOURCES COMMITTEE'S  
REPORT ON SB 164

It is the intent of the Senate Resources Committee that the acquisition of the data resulting from the analysis of the geochemical samples referred to in the legislation be handled through a contract entered into and administered by the Department of Natural Resources through the Division of Geological and Geophysical Surveys with Los Alamos. The contract should be drafted to insure that the products delivered by Los Alamos live up to the promises and representations made by them. Moreover, the Department of Natural Resources can exercise some selectivity in the data acquired to maximize quality and cost effectiveness.

In addition, the Committee authorizes the Department of Natural Resources to undertake a data processing effort for minerals data analysis consistent with the overall purpose of the acquisition of the NURE samples.



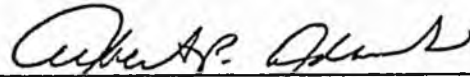
HOUSE JOURNAL

HOUSE FINANCE COMMITTEE

LETTER OF INTENT  
FOR  
SB 164

It is the intent of the Legislature that the acquisition of the data resulting from the analysis of the geochemical samples referred to in the legislation be handled through a contract entered into and administered by the Department of Natural Resources through the Division of Geological and Geophysical Surveys with Los Alamos Scientific Laboratory. This contract between the Department of Natural Resources and the Los Alamos Scientific Laboratory should include provisions to insure that the Laboratory will fulfill its promises and representations made to both the Senate Resources Committee and the Department of Natural Resources. Moreover, the Department of Natural Resources can exercise some selectivity in acquiring the data to insure the quality of the geochemical samples and to achieve cost effectiveness in the samples' analysis.

In addition, the Committee authorizes the Department of Natural Resources to undertake a data processing effort for minerals data analysis consistent with the overall purpose of the acquisition of the National Uranium Resource Evaluation (NURE) samples.

  
Albert Adams, Chairman  
House Finance Committee

Funding Information  
General Fund \$800,000  
Other Funds -0-  
\$800,000

Introduced: 2/6/81  
Referred: Resources and  
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 SENATE BILL NO. 164

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Natural Resources for completion of the  
8 analysis of certain geochemical samples; and providing  
9 for an effective date."

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

11 \* Section 1. The sum of \$800,000 is appropriated from the general fund  
12 to the Department of Natural Resources for payments for the completion of  
13 the analysis of geochemical samples from Alaska which are presently stored  
14 at the Los Alamos Scientific Laboratory in Los Alamos, New Mexico.

15 \* Sec. 2. The unexpended and unobligated portion of the appropriation  
16 made by this Act lapses into the general fund June 30, 1982.

17 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
18 070(c).



COMMITTEE REPORT  
SENATE

FURTHER:

Finance

2/9/81

Date: \_\_\_\_\_

Mr. President:

The Committee on LABOR & COMMERCE has had SB 166  
amending qualifications of an electric utility for power production cost  
assistance payable by the Alaska Power Authority

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

MM

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

MEMBERS SIGNING  
DO PASS

1 Labuntang

1 Hohmann

1 Zink

1 Bob Mulcahy

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

2 John Foley MS 100

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1 Bob Mulcahy  
CHAIRMAN

Introduced: 2/9/81  
Referred: Labor & Commerce  
and Finance

1 IN THE SENATE

BY SACKETT

2 SENATE BILL NO. 166

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the eligibility qualifications of an  
7 electric utility for power production cost assistance  
8 payable by the Alaska Power Authority; and providing  
9 for an effective date."

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

11 \* Section 1. AS 44.83.162(e)(2) is amended to read:

12 (2) at least 15 percent of the units served [TOTAL ENERGY  
13 SOLD] by an electric utility during the calendar year preceding the  
14 year in which power production cost assistance may be claimed were [WAS  
15 FOR] residential [USE].

16 \* Sec. 2. This Act is retroactive to January 1, 1981, and determines the  
17 eligibility of an electric utility for payment of power production cost  
18 assistance under AS 44.83.162 - 44.83.164 for calendar year 1981.

19 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
20 070(c).

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29 COMMITTEE COPY

ALASKA STATE LEGISLATURE

TWELFTH Legislature FIRST Session

SENATE BILL NO. 166

By SACKETT

"An Act amending the eligibility qualifications of an electric utility for power production cost assistance payable by the Alaska Power Authority; and providing for an effective date."

Introduced in the Senate 2/9/81

HISTORY IN THE SENATE

19 81	Read first time and referred to Committee on Labor & Commerce and Finance												
2 9	Reported back with recommendation that <i>pass, 1 no</i> <i>re - to Finance</i>												
5 3													
3													
	Read second time and												
	Read third time and												
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	<table border="0"> <tr><td>Reconsideration</td><td></td></tr> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by President Sent to House												
	SECRETARY OF THE SENATE												

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date												
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Nays	Nays												
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	<table border="0"> <tr><td>Reconsideration</td><td></td></tr> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by Speaker Returned to Senate												
	CHIEF CLERK OF THE HOUSE												

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
	..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

Introduced: 2/9/81  
Referred: Labor & Commerce  
and Finance

1 IN THE SENATE

BY SACKETT

2 SENATE BILL NO. 166

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the eligibility qualifications of an  
7 electric utility for power production cost assistance  
8 payable by the Alaska Power Authority; and providing  
9 for an effective date."

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

11 \* Section 1. AS 44.83.162(e)(2) is amended to read:

12 (2) at least 15 percent of the units served [TOTAL ENERGY  
13 SOLD] by an electric utility during the calendar year preceding the  
14 year in which power production cost assistance may be claimed were [WAS  
15 FOR] residential [USE].

16 \* Sec. 2. This Act is retroactive to January 1, 1981, and determines the  
17 eligibility of an electric utility for payment of power production cost  
18 assistance under AS 44.83.162 - 44.83.164 for calendar year 1981.

19 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
20 070(c).

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THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. S. 166 Title: An Act amending the eligibility qualification of an electric utility for power production cost assistance payable by the Alaska Power Authority; and providing for an effective date. Date February 13, 1981

Requested by Sackett

II. FISCAL DETAIL

Agency Affected Alaska Power Authority

Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected Alaska Power Authority

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		40,000	100,000			
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		40,000	100,000			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This includes funding for the remainder of FY 1981. It assumes that even though the change is retroactive to January 1, 1981, no retroactive payments would have to be made to utilities currently not participating. Utility eligibility is determined for utilities by the Alaska Public Utilities Commission and payments would only be due from date of APUC certification for participation.

IV. DATE February 13, 1981 PREPARED BY Lynn Dorrrough, Economist  
 AGENCY Alaska Power Authority  
 PHONE 277-7641  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

# COMMITTEE REPORT

## HOUSE

FURTHER:

(11)

4/19/82

Date:

5/19/82

Mr. Speaker:

(Finance referral added 4/19/82)

The Committee on

Finance

has had

CSSB 167(Rules) am

"An Act relating to election campaigns and to the composition and responsibilities of the Alaska Public Offices Commission; eff date."

under consideration and reports it back as follows:

do pass

do not pass

do pass with attached amendments(s)

replace with CS for

CSSB 167 (34)

same title  
 new title

and recommends

individual rec.

AND attaches a "Letter of Intent"

New Fiscal Note

reports it back without recommendation

referred to the

Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HCSCCSB 167  
 Title Composition and responsibilities of the Alaska Public Offices Commission  
 Requested by House Judiciary Committee Date April 13, 1982

II. FISCAL DETAIL Administration  
 Agency Affected  
 Program Category Affected General Government  
 BRU, Program, Or Subprogram(s) Affected Commissioner's Office  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		128.4	138.7	198.8	161.7	174.7
200 TRAVEL		1.0	1.1	1.2	1.3	1.4
300 CONTRACTUAL		40.7	43.9	47.4	51.2	55.3
400 COMMODITIES		3.5	3.8	4.1	4.4	4.8
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		173.6	187.5	202.5	218.6	236.2

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		173.6	187.5	202.5	218.6	236.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		3.0	3.0	3.0	3.0	3.0
PART TIME		1.0	1.0	1.0	1.0	1.0
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

SEE ATTACHED

IV. DATE April 13, 1982 PREPARED BY Robert L. Rehfeld  
 AGENCY Administration  
 PHONE 465-2200  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) Kelly  
 33-001 (Rev. 12/81) House Judiciary  
 Office of the Governor: Keith Specking

*GR*  
*BK*

Department of Administration  
 Fiscal Impact: 24.45 and 39.50  
 FY 83

Personal Services

Position	Salary	Benefits	Total
Executive Director	42.0	11.2	53.2
Adm. Assistant II	25.0	7.4	32.4
Secretary I	21.0	6.5	27.5
Clerk III (8ms)	11.5	3.8	<u>15.3</u>
			128.4

Travel

Two administrative trips: ANC-JNU-ANC = \$600			
Four days per diem @ \$80/day =	<u>400</u>		1.0

Contractual Services

Communications:	12.9		
Printing	7.5		
Ads	1.0		
Repair: 2 Memories	.9		
2 Selectrics	.3		
Pitney Bowes	.5		
Lexitron	1.8		
Misc.	.4		
Equipment Rental:			
Postage Meter	.2		
Xerox Share	3.0		
Lexitron	9.2		
Professional Services:			
Legal & Misc.	<u>3.0</u>		40.7

Supplies & Materials

Office Supplies	3.5		<u>3.5</u>
TOTAL			173.6

Assumptions: Retain Juneau Office for lobbying; Anchorage office is housed with other DOA offices for purposes of sharing xerox machine, etc.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS CSSB 167 (SA) - "An Act relating to election campaigns & Title to the composition & responsibilities of the Alaska Public Offices Commission;  
Requested by House State Affairs Date 3/25/82  
and providing for an effective date." \_\_\_\_\_/

II. FISCAL DETAIL

Agency Affected Office of the Governor  
Program Category Affected Division of Elections  
BRU, Program, Or Subprogram(s) Affected Division of Elections  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	17.5	117.8	101.5	113.7	127.3	142.6
200 TRAVEL	-0-	4.0	-0-	5.0	-0-	6.2
300 CONTRACTUAL	3.9	31.3	7.0	38.8	8.7	48.1
400 COMMODITIES	.2	2.5	.4	3.1	.5	3.8
500 EQUIPMENT	11.8	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>33.4</b>	<b>155.6</b>	<b>108.9</b>	<b>160.6</b>	<b>136.5</b>	<b>200.7</b>

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	33.4	155.6	108.9	160.6	136.5	200.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

(In Man-Months)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	1.0	12.0	12.0	12.0	12.0	12.0
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	6.0	36.0	5.0	30.0	5.0	30.0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Assume:

1. An effective date of June 1, 1982;
2. 12% inflation;
3. Only campaign disclosure responsibilities.
4. That the current APOC Executive Director's services will be required through December 31, 1982.
5. One temporary clerk in each office for 6 months each general election year and for one month during non-general election years.
6. One-time equipment start-up costs (including microfiche-reader-printers in each of our 5 offices).

IV. DATE 3/29/82

PREPARED BY Danith D. Arnoldt, Deputy Director  
AGENCY Office of the Governor, Division of Elections

Original: Legislative Finance

PHONE 586-6181

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Original sponsor: Kelly

Offered: 4/1/82  
Referred: Judiciary

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 167 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaigns and to the  
7 composition and responsibilities of the Alaska Public  
8 Offices Commission; and providing for an effective  
9 date."

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

11 \* Section 1. AS 15.13.010(a) is amended to read:

12 (a) This chapter applies in every election for governor, lieuten-  
13 ant governor, a member of the state legislature, a delegate to a con-  
14 stitutional convention, or judge seeking electoral confirmation. It  
15 also applies to every candidate for election to a municipal office in a  
16 city or borough with a population of more than 1,000 inhabitants accord-  
17 ing to the latest United States census figures or estimates of popula-  
18 tion certified as correct for administrative purposes by the Department  
19 of Community and Regional Affairs. This chapter does not apply to a  
20 candidate for a service area board. A municipality may exempt candi-  
21 dates for municipal office or groups active in municipal election cam-  
22 paigns [ITS ELECTED MUNICIPAL OFFICERS] from the requirements of this  
23 chapter if a majority of the voters voting on the question at any regu-  
24 lar election [, AS DEFINED BY AS 29.78.010(14),] or at a special munici-  
25 pality-wide election called for that purpose [,] vote to exempt candi-  
26 dates for municipal office and persons and groups active in municipal  
27 election campaigns [ITS ELECTED MUNICIPAL OFFICERS] from the requirements  
28 of this chapter. The question of exemption from the requirements of  
29 this chapter may be submitted by the city council or borough assembly by

1 ordinance or by initiative ordinance. Nothing in this chapter prohibits  
2 a municipality from regulating by ordinance campaign contributions and  
3 expenditures.

4 \* Sec. 2. AS 15.13 is amended by adding a new section to read:

5 Sec. 15.13.031. DUTIES OF THE DIRECTOR. (a) The director shall

6 (1) provide forms for the reports and statements required to  
7 be made under this chapter;

8 (2) prepare and publish a manual for use by persons required  
9 to make reports and statements under this chapter and assist candidates,  
10 groups, and individuals in complying with the requirements of this  
11 chapter;

12 (3) receive and hold open for public inspection reports and  
13 statements required to be made under this chapter upon request and  
14 furnish copies at cost to interested persons;

15 (4) maintain a current list of all filed reports and state-  
16 ments;

17 (5) prepare a summary of each report filed under AS 15.13.110  
18 and make a copy of the summary available to an interested person at its  
19 actual cost;

20 (6) notify, by registered or certified mail, a person who is  
21 delinquent in filing a report or statement required to be made under  
22 this chapter;

23 (7) report within 60 days after the election the name of a  
24 person or group who has failed to comply with a provision of this chapter  
25 to the attorney general;

26 (8) report to the attorney general the names of a person or  
27 group that the director believes has violated this chapter;

28 (9) prepare an annual report to the legislature concerning  
29 the effectiveness of this chapter and recommendations and proposals for

1 change;

2 (10) adopt regulations and issue orders necessary to implement  
3 and clarify the provisions of this chapter, subject to the provisions of  
4 the Administrative Procedure Act (AS 44.62).

5 (b) A new or amended regulation of the director may not be applied  
6 to a candidate or group during a period beginning 30 days before the  
7 last date to file a declaration of candidacy or a nominating petition in  
8 a state election and ending the day after the general election.

9 (c) A new or amended regulation of the director may not be applied  
10 to a candidate or group during a period beginning 30 days before the  
11 last day to file a declaration of candidacy or a nominating petition in  
12 a municipal election and ending the day after the municipal election.

13 \* Sec. 3. AS 15.13.040(a) is amended to read:

14 Sec. 15.13.040. CONTRIBUTIONS AND [,] EXPENDITURES [AND SUPPLYING  
15 OF SERVICES] TO BE REPORTED. (a) Each candidate shall make a full  
16 report, upon a form prescribed by the director [COMMISSION], listing the  
17 aggregate [DATE AND] amount of all expenditures made or obligations in-  
18 curring by the candidate, together with the date, amount, and check number  
19 for each expenditure exceeding \$250 in value, the aggregate [TOTAL]  
20 amount of all contributions, including all funds contributed by the  
21 candidate, [HIMSELF] and for all contributions in excess of \$250 [\$100]  
22 in the aggregate a year, the name, address, principal occupation, and  
23 employer of the contributor and the date and amount contributed by each  
24 contributor. The report shall be filed in accordance with AS 15.13.110  
25 and shall be certified correct by the candidate or campaign treasurer.  
26 A campaign treasurer or deputy treasurer may not certify a report under  
27 this section unless notice of the appointment of the campaign treasurer  
28 or deputy campaign treasurer by the candidate has been received by the  
29 director.

1 \* Sec. 4. AS 15.13.040(b) is amended to read:

2 (b) Each group shall make a full report upon a form prescribed by  
3 the director [COMMISSION], listing

4 (1) the name and address of each officer and director;

5 (2) the aggregate amount of all contributions made to it;  
6 and, for all contributions in excess of \$250 [\$100] in the aggregate a  
7 year, the name, address, principal occupation, and employer of the  
8 contributor, and the date and amount in excess of \$250 in the aggregate  
9 a year contributed by each contributor; and

10 (3) the aggregate [DATE AND] amount of [ALL CONTRIBUTIONS  
11 MADE BY IT AND] all expenditures made, incurred or authorized by it  
12 including the date, amount and check number of any expenditure exceeding  
13 \$250 in value.

14 \* Sec. 5. AS 15.13.040(d) is amended to read:

15 (d) Every individual or [,] person, and every [OR] group that is  
16 not required to report in accordance with (b) of this section, making an  
17 [A CONTRIBUTION OR] expenditure shall make a full report to the director,  
18 upon a form prescribed by the director [COMMISSION], of [THE FOLLOWING  
19 CONTRIBUTIONS OR EXPENDITURES: (1) ANY CONTRIBUTION OF CASH, GOODS OR  
20 SERVICES VALUED AT MORE THAN \$100 A YEAR TO ANY GROUP OR CANDIDATE; OR  
21 (2)] any expenditure [WHATSOEVER] for advertising in newspapers, on  
22 radio or on television; or for the publication, distribution or circula-  
23 tion of brochures, flyers, or other campaign material for or against any  
24 candidate, [OR] ballot proposition or question.

25 \* Sec. 6. AS 15.13.040(e) is amended to read:

26 (e) The report required under (d) of this section shall contain  
27 the name, address, principal occupation and employer of the individual  
28 filing the report, and an itemized list of expenditures. The report  
29 shall be filed with the director [COMMISSION BY THE CONTRIBUTOR] no

1 later than 10 days after the [CONTRIBUTION OR] expenditure is made, or  
2 the indebtedness is incurred, whichever first occurs. [A COPY OF THE  
3 REPORT SHALL BE FURNISHED TO THE CANDIDATE, CAMPAIGN TREASURER OR DEPUTY  
4 CAMPAIGN TREASURER AT THE TIME THE CONTRIBUTION IS MADE.]

5 \* Sec. 7. AS 15.13 is amended by adding a new section to read:

6 Sec. 15.13.042. LIMITED CAMPAIGN ACTIVITY. (a) A candidate who  
7 does not intend to accept contributions that exceed \$500 in total value  
8 and who does not intend to make expenditures that exceed \$500 in total  
9 value may file a report, upon a form prescribed by the director, inform-  
10 ing the director of the intent to engage in limited campaign activity.  
11 The report may be filed only once and shall be filed at the time the  
12 candidate's first report is due under AS 15.13.110. The report shall be  
13 certified as correct by the candidate.

14 (b) A candidate who accepts contributions that exceed \$500 in  
15 total value or makes expenditures that exceed more than \$500 in total  
16 value after filing a report under (a) of this section loses his exemp-  
17 tion from the reporting requirements and shall file reports due under  
18 AS 15.13.110. The first report is due three days after the loss of the  
19 exemption. A candidate who receives a contribution and returns the  
20 contribution to the contributor within 72 hours of its receipt does not  
21 lose the exemption from the reporting requirements.

22 \* Sec. 8. AS 15.13.045 is amended by adding a new subsection to read:

23 (e) The director shall adopt regulations consistent with AS 44.62.  
24 330 - 44.62.630 to establish a fair and impartial process for taking of  
25 evidence and holding hearings in investigations and audits conducted by  
26 the director.

27 \* Sec. 9. AS 15.13.050 is repealed and reenacted to read:

28 Sec. 15.13.050. GROUPS. (a) Each group, before making an expen-  
29 diture on behalf of or in opposition to a candidate or a ballot issue or

1 before making a contribution to a candidate, shall register with the  
2 director on forms provided by the director.

3 (b) If the group intends to support or oppose only one candidate  
4 or ballot issue or contributes or expends 50 percent or more of its  
5 funds to, on behalf of, or in opposition to one candidate or ballot  
6 issue, the name of the group shall clearly identify support for or  
7 opposition to the candidate or ballot issue.

8 (c) A group that makes expenditures or receives contributions with  
9 the express or implied authorization or consent or is under the direct  
10 or indirect control of a candidate is considered to be controlled by the  
11 candidate.

12 (d) A group whose major purpose is to further the nomination or  
13 election of a single candidate or that expends 50 percent or more of its  
14 money on a single candidate is considered to be controlled by that  
15 candidate and its actions considered to have been done with the know-  
16 ledge and consent of the candidate unless, within 10 days from the date  
17 the candidate is notified by the director of the existence of the group,  
18 the candidate files with the director an affidavit certifying that the  
19 group is operating without his control.

20 (e) A group that contributes 50 percent or more of its money to or  
21 on behalf of a single candidate is considered to support only that  
22 single candidate for purposes of AS 15.13.070, whether or not control of  
23 the group has been disclaimed by the candidate.

24 (f) A group that is organized for more than one year preceding an  
25 election and that endorses more than one candidate is presumed not to be  
26 controlled by a single candidate.

27 \* Sec. 10. AS 15.13.060(b) is amended to read:

28 (b) Each group shall file the name and address of its campaign  
29 treasurer with the director [COMMISSION] at the time it registers with

1 the director [COMMISSION] under AS 15.13.050.

2 \* Sec. 11. AS 15.13.060(c) is amended to read:

3 (c) Each candidate for state office shall file the name and address  
4 of the campaign treasurer and the campaign chairman with the director  
5 [COMMISSION, OR SUBMIT, IN WRITING, THE NAME AND ADDRESS OF THE CAMPAIGN  
6 TREASURER TO THE LIEUTENANT GOVERNOR FOR FILING WITH THE COMMISSION], no  
7 later than 15 days after the date of filing his declaration of candidacy  
8 or his nominating petition. Each candidate for municipal office shall  
9 file the name and address of the campaign treasurer and the campaign  
10 chairman with the director [COMMISSION] no later than seven days after  
11 the date of filing his declaration of candidacy or his nominating peti-  
12 tion. If the candidate does not designate a campaign chairman the can-  
13 didate is the campaign chairman. If the candidate does not designate a  
14 campaign treasurer, the candidate is the campaign treasurer.

15 \* Sec. 12. AS 15.13.060(d) is amended to read:

16 (d) In the case of the death, resignation or removal of a campaign  
17 treasurer, the candidate shall appoint a successor as soon as practic-  
18 able and file his name and address with the director [COMMISSION] within  
19 48 hours of the appointment. If a candidate does not have a currently  
20 effective appointment of a campaign treasurer on file with the director,  
21 the candidate is the campaign treasurer [THE CANDIDATE IS DISQUALIFIED  
22 WHEN HE HAS BEEN FOUND TO HAVE BEEN IN WILFUL VIOLATION OF THIS SUB-  
23 SECTION].

24 \* Sec. 13. AS 15.13.060(e) is amended to read:

25 (e) A campaign treasurer may appoint as many deputy campaign  
26 treasurers as he considers necessary. The candidate shall file the  
27 names and addresses of the deputy campaign treasurers with the director  
28 [COMMISSION].

29 \* Sec. 14. AS 15.13.070(a) is amended to read:

1 (a) A [NO] person or group, including but not limited to all  
2 political committees, businesses, corporations, and labor unions, may  
3 not contribute [TO OR EXPEND] more than \$2,000 [\$1,000] a year on behalf  
4 of or in opposition to a candidate [THE COMPETING CANDIDATES] for [EACH]  
5 elective office. Political parties and their subdivisions are not  
6 subject to the limitation prescribed in this subsection, but they are  
7 subject to the reporting requirements prescribed by AS 15.13.040(b) and  
8 15.13.110. Nothing in this chapter prohibits

9 (1) a candidate from contributing more than \$2,000 [\$1,000]  
10 of that candidate's [HIS] own money to his own campaign; or

11 (2) individuals or groups, including but not limited to all  
12 political committees, businesses, corporations, and labor unions, from  
13 contributing to or expending on behalf of a ballot proposition or ques-  
14 tion more than \$2,000 [\$1,000] a year; however, these contributions and  
15 expenditures shall be reported in accordance with AS 15.13.040, 15.13-  
16 080, and 15.13.110.

17 \* Sec. 15. AS 15.13.070(b) is repealed and reenacted to read:

18 (b) A person may not make and a candidate or group may not accept  
19 a contribution over \$100 in cash unless a receipt for the total amount  
20 is issued by the candidate or group and received by the person making  
21 the contribution. The director may by regulation authorize candidates  
22 and groups to accept a contribution of \$50 or less without recording the  
23 name of the contributor.

24 \* Sec. 16. AS 15.13.070(c) is amended to read:

25 (c) No expenditures over \$100 may be made in cash or by cash  
26 payment unless a written receipt is obtained and filed with the director  
27 [COMMISSION].

28 \* Sec. 17. AS 15.13.070(d) is amended to read:

29 (d) A [NO] contribution may not be made, and an [NO] expenditure

1 may not be made or incurred, directly or indirectly, anonymously, in a  
2 fictitious name, or by one person or group in the name of another, to  
3 influence the election of a candidate in an election. A contribution  
4 made by a person wishing to remain anonymous, and received by a candi-  
5 date, campaign treasurer or deputy campaign treasurer, may not be used  
6 or expended, but shall be returned to the donor, if his identity is  
7 known, and if his identity is not known [NO DONOR IS FOUND], the contri-  
8 bution shall be [ESCHEATS TO THE STATE IF NOT] donated by the candidate  
9 to the charity of his choice.

10 \* Sec. 18. AS 15.13.080 is amended to read:

11       Sec. 15.13.080. STATEMENT BY CONTRIBUTOR. A person or group  
12 contributing to a candidate over \$250 or contributing goods or services  
13 to a candidate with a value of more than \$250 to influence the election  
14 of a candidate shall furnish the director [COMMISSION] a signed state-  
15 ment, on a form made available by the director [COMMISSION]. The state-  
16 ment shall itemize the contributions and goods and state that the con-  
17 tributor is not a person or group prohibited by law from contributing  
18 and that the contribution consists of funds or property belonging to the  
19 contributor and has not been given or furnished by another person or  
20 group. The contributor's statement shall be filed with the director  
21 [COMMISSION] by the contributor no later than 10 days after the contri-  
22 bution is made. A copy of the statement shall be furnished the candi-  
23 date, campaign treasurer, or deputy campaign treasurer at the time the  
24 contribution is made.

25 \* Sec. 19. AS 15.13.090 is amended to read:

26       Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertise-  
27 ments, billboards, handbills, paid-for television and radio announce-  
28 ments and other communications intended to promote [INFLUENCE] the  
29 election of a candidate that are paid for by the candidate or the cam-

1 paigh committee of the candidate [OR OUTCOME OF A BALLOT PROPOSITION OR  
2 QUESTION] shall be clearly identified by the words "paid for by" fol-  
3 lowed by the name [AND ADDRESS] of the candidate or campaign commit-  
4 tee of the candidate [, GROUP OR INDIVIDUAL PAYING FOR THE ADVERTISING.  
5 IN ADDITION, CANDIDATES AND GROUPS MUST IDENTIFY THE NAME OF THEIR  
6 CAMPAIGN CHAIRMAN].

7 \* Sec. 20. AS 15.13.090 is amended by adding new subsections to read:

8 (b) All advertisements, billboards, handbills, paid-for television  
9 and radio announcements, and other communications not paid for by a  
10 candidate or the campaign committee of a candidate that are intended to  
11 support or oppose a candidate, a ballot proposition, a referendum, or a  
12 recall shall be identified by the words "paid for by" followed by the  
13 name of the group, individual, or person, together with a mailing con-  
14 tact address or telephone number.

15 (c) The director may by regulation exempt from this section com-  
16 munications that in the director's judgment do not afford space for the  
17 identification required by this section.

18 \* Sec. 21. AS 15.13.100 is amended to read:

19 Sec. 15.13.100. EXPENDITURES, CONTRIBUTIONS, AND REGISTRATION BE-  
20 FORE FILING. Political campaign contributions may be made or received,  
21 and expenditures [NC POLITICAL CAMPAIGN EXPENDITURE] may be made or  
22 incurred by candidate [PERSON] in an election, or by a person or group  
23 with the candidate's [HIS] knowledge and on the candidate's [HIS]  
24 behalf, before the date upon which the candidate [HE OR SHE] files for  
25 nomination for the office which he [THE PERSON] seeks. The contribu-  
26 tions and expenditures [, EXCEPT FOR PERSONAL TRAVEL EXPENSES OR FOR  
27 OPINION SURVEYS OR POLLS. THESE EXPENDITURES SHALL BE CHARGED AGAINST  
28 THE SPENDING LIMITATION THAT APPLIES TO THE OFFICE FOR WHICH HE SUBSE-  
29 QUENTLY FILES, AND] shall be included in the first report required under

1        AS 15.13.110 [THIS CHAPTER AFTER FILING FOR OFFICE].

2        \* Sec. 22. AS 15.13.110(a)(4) is amended to read:

3                (4) January 10 [DECEMBER 31 OF EACH YEAR] for expenditures  
4        and contributions received through December 31 of the preceding year  
5        which were not reported that year.

6        \* Sec. 23. AS 15.13.110(b) is amended to read:

7                (b) Each contribution [OR EXPENDITURE] which exceeds \$250 and  
8        which is made within 10 days [ONE WEEK] of the election shall be re-  
9        ported to the director [COMMISSION] by date, amount, and contributor [OR  
10        RECIPIENT] within 48 [24] hours of receipt [OR EXPENDITURE] by the  
11        candidate or campaign treasurer or deputy campaign treasurer.

12        \* Sec. 24. AS 15.13.110(c) is amended to read:

13                (c) The reports of nonstatewide candidates shall be filed with the  
14        election supervisor designated by the director; the reports of a state-  
15        wide candidate shall be filed with the director [COMMISSION'S CENTRAL  
16        OFFICE]. All reports required by this chapter are [SHALL BE KEPT] open  
17        to public inspection. Within 30 days after each election, the director  
18        [COMMISSION] shall prepare a summary of each report which shall be made  
19        available to the public at cost upon request. Each summary shall use  
20        uniform categories of reporting.

21        \* Sec. 25. AS 15.13.110(d) is amended to read:

22                (d) Within 30 days after each election, each supplier shall make a  
23        full report to the director under [COMMISSION IN ACCORDANCE WITH] AS 15.  
24        13.040. Within 60 days after each election, the director [COMMISSION]  
25        shall prepare a summary by candidate or group of the transactions and  
26        make the summaries public.

27        \* Sec. 26. AS 15.13.110(e) is amended to read:

28                (e) A group formed to sponsor an initiative, a referendum or a  
29        recall shall file a report of contributions and expenditures with the

1 director 30 days after its first filing with the lieutenant governor.  
2 Thereafter each group shall file a report with the director within 10  
3 days after the end of each calendar quarter on the contributions re-  
4 ceived and expenditures made during the preceding calendar quarter until  
5 reports are due under (a) of this section.

6 \* Sec. 27. AS 15.13.110 is amended by adding new subsections to read:

7 (f) The report required by (a)(3) of this section is the final  
8 report if at the time the report is made

9 (1) there is no outstanding debt or obligation;

10 (2) the campaign fund has been closed;

11 (3) the campaign has been concluded; and

12 (4) in the case of a group, the group has dissolved.

13 (g) Reports shall be filed as required by (a)(4) of this section  
14 by

15 (1) a candidate who has an outstanding debt or obligation  
16 until the debt or obligation is satisfied;

17 (2) a group that has an outstanding debt or obligation until  
18 the debt or obligation is satisfied or until the group is dissolved.

19 (h) When a final report has been submitted under this section, the  
20 duties of the campaign treasurer cease and there is no obligation to  
21 file further reports.

22 \* Sec. 28. AS 15.13 is amended by adding a new section to read:

23 Sec. 15.13.115. COMPLAINTS. (a) A person who believes that a  
24 violation of this chapter has occurred may file a complaint with the  
25 director. If the director determines that there is substantial reason  
26 to believe that a violation of this chapter has occurred, the director  
27 shall expeditiously investigate the subject matter of the complaint.  
28 The investigation may include but is not limited to an investigation of  
29 the reports and statements filed with the director by the complainant,

1 if he is a candidate.

2 (b) If the director determines, after notice and opportunity for a  
3 hearing, that a person has violated a provision of this chapter or a  
4 regulation or order issued under this chapter, the director shall  
5 promptly report the determination to the attorney general for appropriate  
6 action.

7 (c) The director shall report the results of the investigation to  
8 the person who filed the complaint within 60 days of receiving the  
9 complaint, unless circumstances require additional time to make an  
10 adequate investigation.

11 \* Sec. 29. AS 15.13.120(a) is amended to read:

12 (a) A person who violates a provision of this subsection [CHAPTER]  
13 is guilty of a class A misdemeanor [AND, UPON CONVICTION, IS PUNISHABLE  
14 BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR BY A FINE OF NOT MORE THAN  
15 \$5,000]. A violation includes [BUT IS NOT LIMITED TO] any of the follow-  
16 ing acts or omissions:

17 (1) refusing or knowingly failing to make a reasonably com-  
18 plete statement or report required to be made under this chapter [, OR  
19 FAILING TO MAKE A STATEMENT OR REPORT AT THE TIME THE STATEMENT OR  
20 REPORT IS REQUIRED TO BE MADE UNDER THIS CHAPTER];

21 (2) knowingly making a campaign contribution [OR EXPENDITURE]  
22 which exceeds the limitations of AS 15.13.070(a) [AS 15.13.070(f)];

23 (3) knowingly making a false statement or report under this  
24 chapter;

25 (4) giving or furnishing money to another person or group for  
26 the purpose of making a contribution or expenditure anonymously, in a  
27 fictitious name, or in the name of another, or contributing in violation  
28 of AS 15.13.070(d);

29 (5) making a communication to support or defeat a candidate

1 without identification of sponsorship, in violation of AS 15.13.090;

2 (6) knowingly accepting a contribution in violation of AS 15.-  
3 13.070.

4 \* Sec. 30. AS 15.13.120(c) is amended to read:

5 (c) Promptly after the final date for filing statements and re-  
6 ports, the director [COMMISSION] shall notify all persons who have  
7 become delinquent in filing them [, INCLUDING CONTRIBUTORS WHO FAILED TO  
8 FILE A STATEMENT IN ACCORDANCE WITH AS 15.13.040,] and shall make avail-  
9 able a list of these delinquents for public inspection. The director  
10 [COMMISSION] shall also report to the attorney general the names of all  
11 candidates and groups in an election whose campaign treasurers have  
12 failed to file the reports required by this chapter.

13 \* Sec. 31. AS 15.13.120(e) is amended to read:

14 (e) Prosecution for violation of a provision of this chapter may  
15 not be commenced after one year ~~has~~ [FOUR YEARS HAVE] elapsed from the  
16 date of the alleged violation.

17 \* Sec. 32. AS 15.13.120 is amended by adding a new subsection to read:

18 (f) If, after being sworn into office, a person who was a success-  
19 ful candidate or the campaign treasurer or deputy campaign treasurer of  
20 a person who was a successful candidate is convicted of a violation of  
21 this chapter, proceedings shall be held and appropriate action taken in  
22 accordance with

23 (1) art. II, sec. 12 of the state constitution, if the candi-  
24 date is a candidate for the state legislature;

25 (2) art. II, sec. 20 of the state constitution, if the candi-  
26 date is a candidate for governor or lieutenant governor;

27 (3) AS 29.23.060(c), if the candidate is a candidate for the  
28 borough assembly;

29 (4) AS 29.23.130(f), if the candidate is a candidate for

1 borough mayor;

2 (5) AS 29.23.210(b), if the candidate is a candidate for city  
3 council;

4 (6) AS 29.23.255, if the candidate is a candidate for city  
5 mayor;

6 (7) AS 14.12.085, if the candidate is a candidate for school  
7 board;

8 (8) AS 29.13.035, if the candidate is a candidate for a  
9 charter commission;

10 (9) the provisions of the call for the constitutional con-  
11 vention, if the candidate is a candidate for constitutional convention  
12 delegate;

13 (10) article IV, sec. 10 of the state constitution, if the  
14 candidate is a candidate for judicial retention.

15 \* Sec. 33. AS 15.13.120 is amended by adding new subsections to read:

16 (g) Information developed by the director under (d) of this section  
17 shall be considered during a proceeding under (f) of this section.

18 (h) When, after being sworn into office, a successful candidate  
19 or the campaign treasurer or deputy campaign treasurer of a person who  
20 was a successful candidate is charged with a violation of this chapter,  
21 the case shall be promptly tried and accorded a preferred position for  
22 purposes of argument and decision, so as to assure a speedy disposition  
23 of the matter.

24 \* Sec. 34. AS 15.13.125 is amended to read:

25 Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED REPORTS. A  
26 person who fails to file a properly completed and certified report  
27 within the time required by AS 15.13.110(a)(1), (3), (4) or (d) is  
28 subject to a civil penalty of not more than \$10 a day for each day the  
29 delinquency continues as determined by the director [COMMISSION] subject

1 to right of appeal to the superior court. A person who fails to file a  
2 properly completed and certified report within the time required by  
3 AS 15.13.110(a)(2) or (b) is subject to a civil penalty of not more than  
4 \$50 a day for each day the delinquency continues as determined by the  
5 director [COMMISSION] subject to right of appeal to the superior court.  
6 An affidavit stating facts in mitigation may be submitted to the director  
7 [COMMISSION] by a person against whom a civil penalty is assessed. The  
8 [HOWEVER, THE] imposition of the penalties prescribed in this section or  
9 in AS 15.13.120 does not excuse that person from filing reports required  
10 by this chapter.

11 \* Sec. 35. AS 15.13.130(1) is repealed and reenacted to read:

12 (1) "candidate" means an individual who seeks nomination or  
13 election to the state legislature, the office of governor or lieutenant  
14 governor, or municipal office, or who seeks retention in judicial office  
15 or nomination or election as a constitutional convention delegate; an  
16 individual is considered to seek nomination or election if

17 (A) the individual has taken the action necessary under  
18 the law of the state to qualify for nomination or election to an  
19 office;

20 (B) the individual has received contributions or made  
21 expenditures before filing for office;

22 (C) the individual has given consent, implicit or expli-  
23 cit, for a person or group to receive contributions or make expendi-  
24 tures to bring about the individual's nomination or election to  
25 office;

26 (D) the individual has campaigned as a write-in candi-  
27 date for office; or

28 (E) the individual is the subject of a recall election;

29 \* Sec. 36. AS 15.13.130(2) is amended by adding a new subparagraph to

1 read:

2 (D) a contribution that is returned to the contributor  
3 within 72 hours of its receipt by a candidate or group;

4 \* Sec. 37. AS 15.13.130(3) is amended to read:

5 (3) "group" means every state and regional executive commit-  
6 tee of a political party and, in addition, means any combination of two  
7 or more persons or individuals acting jointly who take action the major  
8 purpose of which is to influence the outcome of an election; [A GROUP  
9 THAT MAKES EXPENDITURES OR RECEIVES CONTRIBUTIONS WITH THE AUTHORIZATION  
10 OR CONSENT, EXPRESS OR IMPLIED, OR UNDER THE CONTROL, DIRECT OR INDIRECT,  
11 OF A CANDIDATE SHALL BE CONSIDERED TO BE CONTROLLED BY THAT CANDIDATE; A  
12 GROUP WHOSE MAJOR PURPOSE IS TO FURTHER THE NOMINATION, ELECTION, OR  
13 CANDIDACY OF ONLY ONE PERSON, OR INTENDS TO EXPEND MORE THAN 50 PERCENT  
14 OF ITS MONEY ON A SINGLE CANDIDATE, SHALL BE CONSIDERED TO BE CONTROLLED  
15 BY THAT CANDIDATE AND ITS ACTIONS DONE WITH HIS KNOWLEDGE AND CONSENT  
16 UNLESS, WITHIN 10 DAYS FROM THE DATE THE CANDIDATE LEARNS OF THE EXIS-  
17 TENCE OF THE GROUP HE FILES WITH THE COMMISSION, ON A FORM PROVIDED BY  
18 THE COMMISSION, AN AFFIDAVIT THAT THE GROUP IS OPERATING WITHOUT HIS  
19 CONTROL; A GROUP ORGANIZED FOR MORE THAN ONE YEAR PRECEDING AN ELECTION  
20 AND ENDORSING CANDIDATES FOR MORE THAN ONE OFFICE OR MORE THAN ONE  
21 POLITICAL PARTY IS PRESUMED NOT TO BE CONTROLLED BY A CANDIDATE; HOWEVER,  
22 A GROUP THAT CONTRIBUTES MORE THAN 50 PERCENT OF ITS MONEY TO OR ON  
23 BEHALF OF ONE CANDIDATE SHALL BE CONSIDERED TO SUPPORT ONLY ONE CANDI-  
24 DATE FOR PURPOSES OF AS 15.13.070, WHETHER OR NOT CONTROL OF THE GROUP  
25 HAS BEEN DISCLAIMED BY THE CANDIDATE;]

26 \* Sec. 38. AS 15.13.130 is amended by adding new paragraphs to read:

27 (8) "knowingly" has the meaning set out in AS 11.81.900-  
28 (a)(2);

29 (9) "political party"

1 (A) has the meaning provided in AS 15.60.010(20); or

2 (B) means a group of organized voters

3 (i) who represent a political program; and

4 (ii) who nominated or supported a candidate who  
5 received at least 10 percent of the total vote cast at the  
6 preceding general election in the state for a statewide or  
7 national political office;

8 (10) "reasonably complete report" means a report that accu-  
9 rately reflects the campaign contributions and expenditures of the can-  
10 didate and that is free from significant omissions that are known to the  
11 candidate.

12 \* Sec. 39. AS 14.12 is amended by adding a new section to read:

13 Sec. 14.12.085. SCHOOL BOARD MAY EXPEL A MEMBER. The school board  
14 may, with the concurrence of two-thirds of its members, expel a member  
15 for a conviction of a violation of AS 15.13.

16 \* Sec. 40. AS 24.45.021 is amended to read:

17 Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be admin-  
18 istered by the commissioner of administration [ALASKA PUBLIC OFFICES  
19 COMMISSION CREATED UNDER AS 15.13.020(a)].

20 (b) The commissioner [COMMISSION] shall promulgate regulations  
21 under the Administrative Procedure Act (AS 44.62) to implement the  
22 provisions of this chapter.

23 \* Sec. 41. AS 24.45.031(a) is amended to read:

24 (a) In addition to the commissioner's [ITS] other duties under this  
25 chapter, the commissioner [COMMISSION] shall

26 (1) prescribe the forms for registration, reports, statements,  
27 notices and other documents required by this chapter;

28 (2) prepare and publish instructions setting out the methods  
29 of accounting, bookkeeping and preservation of records required to

1 facilitate compliance with and enforcement of this chapter and explain-  
2 ing the duties of persons subject to the provisions of this chapter; the  
3 instructions shall be updated periodically;

4 (3) provide assistance to persons in complying with the  
5 provisions of this chapter;

6 (4) prepare and publish an annual report of [ITS] activities,  
7 findings and recommendations under this chapter, which shall be made  
8 available to the governor, legislature and to the public by February 1  
9 of each calendar year;

10 (5) report suspected violations of this chapter to the attor-  
11 ney general.

12 \* Sec. 42. AS 24.45.031(b) is amended to read:

13 (b) The commissioner [COMMISSION] may

14 (1) hold hearings and conduct investigations into compliance  
15 with the provisions of this chapter;

16 (2) in conjunction with (1) of this subsection, issue sub-  
17 poenas, compel the attendance and testimony of witnesses, administer  
18 oaths and affirmations, and require the production of books, papers,  
19 records, documents or other items material to the commissioner's [COM-  
20 MISSION'S] duties or powers under this chapter;

21 (3) prepare, publish, and make available to the public,  
22 periodic, but at least quarterly and annually, summaries of the state-  
23 ments and reports received; these summaries shall list separately indi-  
24 vidual lobbyists and employers of lobbyists.

25 \* Sec. 43. AS 24.45.041(a) is amended to read:

26 (a) Before engaging in lobbying, a lobbyist shall file a registra-  
27 tion statement on a form prescribed by the commissioner [COMMISSION].

28 \* Sec. 44. AS 24.45.041(b) is amended to read:

29 (b) The registration form prescribed by the commissioner [COMMIS-

1 SION] shall include

2 (1) the lobbyist's full name and complete permanent residence  
3 and business address and telephone number, as well as any temporary  
4 residential and business address and telephone number in the state  
5 capital during a legislative session;

6 (2) the full name and complete address of each person by whom  
7 the lobbyist is retained or employed;

8 (3) whether the person from whom the lobbyist receives compen-  
9 sation employs him solely as a lobbyist or whether he is a regular  
10 employee performing other services for his employer which include but  
11 are not limited to the influencing of legislative or administrative  
12 action;

13 (4) the nature or form of the lobbyist's compensation for  
14 engaging in lobbying, including salary, fees or reimbursement for  
15 expenses received in consideration for, or directly in support of or in  
16 connection with, the influencing of legislative or administrative action;

17 (5) a general description of the subjects or matters on which  
18 the registrant expects to lobby or to engage in the influencing of  
19 legislative or administrative action;

20 (6) the full name and complete address of the person, if  
21 other than the registrant, who has custody of the accounts, books,  
22 papers, bills, receipts and other documents required to be maintained  
23 under this chapter.

24 \* Sec. 45. AS 24.45.041(d) is amended to read:

25 (d) If a change occurs in any of the information contained in a  
26 registration statement filed under (a) of this section, or in any accom-  
27 panying document, an appropriate amendment shall be filed with the  
28 commissioner [COMMISSION] within 10 days after the change.

29 \* Sec. 46. AS 24.45.041(e) is amended to read:

1 (e) Within 45 days after the convening of each regular session of  
2 the legislature, the commissioner [COMMISSION] shall publish a directory  
3 of registered lobbyists, containing the information prescribed in (b) of  
4 this section for each lobbyist and the photograph, if any, furnished by  
5 a lobbyist under (c) of this section. From time to time thereafter the  
6 commissioner [COMMISSION] shall publish those supplements to the direc-  
7 tory that in the commissioner's [COMMISSION'S] judgment may be necessary.  
8 The directory shall be made available to public officials and to the  
9 public at the following locations: a public place adjacent to the legis-  
10 lative chambers in the state capitol building, the office of the lieu-  
11 tenant governor, the legislative reference library of the Legislative  
12 Affairs Agency and the commissioner's [COMMISSION'S] central office.

13 \* Sec. 47. AS 24.45.041(f) is amended to read:

14 (f) Each lobbyist shall renew his registration annually by filing  
15 a new registration statement together with a new authorization to act as  
16 a lobbyist before engaging in lobbying. The lobbyist also shall file  
17 any reports or statements he has failed to file for a previous reporting  
18 period. The commissioner [COMMISSION] may not renew lobbying credentials  
19 until this subsection has been [PROVISION IS] complied with.

20 \* Sec. 48. AS 24.45.051 is amended to read:

21 Sec. 24.45.051. REPORTS. Each lobbyist registered under AS 24.45.-  
22 041 shall file with the commissioner [COMMISSION] a report concerning  
23 his activities during each reporting period prescribed in AS 24.45.081,  
24 so long as the lobbyist continues to engage in lobbying activities. The  
25 report shall be made on a form prescribed by the commissioner [COMMIS-  
26 SION] and filed in accordance with AS 24.45.071 and 24.45.081. The  
27 report also shall include any changes in the information required to be  
28 supplied under AS 24.45.041(b) and the following information for the  
29 reporting period, as applicable:

1 (1) the source of income, as defined in AS 39.50.200(a)(8),  
2 [AS 39.50.200(8)] and the monetary value of all payments, including but  
3 not limited to salary, fees, and reimbursement of expenses, received in  
4 consideration for or directly or indirectly in support of or in connec-  
5 tion with influencing legislative or administrative action, and the full  
6 name and complete address of each person from whom amounts or things of  
7 value have been received and the total monetary value received from each  
8 person;

9 (2) the aggregate amount of disbursements or expenditures  
10 made or incurred during the period in support of or in connection with  
11 influencing legislative or administrative action by the lobbyist, or on  
12 behalf of the lobbyist by his employer in the following categories:

- 13 (A) food and beverages;  
14 (B) living accommodations;  
15 (C) travel;

16 (3) the date and nature of any gift exceeding \$100 in value  
17 made to a public official and the full name and official position of  
18 that person;

19 (4) the name and official position of each public official,  
20 and the name of each member of the immediate family of any of these  
21 officials, with whom the lobbyist has engaged in an exchange of money,  
22 goods, services or anything of more than \$100 in value and the nature  
23 and date of each of these exchanges and the monetary values exchanged;

24 (5) the name and address of any business entity in which the  
25 lobbyist knows or has reason to know that a public official is a propri-  
26 etor, partner, director, officer or manager, or has a controlling in-  
27 terest, with whom the lobbyist has engaged in an exchange of money,  
28 goods, services, or anything of value and the nature and date of each  
29 exchange and the monetary value exchanged if the total value of these

1 exchanges is \$100 or more in a calendar year; and

2 (6) a notice of termination if the lobbyist has ceased the  
3 lobbying activity which required his registration under this chapter and  
4 if this report constitutes the final report of his activities.

5 \* Sec. 49. AS 24.45.061(a) is amended to read:

6 (a) Within 15 days after employing, retaining or contracting for  
7 the employment or retention of a lobbyist, the person who employs,  
8 retains or who contracts for the services of a lobbyist shall file a  
9 statement with the commissioner [COMMISSION] authorizing or verifying  
10 that employment, retention or contract for lobbying services.

11 \* Sec. 50. AS 24.45.091 is amended to read:

12 Sec. 24.45.091. PUBLICATION OF REPORTS. Copies of the statements  
13 and reports filed under this chapter shall be made available to the  
14 public at the commissioner's [COMMISSION'S] central office, the office  
15 of the lieutenant governor, and the legislative reference library of the  
16 Legislative Affairs Agency [, AND AT THE COMMISSION'S DISTRICT OFFICES  
17 PRESCRIBED IN AS 15.13.020(j)] as soon as practicable after each report-  
18 ing period.

19 \* Sec. 51. AS 24.45.101 is amended to read:

20 Sec. 24.45.101. PUBLIC RECORDS. Statements and reports filed  
21 under this chapter are public records and shall be available for public  
22 inspection and copying during normal business hours at the expense of  
23 the person requesting copies; however, the charge for copying may not  
24 exceed actual cost to the commissioner [COMMISSION].

25 \* Sec. 52. AS 24.45.111(a) is amended to read:

26 (a) A person required to register or report as a lobbyist shall  
27 preserve all accounts, bills, receipts, books, papers and documents  
28 necessary to substantiate the reports required to be made and filed  
29 under this chapter for a period of at least one year from the date of

1 the filing of the report containing these items. These accounts, bills,  
2 receipts, books, papers and other documents shall be made available for  
3 inspection by the commissioner [COMMISSION, OR MEMBERS OF ITS STAFF,] at  
4 any time. If a lobbyist is required under the terms of his employment  
5 contract to turn any records over to his employer, responsibility for  
6 the preservation of these records under this section rests with the  
7 employer.

8 \* Sec. 53. AS 24.45.111(b) is amended to read:

9 (b) The commissioner [COMMISSION] shall preserve the statements  
10 and reports required to be filed under this chapter for a period of six  
11 years from the date of filing. [IF THE COMMISSION'S CENTRAL OFFICE IS  
12 NOT IN THE STATE CAPITAL, COPIES OF ALL STATEMENTS AND REPORTS FILED  
13 UNDER THIS CHAPTER SHALL BE MAINTAINED IN AN OFFICE ESTABLISHED BY THE  
14 COMMISSION IN THE STATE CAPITAL OR IN THE OFFICE OF THE LIEUTENANT  
15 GOVERNOR.]

16 \* Sec. 54. AS 24.45.116 is amended to read:

17 Sec. 24.45.116. DISCLOSURE OF CONTRIBUTIONS. Before a civic  
18 league or organization may be eligible for the benefits of AS 43.20.-  
19 031(f)(4), it must agree to comply with the requirements of this section.  
20 The civic league or organization shall report the total amount of contri-  
21 butions received for the reporting period and, for any contribution over  
22 \$100, the name of the contributor and the amount contributed. The civic  
23 league or organization may establish a separate fund to account for  
24 receipts and expenditures arising out of activities to influence legisla-  
25 tive action. Reports shall be made on a form provided by the commis-  
26 sioner [COMMISSION] on February 10, April 25, and July 10 of each year,  
27 listing contributions received during the period that ended 10 days  
28 earlier.

29 \* Sec. 55. AS 24.45.131 is amended to read:

1           Sec. 24.45.131. EXAMINATION OF STATEMENTS, REPORTS. (a) The  
2           commissioner [COMMISSION OR ITS STAFF] shall examine each statement or  
3           report filed under this chapter within 10 days after the date it is  
4           filed. A person required to file a statement or report under this  
5           chapter shall be notified immediately if

6                   (1) it appears that the person has failed to file a statement  
7                   or report as required by law or that the statement or report filed does  
8                   not conform to the requirements of this chapter; or

9                   (2) a written complaint is filed with the commissioner [COM-  
10                  MISSION] by any qualified voter alleging that a statement or report  
11                  filed with the commissioner [COMMISSION] does not conform to the require-  
12                  ments of this chapter, or to the truth, or that a person subject to the  
13                  provisions of this chapter has failed to file a statement or report in  
14                  the manner prescribed by this chapter.

15                  (b) The commissioner [COMMISSION] shall conduct an investigation,  
16                  and may thereafter conduct a hearing, into an allegation under (a)(2) of  
17                  this section.

18                  (c) The commissioner [COMMISSION] shall report any suspected  
19                  violations of this chapter to the attorney general, to a district attor-  
20                  ney in the judicial district where the alleged violation occurred, or to  
21                  a grand jury.

22 \* Sec. 56. AS 24.45.141 is amended to read:

23                  Sec. 24.45.141. CIVIL PENALTY: LATE REGISTRATION, FILING OF RE-  
24                  QUIRED STATEMENTS OR REPORTS. A person who fails to register or to file  
25                  a properly completed and certified report or statement, as applicable,  
26                  within the time required by this chapter is subject to a civil penalty  
27                  of not more than \$10 a day for each day the delinquency continues as  
28                  determined by the commissioner [COMMISSION] subject to right of appeal  
29                  to the superior court. An affidavit stating facts in mitigation may be

1 submitted to the commissioner [COMMISSION] by a person against whom a  
2 civil penalty is assessed. However, the imposition of the penalties  
3 prescribed in this section or in AS 24.45.151 does not excuse the lobby-  
4 ist or employer of a lobbyist from filing statements or reports required  
5 by this chapter.

6 \* Sec. 57. AS 24.45.171 is amended by adding a new paragraph to read:

7 (13) "commissioner" means the commissioner of administration.

8 \* Sec. 58. AS 29.13 is amended by adding a new section to read:

9 Sec. 29.13.035. CHARTER COMMISSION MAY EXPEL A MEMBER. The charter  
10 commission may, with the concurrence of two-thirds of its members, expel  
11 a member for a conviction of a violation of AS 15.13.

12 \* Sec. 59. AS 29.23.060(c) is amended to read:

13 (c) The assembly shall determine its own rules and order of  
14 business and provide for keeping a journal of its proceedings. The  
15 assembly is the judge of the election and qualification of its members  
16 and, with the concurrence of two-thirds of its members, may expel a  
17 member for a conviction of a violation of AS 15.13 or a felony or mis-  
18 demeanor described in AS 15.56 as a corrupt practice. The assembly  
19 shall consider a conviction of a member for a felony or misdemeanor  
20 described in AS 15.56 as a corrupt practice at its first meeting fol-  
21 lowing the final determination of the conviction.

22 \* Sec. 60. AS 29.23.130(f) is amended to read:

23 (f) The assembly, with the concurrence of two-thirds of its mem-  
24 bers, may remove the borough mayor from office for a conviction of a  
25 violation of AS 15.13 or a felony or misdemeanor described in AS 15.56  
26 as a corrupt practice. The assembly shall consider a conviction of the  
27 borough mayor of a violation of AS 15.13 or a felony or misdemeanor  
28 described in AS 15.56 as a corrupt practice at its first meeting fol-  
29 lowing the final determination of the conviction.

1 \* Sec. 61. AS 29.23.210(b) is amended to read:

2 (b) The council shall determine its own rules and order of busi-  
3 ness and provide for keeping a journal of its proceedings. The council  
4 is the judge of the election and qualification of its members and, with  
5 the concurrence of two-thirds of its members, may expel a member for a  
6 conviction of a violation of AS 15.13 or a felony or misdemeanor des-  
7 cribed in AS 15.5b as a corrupt practice. The council shall consider  
8 that conviction during its first meeting following final determination  
9 of the conviction.

10 \* Sec. 62. AS 29.23.255 is amended to read:

11 Sec. 29.23.255. REMOVAL FROM OFFICE. The council may, with con-  
12 currence of two-thirds of its members, remove the mayor from office for  
13 a conviction of a violation of AS 15.13 or a felony or misdemeanor  
14 described in AS 15.56 as a corrupt practice. The council shall consider  
15 the conviction during its first meeting following final determination of  
16 the conviction.

17 \* Sec. 63. AS 39.50.020(b) is amended to read:

18 (b) The governor, lieutenant governor, members of the legislature,  
19 and candidates for these offices, judicial officers, each commissioner,  
20 head or deputy head of, or director of a division within, a department  
21 in the executive branch, assistant to the governor or chairman or member  
22 of a commission or board required to report under this chapter, shall  
23 file the statement with the commissioner of administration [ALASKA  
24 PUBLIC OFFICES COMMISSION]. Municipal officers, and candidates for  
25 elective municipal office, shall file with the municipal clerk or other  
26 municipal official designated to receive their filing for office. All  
27 statements required to be filed under this chapter are public records.

28 \* Sec. 64. AS 39.50.030 is amended by adding new subsections to read:

29 (d) If a public official or a candidate for state or municipal

1 elective office, or the spouse or dependent child of the public official  
2 or candidate, or a combination of them, are the sole owners of property  
3 consisting of one or more units held for rent or lease as a residence,  
4 the public official, the candidate for state elective office, or the  
5 candidate for elective municipal office is not required to report the  
6 income received from residential occupants of the property.

7 (e) If a public official or candidate for state or municipal elec-  
8 tive office, or the spouse or dependent child of the public official or  
9 candidate, is a member of a partnership that owns property consisting of  
10 one or more units held for rent or lease as a residence, the public  
11 official or the candidate is not required to report the income received  
12 from residential occupants of the property.

13 \* Sec. 65. AS 39.50.050(a) is amended to read:

14 (a) The commissioner of administration [ALASKA PUBLIC OFFICES  
15 COMMISSION CREATED UNDER AS 15.13.020(a)] shall administer the provisions  
16 of this chapter. The commissioner of administration [COMMISSION] shall  
17 prepare and keep available for distribution, standardized forms on which  
18 the reports required by this chapter shall be filed.

19 \* Sec. 66. AS 39.50.050(b) is amended to read:

20 (b) The commissioner of administration [COMMISSION] shall promul-  
21 gate regulations to implement and interpret the provisions of this  
22 chapter; regulations or interpretation shall be within the intents and  
23 purposes of this chapter and are subject to judicial review in accor-  
24 dance with the provisions of the Administrative Procedure Act (AS 44.62).

25 \* Sec. 67. AS 39.50.050(d) is amended to read:

26 (d) To facilitate the filing of reports under AS 24.45 (Regulation  
27 of Lobbying) and the information required to be provided under AS 24.45.  
28 051(4) and (5), the commissioner of administration [COMMISSION] shall  
29 publish copies of the reports required under this chapter not later than

1 the convening of each regular session of the legislature. Copies of  
2 this publication shall be provided on request; however, the commissioner  
3 of administration [COMMISSION] may make a charge for the publication  
4 which may not exceed the actual cost of printing, postage and handling.

5 \* Sec. 68. AS 44.21 is amended by adding a new section to read:

6 ARTICLE 8. CONFLICT OF INTEREST AND LOBBYING.

7 Sec. 44.21.350. REGULATION OF CONFLICT OF INTEREST AND LOBBYING.

8 The commissioner shall

9 (1) develop and provide all forms for the reports and state-  
10 ments required to be made under AS 24.45 and AS 39.50;

11 (2) assist individuals and groups in complying with the  
12 requirements of AS 24.45 and AS 39.50;

13 (3) receive and hold open for public inspection reports and  
14 statements required to be made under AS 24.45 and AS 39.50 and, upon  
15 request, furnish copies at cost to interested persons;

16 (4) compile and maintain a current list of all filed reports  
17 and statements;

18 (5) notify, by registered or certified mail, all persons who  
19 are delinquent in filing reports and statements required to be made  
20 under AS 24.45 and AS 39.50;

21 (6) examine, investigate, and compare all reports, statements,  
22 and actions required by AS 24.45 and AS 39.50 and report to the attorney  
23 general the names of all persons or groups that the commissioner has  
24 substantial reason to believe have violated AS 24.45 or AS 39.50;

25 (7) prepare and publish an annual report to the legislature  
26 concerning the effectiveness of AS 24.45 and AS 39.50 and recommenda-  
27 tions and proposals for change;

28 (8) adopt regulations necessary to implement and clarify the  
29 provisions of AS 24.45 and AS 39.50, subject to the provisions of the

1 Administrative Procedure Act (AS 44.62).

2 \* Sec. 69. Except to the extent that they are inconsistent with the  
3 provisions of this Act, the regulations of the Alaska Public Offices Commis-  
4 sion implementing AS 24.45 and AS 39.50 in effect on the effective date of  
5 this Act remain in effect until amended or repealed by the commissioner of  
6 administration. Except to the extent that they are inconsistent with the  
7 provisions of this Act, the regulations of the Alaska Public Offices Commis-  
8 sion implementing AS 15.13 in effect on the effective date of this Act remain  
9 in effect until amended or repealed by the director of elections.

10 \* Sec. 70. AS 15.13.120(f) is repealed and reenacted to read:

11 (f) If, after being sworn into office, a person who was a success-  
12 ful candidate or the campaign treasurer or deputy campaign treasurer of  
13 a person who was a successful candidate is convicted of a violation of  
14 this chapter, proceedings shall be held and appropriate action taken in  
15 accordance with

16 (1) art. II, sec. 12 of the state constitution, if the candi-  
17 date is a candidate for the state legislature;

18 (2) art. II, sec. 20 of the state constitution, if the candi-  
19 date is a candidate for governor or lieutenant governor;

20 (3) AS 29.20.170, if the candidate is a candidate for the  
21 governing body;

22 (4) AS 29.20.280, if the candidate is a candidate for mayor;

23 (5) AS 14.12.085, if the candidate is a candidate for a  
24 school board;

25 (6) AS 29.06.280 or 29.10.035, if the candidate is a candi-  
26 date for charter commission;

27 (7) the provisions of the call for the constitutional con-  
28 vention, if the candidate is a candidate for constitutional convention  
29 delegate;

1 (8) article IV, sec. 10 of the state constitution, if the  
2 candidate is a candidate for judicial retention.

3 \* Sec. 71. AS 29.06.280 is amended by adding a new subsection to read:

4 (e) The charter commission may, with the concurrence of two-thirds  
5 of its members, expel a member for a conviction of a violation of  
6 AS 15.13.

7 \* Sec. 72. AS 29.10 is amended by adding a new section to read:

8 Sec. 29.10.035. CHARTER COMMISSION MAY EXPEL A MEMBER. The charter  
9 commission may, with the concurrence of two-thirds of its members, expel  
10 a member for a conviction of a violation of AS 15.13.

11 \* Sec. 73. AS 29.20.170(6) is amended to read:

12 (6) is convicted of a felony or misdemeanor described in  
13 AS 15.13 or AS 15.56 and two-thirds of the members of the governing body  
14 concur in expelling him;

15 \* Sec. 74. AS 29.20.280(a)(6) is amended to read:

16 (6) is convicted of a felony or misdemeanor described in  
17 AS 15.13 or AS 15.56; or

18 \* Sec. 75. Sections 32 and 58 - 62 of this Act are repealed.

19 \* Sec. 76. AS 15.13.020, 15.13.030, 15.13.040(f), 15.13.045, 15.13.070(f)  
20 and (g), 15.13.110(d), 15.13.120(a)(2), (b), and (d), 15.13.122; AS 39.50.-  
21 200(a)(4), and 39.50.200(b)(8) are repealed.

22 \* Sec. 77. Sections 70 - 75 of this Act take effect on the effective date  
23 of a version of House Bill No. 170 or Senate Bill No. 180 revising AS 29.

24 \* Sec. 78. Sections 1 - 69 and 76 of this Act take effect immediately in  
25 accordance with AS 01.10.070(c).

26  
27  
28  
29

Original sponsor: Kelly

Offered: 2/18/82

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 167 (Rules) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaigns and to the  
7 composition and responsibilities of the Alaska Public  
8 Offices Commission; and providing for an effective  
9 date."

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

11 \* Section 1. AS 15.13.010(a) is amended to read:

12 (a) This chapter applies in every election for governor, lieuten-  
13 ant governor, a member of the state legislature, a delegate to a con-  
14 stitutional convention, or judge seeking electoral confirmation. It  
15 also applies to every candidate for election to a municipal office in a  
16 city or borough with a population of more than 1,000 inhabitants accord-  
17 ing to the latest United States census figures or estimates of popula-  
18 tion certified as correct for administrative purposes by the Department  
19 of Community and Regional Affairs. This chapter does not apply to a  
20 candidate for a service area board. A municipality may exempt candi-  
21 dates for municipal office or groups active in municipal election cam-  
22 paings [ITS ELECTED MUNICIPAL OFFICERS] from the requirements of this  
23 chapter if a majority of the voters voting on the question at any regu-  
24 lar election, as defined by AS 29.78.010(14), or a special municipality-  
25 wide election called for that purpose, vote to exempt candidates for  
26 municipal office and persons and groups active in municipal election  
27 campaigns [ITS ELECTED MUNICIPAL OFFICERS] from the requirements of  
28 this chapter. The question of exemption from the requirements of this  
29 chapter may be submitted by the city council or borough assembly by

1 ordinance or by initiative ordinance. Nothing in this chapter  
2 prohibits a municipality from regulating by ordinance campaign  
3 contributions and expenditures.

4 \* Sec. 2. AS 15.13.020(b) is repealed and reenacted to read:

5 (b) The governor shall appoint two members of the commission from  
6 each of the two political parties whose candidates for governor re-  
7 ceived the highest and the second highest number of votes at the most  
8 recent preceding general election at which a governor was elected. An  
9 appointee from a political party shall be chosen from a list of two  
10 names submitted by the central committee of the political party. The  
11 fifth member of the commission shall be appointed without regard to  
12 party affiliation.

13 \* Sec. 3. AS 15.13.020(d) is repealed and reenacted to read:

14 (d) Members of the commission serve five-year terms. A member of  
15 the commission serves until a successor is appointed and qualified.  
16 The terms of two commission members who are members of the same politi-  
17 cal party may not expire in consecutive years. The term of office of a  
18 member of the commission dates from February 1 of the year of appoint-  
19 ment.

20 \* Sec. 4. AS 15.13.020(h) is amended to read:

21 (h) A vacancy on the commission shall be filled by the governor  
22 [APPROPRIATE APPOINTING AUTHORITY] within 30 days of the occurrence of  
23 the vacancy. The appointee shall serve for the remaining term of the  
24 [HIS] predecessor.

25 \* Sec. 5. AS 15.13.030(10) is amended to read:

26 (10) adopt regulations and issue orders necessary to implement  
27 and clarify the provisions of AS 24.45, AS 39.50 and this chapter,  
28 subject to the provisions of the Administrative Procedure Act  
29 (AS 44.62).

1 \* Sec. 6. AS 15.13.030 is amended by adding new subsections to read:

2 (b) A new or amended regulation of the commission may not be  
3 applied to a candidate or group during a period beginning 30 days  
4 before the last date to file a declaration of candidacy or a nominating  
5 petition in a state election and ending the day after the general  
6 election.

7 (c) A new or amended regulation of the commission may not be  
8 applied to a candidate or group during a period beginning 30 days  
9 before the last day to file a declaration of candidacy or a nominating  
10 petition in a municipal election and ending the day after the municipal  
11 election.

12 \* Sec. 7. AS 15.13.040(a) is amended to read:

13 Sec. 15.13.040. CONTRIBUTIONS AND [,] EXPENDITURES [AND SUPPLYING  
14 OF SERVICES; TO BE REPORTED. (a) Each candidate shall make a full  
15 report, upon a form prescribed by the commission, listing the total  
16 [DATE AND] amount of all expenditures made or obligations incurred by  
17 the candidate, together with the date, amount, and check number for  
18 each expenditure exceeding \$250 in value, the total amount of all  
19 contributions, including all funds contributed by the candidate,  
20 [HIMSELF] and for all contributions in excess of \$250 [\$100] in the  
21 aggregate a year, the name, address, principal occupation, and employer  
22 of the contributor and the date and amount contributed by each contri-  
23 butor. The report shall be filed in accordance with AS 15.13.110 and  
24 shall be certified correct by the candidate or campaign treasurer.  
25 A campaign treasurer or deputy treasurer may not certify a report under  
26 this section unless notice of the appointment of the campaign treasurer  
27 or deputy campaign treasurer by the candidate has been received by the  
28 commission.

29 \* Sec. 8. AS 15.13.040(b)(2) is amended to read:

1 (2) the aggregate amount of all contributions made to it;  
2 and, for all contributions in excess of \$250 [\$100] in the aggregate a  
3 year, the name, address, principal occupation, and employer of the  
4 contributor, and the date and amount contributed by each contributor;  
5 and

6 \* Sec. 9. AS 15.13.040(b)(3) is amended to read:

7 (3) the total [DATE AND] amount of [ALL CONTRIBUTIONS MADE  
8 BY IT AND] all expenditures made, incurred or authorized by it includ-  
9 ing the date, amount and check number of any expenditure exceeding \$250  
10 in value.

11 \* Sec. 10. AS 15.13.040(d) is amended to read:

12 (d) Every individual or [,] person, and every [OR] group that is  
13 not required to report in accordance with (b) of this section, making  
14 an [A CONTRIBUTION OR] expenditure shall make a full report, upon a  
15 form prescribed by the commission, of [THE FOLLOWING CONTRIBUTIONS OR  
16 EXPENDITURES: (1) ANY CONTRIBUTION OF CASH, GOODS OR SERVICES VALUED  
17 AT MORE THAN \$100 A YEAR TO ANY GROUP OR CANDIDATE; OR (2)] any expen-  
18 diture whatsoever for advertising in newspapers, on radio or on televi-  
19 sion; or, for the publication, distribution or circulation of brochures,  
20 flyers, or other campaign material for or against any candidate, [OR]  
21 ballot proposition or question.

22 \* Sec. 11. AS 15.13.040(e) is amended to read:

23 (e) The report required under (d) of this section shall contain  
24 the name, address, principal occupation and employer of the individual  
25 filing the report, and an itemized list of expenditures. The report  
26 shall be filed with the commission [BY THE CONTRIBUTOR] no later than  
27 10 days after the [CONTRIBUTION OR] expenditure is made, or the indebt-  
28 edness is incurred, whichever first occurs. [A COPY OF THE REPORT  
29 SHALL BE FURNISHED TO THE CANDIDATE, CAMPAIGN TREASURER OR DEPUTY

1 CAMPAIGN TREASURER AT THE TIME THE CONTRIBUTION IS MADE.]

2 \* Sec. 12. AS 15.13 is amended by adding a new section to read:

3 Sec. 15.13.042. LIMITED CAMPAIGN ACTIVITY. (a) A candidate who  
4 does not intend to accept contributions that exceed \$250 in total value  
5 and who does not intend to make expenditures that exceed \$250 in total  
6 value may file a report, upon a form prescribed by the commission,  
7 informing the commission of the intent to engage in limited campaign  
8 activity. The report may be filed only once and shall be filed at the  
9 time the candidate's first report is due under AS 15.13.110. The  
10 report shall be certified as correct by the candidate.

11 (b) A candidate who accepts contributions that exceed \$250 in  
12 total value or makes expenditures that exceed more than \$250 in total  
13 value after filing a report under (a) of this section loses his exemp-  
14 tion from the reporting requirements and shall file reports due under  
15 AS 15.13.110. The first report is due three days after the loss of the  
16 exemption. A candidate who receives a contribution and returns the  
17 contribution to the contributor within 72 hours of its receipt does not  
18 lose the exemption from the reporting requirements.

19 \* Sec. 13. AS 15.13.045 is amended by adding a new subsection to read:

20 (e) The commission shall adopt regulations consistent with  
21 AS 44.62.330 - 44.62.630 to establish a fair and impartial process for  
22 taking of evidence and holding hearings in investigations and audits  
23 conducted by the commission.

24 \* Sec. 14. AS 15.13.050 is repealed and reenacted to read:

25 Sec. 15.13.050. GROUPS. (a) Each group, before making an expen-  
26 diture on behalf of or in opposition to a candidate or a ballot issue  
27 or before making a contribution to a candidate, shall register with the  
28 commission on forms provided by the commission.

29 (b) If the group intends to support or oppose only one candidate

1 or ballot issue or contributes or expends 50 percent or more of its  
2 funds to, on behalf of, or in opposition to one candidate or ballot  
3 issue, the name of the group shall clearly identify support for or  
4 opposition to the candidate or ballot issue.

5 (c) A group that makes expenditures or receives contributions  
6 with the express or implied authorization or consent or is under the  
7 direct or indirect control of a candidate is considered to be con-  
8 trolled by the candidate.

9 (d) A group whose major purpose is to further the nomination or  
10 election of a single candidate or that expends 50 percent or more of  
11 its money on a single candidate is considered to be controlled by that  
12 candidate and its actions considered to have been done with the know-  
13 ledge and consent of the candidate unless, within 10 days from the date  
14 the candidate is notified by the commission of the existence of the  
15 group, the candidate files with the commission an affidavit certifying  
16 that the group is operating without his control.

17 (e) A group that contributes 50 percent or more of its money to  
18 or on behalf of a single candidate is considered to support only that  
19 single candidate for purposes of AS 15.13.070, whether or not control  
20 of the group has been disclaimed by the candidate.

21 (f, A group that is organized for more than one year preceding an  
22 election and that endorses more than one candidate is presumed not to  
23 be controlled by a single candidate.

24 \* Sec. 15. AS 15.13.060(c) is amended to read:

25 (c) Each candidate for state office shall file the name and  
26 address of the campaign treasurer and the campaign chairman with the  
27 commission, or submit, in writing, the name and address of the campaign  
28 treasurer and chairman to the director [LIEUTENANT GOVERNOR] for filing  
29 with the commission, no later than 15 days after the date of filing his